

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 499

100TH GENERAL ASSEMBLY

1178H.09T

2019

AN ACT

To repeal sections 136.055, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, and 479.500, RSMo, and to enact in lieu thereof twenty-five new sections relating to transportation, with penalty provisions.

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

Section A. Sections 136.055, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 2 304.894, and 479.500, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, 3 to be known as sections 136.055, 227.453, 227.454, 227.457, 227.458, 227.459, 227.460, 4 227.461, 227.462, 227.469, 227.471, 227.547, 227.549, 227.550, 227.800, 227.801, 227.802, 5 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, and 479.500, to read as 6 follows:

136.055. 1. Any person who is selected or appointed by the state director of revenue as 2 provided in subsection 2 of this section to act as an agent of the department of revenue, whose 3 duties shall be the processing of motor vehicle title and registration transactions and the 4 collection of sales and use taxes when required under sections 144.070 and 144.440, and who 5 receives no salary from the department of revenue, shall be authorized to collect from the party 6 requiring such services additional fees as compensation in full and for all services rendered on 7 the following basis:

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.

8 (1) For each motor vehicle or trailer registration issued, renewed or ~~[transferred—three]~~
9 **transferred, six dollars [and fifty cents] and [seven] twelve** dollars for those licenses sold or
10 biennially renewed pursuant to section 301.147;

11 (2) For each application or transfer of ~~[title—two] title, six dollars [and fifty cents];~~

12 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's
13 license issued for a period of three years or ~~[less—two] less, six dollars [and fifty cents] and~~
14 ~~[five] twelve~~ dollars for licenses or instruction permits issued or renewed for a period exceeding
15 three years;

16 (4) For each notice of lien ~~[processed—two] processed, six dollars [and fifty cents];~~

17 (5) ~~[No] Notary fee or [other fee or additional charge shall be paid or collected except~~
18 ~~for] electronic [telephone] transmission [reception—two] per processing, two~~ dollars.

19 2. The director of revenue shall award fee office contracts under this section through a
20 competitive bidding process. The competitive bidding process shall give priority to
21 organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or
22 501(c)(4), except those civic organizations that would be considered action organizations under
23 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with
24 special consideration given to those organizations and entities that reinvest a minimum of
25 seventy-five percent of the net proceeds to charitable organizations in Missouri, and political
26 subdivisions, including but not limited to, municipalities, counties, and fire protection districts.
27 The director of the department of revenue may promulgate rules and regulations necessary to
28 carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined
29 in section 536.010, that is created under the authority delegated in this subsection shall become
30 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
31 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
32 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
33 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
34 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid
35 and void.

36 3. All fees collected by a tax-exempt organization may be retained and used by the
37 organization.

38 4. All fees charged shall not exceed those in this section. The fees imposed by this
39 section shall be collected by all permanent offices and all full-time or temporary offices
40 maintained by the department of revenue.

41 5. Any person acting as agent of the department of revenue for the sale and issuance of
42 registrations, licenses, and other documents related to motor vehicles shall have an insurable
43 interest in all license plates, licenses, tabs, forms and other documents held on behalf of the
44 department.

45 6. The fees authorized by this section shall not be collected by motor vehicle dealers
46 acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers
47 authorized to collect and remit sales tax under subsection 8 of section 144.070.

48 7. Notwithstanding any other provision of law to the contrary, the state auditor may audit
49 all records maintained and established by the fee office in the same manner as the auditor may
50 audit any agency of the state, and the department shall ensure that this audit requirement is a
51 necessary condition for the award of all fee office contracts. No confidential records shall be
52 divulged in such a way to reveal personally identifiable information.

**227.453. The portion of State Highway 79 from Spring Street continuing north to
2 North Street in the City of Hannibal in Marion County shall be designated as "Jake
3 Beckley Memorial Highway". The department of transportation shall erect and maintain
4 appropriate signs designating such highway, with the costs to be paid by private donations.**

**227.454. The portion of State Highway 79 from 5th Street continuing north to U.S.
2 State Highway 36/Interstate 72 in the City of Hannibal in Marion County shall be
3 designated as "Molly Brown Memorial Highway". The department of transportation shall
4 erect and maintain appropriate signs designating such highway, with the costs to be paid
5 by private donations.**

**227.457. The portion of State Highway 740 from Audubon Drive to .25 miles east
2 of MO 763 in Boone County shall be designated the "SGT Phillip Anderson Memorial
3 Highway". The department of transportation shall erect and maintain appropriate signs
4 designating such highway, with the costs to be paid by private donations.**

**227.458. The portion of State Highway 740 from .25 miles east of MO 763 to .35
2 miles west of Providence Boulevard in Boone County shall be designated the "SPC Steven
3 Fitzmorris Memorial Highway". The department of transportation shall erect and
4 maintain appropriate signs designating such highway, with the costs to be paid by private
5 donations.**

**227.459. The portion of State Highway 740 from .35 miles west of Providence
2 Boulevard to .25 miles west of Forum Boulevard in Boone County shall be designated the
3 "SPC Jason Fingar Memorial Highway". The department of transportation shall erect
4 and maintain appropriate signs designating such highway, with the costs to be paid by
5 private donations.**

**227.460. The portion of State Highway 740 from .25 miles west of Forum Boulevard
2 to .25 miles south of State Highway TT in Boone County shall be designated the "SFC
3 Charles Sadell Memorial Highway". The department of transportation shall erect and
4 maintain appropriate signs designating such highway, with the costs to be paid by private
5 donations.**

227.461. The portion of State Highway 740 from .25 miles south of State Highway TT to the intersection of State Highway E and Aaron Drive in Boone County shall be designated the "SPC Sterling Wyatt Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.462. The portion of Interstate 70 from State Highway A continuing east to Lake St. Louis Boulevard in St. Charles County shall be designated as the "Ralph Barrale Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.469. The portion of State Highway 76 from Stonebridge Parkway continuing east to Old Highway 76 Road shall be designated as the "Mary Herschend Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.471. The portion of State Highway 115 from Bellerive Acres to Marietta Drive in St. Louis County shall be designated as "Marguerite Ross Barnett Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.547. The portion of State Highway E from Lafayette Street South to Outer Road 70 East in Lafayette County shall be designated the "Firefighter Jeff Sanders Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.549. The portion of State Highway P from Dove Nest Lane continuing east to State Highway M in St. Charles County shall be designated as "Waylon Jennings Memorial Highway". Costs for such designation shall be paid by private donations.

227.550. The portion of State Highway 6 beginning from U.S. State Highway 169 continuing east to Riverside Road through the city of St. Joseph in Buchanan County shall be designated as "Firefighter Travis Owens Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid by private donations.

227.800. The portion of Interstate 70 in Jackson County from the Blue Ridge Cutoff overpass continuing west to the Troost Avenue overpass shall be designated the "Senator Phil B. Curls Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.801. The portion of Interstate 70 in the city of St. Louis from the Salisbury Street overpass continuing west to the Goodfellow Boulevard overpass shall be designated the "Senator Paula J. Carter Memorial Highway". The department of transportation shall

4 **erect and maintain appropriate signs designating such highway, with the costs to be paid**
5 **by private donations.**

2 **227.802. The portion of Highway 32 in Dent County from Highway 72 continuing**
3 **east to Craig Industrial Drive in the city of Salem shall be designated the "Gerald T.**
4 **Lizotte, Jr. Memorial Highway". The department of transportation shall erect and**
5 **maintain appropriate signs designating such highway, with the costs to be paid by private**
6 **donations.**

2 301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
3 and sections 307.010 to 307.175, the following terms mean:

4 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
5 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
6 thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;

7 (2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride
8 in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled
9 with a steering wheel and pedals, and that has met applicable Department of Transportation
10 National Highway Traffic Safety Administration requirements or federal motorcycle safety
11 standards;

12 (3) "Automobile transporter", any vehicle combination capable of carrying cargo on the
13 power unit and designed and used for the transport of assembled motor vehicles, including truck
14 camper units;

15 (4) "Axle load", the total load transmitted to the road by all wheels whose centers are
16 included between two parallel transverse vertical planes forty inches apart, extending across the
17 full width of the vehicle;

18 (5) "Backhaul", the return trip of a vehicle transporting cargo or general freight,
19 especially when carrying goods back over all or part of the same route;

20 (6) "Boat transporter", any vehicle combination capable of carrying cargo on the power
21 unit and designed and used specifically to transport assembled boats and boat hulls. Boats may
22 be partially disassembled to facilitate transporting;

23 (7) "Body shop", a business that repairs physical damage on motor vehicles that are not
24 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
25 or painting;

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

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

30 (10) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
31 speeds less than forty miles per hour from field to field or from field to market and return;

32 (11) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
33 the sale or exchange of new, used or reconstructed motor vehicles or trailers;

34 (12) "Director" or "director of revenue", the director of the department of revenue;

35 (13) "Driveaway operation":

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

39 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
40 the commodity being transported, by a person engaged in the business of furnishing drivers and
41 operators for the purpose of transporting vehicles in transit from one place to another by the
42 driveaway or towaway methods; or

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

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

52 (15) "Farm tractor", a tractor used exclusively for agricultural purposes;

53 (16) "Fleet", any group of ten or more motor vehicles owned by the same owner;

54 (17) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

55 (18) "Fullmount", a vehicle mounted completely on the frame of either the first or last
56 vehicle in a saddlemount combination;

57 (19) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
58 the weight of any load thereon;

59 (20) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
60 result of the impact of hail;

61 (21) "Highway", any public thoroughfare for vehicles, including state roads, county roads
62 and public streets, avenues, boulevards, parkways or alleys in any municipality;

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

65 (23) "Intersecting highway", any highway which joins another, whether or not it crosses
66 the same;

67 (24) "Junk vehicle", a vehicle which:

68 (a) Is incapable of operation or use upon the highways and has no resale value except as
69 a source of parts or scrap; or

70 (b) Has been designated as junk or a substantially equivalent designation by this state
71 or any other state;

72 (25) "Kit vehicle", a motor vehicle assembled by a person other than a generally
73 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
74 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

75 (26) "Land improvement contractors' commercial motor vehicle", any not-for-hire
76 commercial motor vehicle the operation of which is confined to:

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

81 (b) An area that extends not more than a radius of fifty miles from its home base of
82 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
83 projects not involving soil and water conservation.

84 Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered
85 as a commercial motor vehicle or local commercial motor vehicle;

86 (27) "Local commercial motor vehicle", a commercial motor vehicle whose operations
87 are confined to a municipality and that area extending not more than fifty miles therefrom, or a
88 commercial motor vehicle whose property-carrying operations are confined solely to the
89 transportation of property owned by any person who is the owner or operator of such vehicle to
90 or from a farm owned by such person or under the person's control by virtue of a landlord and
91 tenant lease; provided that any such property transported to any such farm is for use in the
92 operation of such farm;

93 (28) "Local log truck", a commercial motor vehicle which is registered pursuant to this
94 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
95 state, used to transport harvested forest products, operated solely at a forested site and in an area
96 extending not more than a one hundred mile radius from such site, carries a load with dimensions
97 not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on
98 the national system of interstate and defense highways described in 23 U.S.C. Section 103, as
99 amended, or outside the one hundred mile radius from such site with an extended distance local
100 log truck permit, such vehicle shall not exceed the weight limits of section 304.180, does not
101 have more than four axles, and does not pull a trailer which has more than three axles.
102 Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting,
103 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local

104 log truck. A local log truck may not exceed the limits required by law, however, if the truck does
105 exceed such limits as determined by the inspecting officer, then notwithstanding any other
106 provisions of law to the contrary, such truck shall be subject to the weight limits required by such
107 sections as licensed for eighty thousand pounds;

108 (29) "Local log truck tractor", a commercial motor vehicle which is registered under this
109 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
110 state, used to transport harvested forest products, operated at a forested site and in an area
111 extending not more than a one hundred mile radius from such site, operates with a weight not
112 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
113 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
114 system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or
115 outside the one hundred mile radius from such site with an extended distance local log truck
116 permit, such vehicle does not exceed the weight limits contained in section 304.180, and does
117 not have more than three axles and does not pull a trailer which has more than three axles.
118 Violations of axle weight limitations shall be subject to the load limit penalty as described for
119 in sections 304.180 to 304.220;

120 (30) "Local transit bus", a bus whose operations are confined wholly within a municipal
121 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
122 section 390.020, adjacent thereto, forming a part of a public transportation system within such
123 municipal corporation and such municipal corporation and adjacent commercial zone;

124 (31) "Log truck", a vehicle which is not a local log truck or local log truck tractor and
125 is used exclusively to transport harvested forest products to and from forested sites which is
126 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
127 state for the transportation of harvested forest products;

128 (32) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,
129 and front clip, as those terms are defined by the director of revenue pursuant to rules and
130 regulations or by illustrations;

131 (33) "Manufacturer", any person, firm, corporation or association engaged in the
132 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

133 (34) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
134 receives a new, rebuilt or used engine, and which used the number stamped on the original
135 engine as the vehicle identification number;

136 (35) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
137 except farm tractors;

138 (36) "Motor vehicle primarily for business use", any vehicle other than a recreational
139 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
140 twelve thousand pounds;

- 141 (a) Offered for hire or lease; or
- 142 (b) The owner of which also owns ten or more such motor vehicles;
- 143 (37) "Motorcycle", a motor vehicle operated on two wheels;
- 144 (38) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
145 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
146 produces less than three gross brake horsepower, and is capable of propelling the device at a
147 maximum speed of not more than thirty miles per hour on level ground;
- 148 (39) "Motortricycle", a motor vehicle upon which the operator straddles or sits astride
149 that is designed to be controlled by handle bars and is operated on three wheels, including a
150 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of
151 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;
- 152 (40) "Municipality", any city, town or village, whether incorporated or not;
- 153 (41) "Nonresident", a resident of a state or country other than the state of Missouri;
- 154 (42) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
155 compliance with United States emissions or safety standards;
- 156 (43) "Operator", any person who operates or drives a motor vehicle;
- 157 (44) "Owner", any person, firm, corporation or association, who holds the legal title to
158 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
159 thereof with the right of purchase upon performance of the conditions stated in the agreement
160 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
161 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
162 or mortgagor shall be deemed the owner;
- 163 (45) "Public garage", a place of business where motor vehicles are housed, stored,
164 repaired, reconstructed or repainted for persons other than the owners or operators of such place
165 of business;
- 166 (46) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
167 rebuilder, but does not include certificated common or contract carriers of persons or property;
- 168 (47) "Reconstructed motor vehicle", a vehicle that is altered from its original
169 construction by the addition or substitution of two or more new or used major component parts,
170 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- 171 (48) "Recreational motor vehicle", any motor vehicle designed, constructed or
172 substantially modified so that it may be used and is used for the purposes of temporary housing
173 quarters, including therein sleeping and eating facilities which are either permanently attached
174 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
175 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
176 vehicle if the motor vehicle could otherwise be so registered;

177 (49) "Recreational off-highway vehicle", any motorized vehicle manufactured and used
178 exclusively for off-highway use which is more than fifty inches but no more than sixty-seven
179 inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four
180 or more nonhighway tires and which may have access to ATV trails;

181 (50) **"Recreational trailer", any trailer designed, constructed, or substantially**
182 **modified so that it may be used and is used for the purpose of temporary housing quarters,**
183 **including therein sleeping or eating facilities, which can be temporarily attached to a motor**
184 **vehicle or attached to a unit which is securely attached to a motor vehicle;**

185 (51) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
186 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
187 wrecker or towing service;

188 [~~(51)~~] (52) "Saddlemount combination", a combination of vehicles in which a truck or
189 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame
190 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front
191 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a
192 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination
193 is called a "double saddlemount combination". When three vehicles are towed in this manner,
194 the combination is called a "triple saddlemount combination";

195 [~~(52)~~] (53) "Salvage dealer and dismantler", a business that dismantles used motor
196 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
197 accessories;

198 [~~(53)~~] (54) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

199 (a) Was damaged during a year that is no more than six years after the manufacturer's
200 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
201 reconstruct the vehicle to its condition immediately before it was damaged for legal operation
202 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
203 immediately preceding the time it was damaged;

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

207 (c) Has been declared salvage by an insurance company as a result of settlement of a
208 claim;

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

210 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157
211 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild
212 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling
213 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on

214 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair
215 market value" means the retail value of a motor vehicle as:

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

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

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

224 ~~[(54)]~~ **(55)** "School bus", any motor vehicle used solely to transport students to or from
225 school or to transport students to or from any place for educational purposes;

226 ~~[(55)]~~ **(56)** "Scrap processor", a business that, through the use of fixed or mobile
227 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing
228 or transportation to a shredder or scrap metal operator for recycling;

229 ~~[(56)]~~ **(57)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
230 corporation as an incidental service to transport patrons or customers of the regular business of
231 such person, firm, or corporation to and from the place of business of the person, firm, or
232 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
233 buses or as commercial motor vehicles;

234 ~~[(57)]~~ **(58)** "Special mobile equipment", every self-propelled vehicle not designed or
235 used primarily for the transportation of persons or property and incidentally operated or moved
236 over the highways, including farm equipment, implements of husbandry, road construction or
237 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
238 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
239 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
240 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
241 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
242 shall not operate to exclude other such vehicles which are within the general terms of this
243 section;

244 ~~[(58)]~~ **(59)** "Specially constructed motor vehicle", a motor vehicle which shall not have
245 been originally constructed under a distinctive name, make, model or type by a manufacturer of
246 motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

247 ~~[(59)]~~ **(60)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth
248 wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

249 ~~[(60)]~~ **(61)** "Tandem axle", a group of two or more axles, arranged one behind another,
250 the distance between the extremes of which is more than forty inches and not more than
251 ninety-six inches apart;

252 ~~[(61)]~~ **(62)** "Towaway trailer transporter combination", a combination of vehicles
253 consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight
254 that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry
255 no property and constitute inventory property of a manufacturer, distributor, or dealer of such
256 trailers or semitrailers;

257 ~~[(62)]~~ **(63)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle
258 designed for drawing other vehicles, but not for the carriage of any load when operating
259 independently. When attached to a semitrailer, it supports a part of the weight thereof;

260 ~~[(63)]~~ **(64)** "Trailer", any vehicle without motive power designed for carrying property
261 or passengers on its own structure and for being drawn by a self-propelled vehicle, except those
262 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
263 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
264 rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers
265 as defined in this section and shall not include manufactured homes as defined in section
266 700.010;

267 ~~[(64)]~~ **(65)** "Trailer transporter towing unit", a power unit that is not used to carry
268 property when operating in a towaway trailer transporter combination;

269 ~~[(65)]~~ **(66)** "Truck", a motor vehicle designed, used, or maintained for the transportation
270 of property;

271 ~~[(66)]~~ **(67)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the
272 two trailing units are connected with a B-train assembly which is a rigid frame extension
273 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point
274 for the second semitrailer and has one less articulation point than the conventional A-dolly
275 connected truck-tractor semitrailer-trailer combination;

276 ~~[(67)]~~ **(68)** "Truck-trailer boat transporter combination", a boat transporter combination
277 consisting of a straight truck towing a trailer using typically a ball and socket connection with
278 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
279 trailer but so as to maintain a downward force on the trailer tongue;

280 ~~[(68)]~~ **(69)** "Used parts dealer", a business that buys and sells used motor vehicle parts
281 or accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
282 Business does not include isolated sales at a swap meet of less than three days;

283 ~~[(69)]~~ **(70)** "Utility vehicle", any motorized vehicle manufactured and used exclusively
284 for off-highway use which is more than fifty inches but no more than sixty-seven inches in width,

285 with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to
286 be used primarily for landscaping, lawn care, or maintenance purposes;

287 ~~[(70)]~~ (71) "Vanpool", any van or other motor vehicle used or maintained by any person,
288 group, firm, corporation, association, city, county or state agency, or any member thereof, for the
289 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
290 and from their place of employment; however, a vanpool shall not be included in the definition
291 of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver
292 be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool
293 vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an
294 unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a
295 ride-sharing arrangement;

296 ~~[(71)]~~ (72) "Vehicle", any mechanical device on wheels, designed primarily for use, or
297 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human
298 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
299 wheelchairs operated by handicapped persons;

300 ~~[(72)]~~ (73) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,
301 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from
302 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing
303 a replacement vehicle to replace a disabled or wrecked vehicle;

304 ~~[(73)]~~ (74) "Wrecker or towing service", the act of transporting, towing or recovering
305 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the
306 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives
307 compensation or other personal gain.

301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of seven
2 dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used
3 in combination with tractors operated under the supervision of the highways and transportation
4 commission of the department of transportation. The fees for tractors used in any combination
5 with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying
6 trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the
7 combination with load.

8 2. Any trailer or semitrailer may at the option of the registrant be registered for a period
9 of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

10 3. Any trailer as defined in section 301.010 or semitrailer may, at the option of the
11 registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars
12 and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the
13 registration fee paid is nontransferable and nonrefundable, except those covered under the
14 provisions of section 301.442.

15 **4. Beginning August 28, 2019, the annual registration fees imposed under this**
16 **section or section 301.030 for recreational trailers, as defined under section 301.010, shall**
17 **be payable in the month of May each year. Any fee that would have been due in December**
18 **2019, shall be deferred until May 2020.**

 302.574. 1. If a person who was operating a vehicle refuses upon the request of the
2 officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the
3 director of revenue, serve the notice of license revocation personally upon the person and shall
4 take possession of any license to operate a vehicle issued by this state which is held by that
5 person. The officer shall issue a temporary permit, on behalf of the director of revenue, which
6 is valid for fifteen days and shall also give the person notice of his or her right to file a petition
7 for review to contest the license revocation.

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

11 (1) That the officer has:

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

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

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

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

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

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

24 (5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice
25 of the right to file a petition for review. The notices and permit may be combined in one
26 document; and

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

28 3. Upon receipt of the officer's report, the director shall revoke the license of the person
29 refusing to take the test for a period of one year; or if the person is a nonresident, such person's
30 operating permit or privilege shall be revoked for one year; or if the person is a resident without
31 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the
32 person the issuance of a license or permit for a period of one year.

33 4. If a person's license has been revoked because of the person's refusal to submit to a
34 chemical test, such person may petition for a hearing before a circuit division or associate
35 division of the court in the county in which the arrest or stop occurred. **Pursuant to local court**
36 **rule promulgated pursuant to section 15 of article V of the Missouri Constitution, the case**
37 **may also be assigned to a traffic judge pursuant to section 479.500.** The person may request
38 such court to issue an order staying the revocation until such time as the petition for review can
39 be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form
40 prescribed by the director of revenue and shall send a copy of such order to the director. Such
41 order shall serve as proof of the privilege to operate a motor vehicle in this state and the director
42 shall maintain possession of the person's license to operate a motor vehicle until termination of
43 any revocation under this section. Upon the person's request, the clerk of the court shall notify
44 the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf
45 of the director of revenue. At the hearing, the court shall determine only:

46 (1) Whether the person was arrested or stopped;

47 (2) Whether the officer had:

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

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

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

57 (3) Whether the person refused to submit to the test.

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

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

62 7. No person who has had a license to operate a motor vehicle suspended or revoked
63 under the provisions of this section shall have that license reinstated until such person has
64 participated in and successfully completed a substance abuse traffic offender program defined
65 in section 302.010, or a program determined to be comparable by the department of mental
66 health. Assignment recommendations, based upon the needs assessment as described in
67 subdivision (24) of section 302.010, shall be delivered in writing to the person with written
68 notice that the person is entitled to have such assignment recommendations reviewed by the court
69 if the person objects to the recommendations. The person may file a motion in the associate

70 division of the circuit court of the county in which such assignment was given, on a printed form
71 provided by the state courts administrator, to have the court hear and determine such motion
72 under the provisions of chapter 517. The motion shall name the person or entity making the
73 needs assessment as the respondent and a copy of the motion shall be served upon the respondent
74 in any manner allowed by law. Upon hearing the motion, the court may modify or waive any
75 assignment recommendation that the court determines to be unwarranted based upon a review
76 of the needs assessment, the person's driving record, the circumstances surrounding the offense,
77 and the likelihood of the person committing a similar offense in the future, except that the court
78 may modify but ~~may~~ **shall** not waive the assignment to an education or rehabilitation program
79 of a person determined to be a prior or persistent offender as defined in section 577.001, or of
80 a person determined to have operated a motor vehicle with a blood alcohol content of
81 fifteen-hundredths of one percent or more by weight. Compliance with the court determination
82 of the motion shall satisfy the provisions of this section for the purpose of reinstating such
83 person's license to operate a motor vehicle. The respondent's personal appearance at any hearing
84 conducted under this subsection shall not be necessary unless directed by the court.

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

99 9. Any administrator who fails to remit to the division of ~~alcohol and drug abuse~~
100 **behavioral health** of the department of mental health the supplemental fees and interest for all
101 persons enrolled in the program under this section shall be subject to a penalty equal to the
102 amount of interest accrued on the supplemental fees due to the division under this section. If the
103 supplemental fees, interest, and penalties are not remitted to the division of ~~alcohol and drug~~
104 ~~abuse~~ **behavioral health** of the department of mental health within six months of the due date,
105 the attorney general of the state of Missouri shall initiate appropriate action for the collection of

106 said fees and accrued interest. The court shall assess attorneys' fees and court costs against any
107 delinquent program.

108 10. Any person who has had a license to operate a motor vehicle revoked under this
109 section and who has a prior alcohol-related enforcement contact, as defined in section 302.525,
110 shall be required to file proof with the director of revenue that any motor vehicle operated by the
111 person is equipped with a functioning, certified ignition interlock device as a required condition
112 of license reinstatement. Such ignition interlock device shall further be required to be
113 maintained on all motor vehicles operated by the person for a period of not less than six months
114 immediately following the date of reinstatement. If the monthly monitoring reports show that
115 the ignition interlock device has registered any confirmed blood alcohol concentration readings
116 above the alcohol setpoint established by the department of transportation or that the person has
117 tampered with or circumvented the ignition interlock device within the last three months of the
118 six-month period of required installation of the ignition interlock device, then the period for
119 which the person ~~[must]~~ **shall** maintain the ignition interlock device following the date of
120 reinstatement shall be extended until the person has completed three consecutive months with
121 no violations as described in this section. If the person fails to maintain such proof with the
122 director as required by this section, the license shall be rerevoked until proof as required by this
123 section is filed with the director, and the person shall be guilty of a class A misdemeanor.

124 11. The revocation period of any person whose license and driving privilege has been
125 revoked under this section and who has filed proof of financial responsibility with the
126 department of revenue in accordance with chapter 303 and is otherwise eligible shall be
127 terminated by a notice from the director of revenue after one year from the effective date of the
128 revocation. Unless proof of financial responsibility is filed with the department of revenue, the
129 revocation shall remain in effect for a period of two years from its effective date. If the person
130 fails to maintain proof of financial responsibility in accordance with chapter 303, the person's
131 license and driving privilege shall be rerevoked.

132 12. A person commits the offense of failure to maintain proof with the Missouri
133 department of revenue if, when required to do so, he or she fails to file proof with the director
134 of revenue that any vehicle operated by the person is equipped with a functioning, certified
135 ignition interlock device or fails to file proof of financial responsibility with the department of
136 revenue in accordance with chapter 303. The offense of failure to maintain proof with the
137 Missouri department of revenue is a class A misdemeanor.

304.580. As used in sections 304.582 and 304.585, the term "construction zone" or
2 "work zone" means any area upon or around any highway as defined in section 302.010 which
3 is visibly marked by the department of transportation or a contractor or subcontractor performing
4 work for the department of transportation as an area where construction, maintenance, incident
5 removal, or other work is temporarily occurring. The term "work zone" or "construction zone"

6 also includes the lanes of highway leading up to the area upon which an activity described in this
7 subsection is being performed, beginning at the point where appropriate signs or traffic control
8 devices are posted or placed. The terms "worker" or "highway worker" as used in sections
9 304.582 and 304.585 shall mean any person ~~that~~ **who** is working in a construction zone or work
10 zone **on a state highway or the right-of-way of a state highway**, ~~or~~ any employee of the
11 department of transportation ~~that~~ **who** is performing duties under the department's motorist
12 assist program on a state highway or the right-of-way of a state highway, **or any utility worker**
13 **performing utility work on a state highway or the right-of-way of a state highway.** "Utility
14 **worker"** means any employee or person employed under contract of a utility that provides
15 **gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services,**
16 **whether privately, municipally, or cooperatively owned, while in performance of his or her**
17 **job duties.**

304.585. 1. A person shall be deemed to commit the offense of "endangerment of a
2 highway worker" upon conviction for any of the following when the offense occurs within a
3 construction zone or work zone, as defined in section 304.580:

- 4 (1) Exceeding the posted speed limit by fifteen miles per hour or more;
- 5 (2) Passing in violation of subsection 4 of section 304.582;
- 6 (3) Failure to stop for a work zone flagman or failure to obey traffic control devices
7 erected in the construction zone or work zone for purposes of controlling the flow of motor
8 vehicles through the zone;
- 9 (4) Driving through or around a work zone by any lane not clearly designated to
10 motorists for the flow of traffic through or around the work zone;
- 11 (5) Physically assaulting, or attempting to assault, or threatening to assault a highway
12 worker in a construction zone or work zone, with a motor vehicle or other instrument;
- 13 (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices
14 erected to control the flow of traffic to protect workers and motorists in the work zone for a
15 reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of
16 an occupant of the motor vehicle or of another person; or
- 17 (7) Committing any of the following offenses for which points may be assessed under
18 section 302.302:
 - 19 (a) Leaving the scene of an accident in violation of section 577.060;
 - 20 (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;
 - 21 (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection
22 1 of section 302.020;
 - 23 (d) Operating with a suspended or revoked license;
 - 24 (e) Driving while in an intoxicated condition or under the influence of controlled
25 substances or drugs or driving with an excessive blood alcohol content;

26 (f) Any felony involving the use of a motor vehicle.

27 2. Upon conviction or a plea of guilty for committing the offense of endangerment of a
28 highway worker under subsection 1 of this section if no injury or death to a highway worker
29 resulted from the offense, in addition to any other penalty authorized by law, the person shall be
30 subject to a fine of not more than one thousand dollars and shall have four points assessed to his
31 or her driver's license under section 302.302.

32 3. A person shall be deemed to commit the offense of "aggravated endangerment of a
33 highway worker" upon conviction or a plea of guilty for any offense under subsection 1 of this
34 section when such offense occurs in a construction zone or work zone as defined in section
35 304.580 and results in the injury or death of a highway worker. Upon conviction or a plea of
36 guilty for committing the offense of aggravated endangerment of a highway worker, in addition
37 to any other penalty authorized by law, the person shall be subject to a fine of not more than five
38 thousand dollars if the offense resulted in injury to a highway worker and ten thousand dollars
39 if the offense resulted in death to a highway worker. In addition, such person shall have twelve
40 points assessed to their driver's license under section 302.302 and shall be subject to the
41 provisions of section 302.304 regarding the revocation of the person's license and driving
42 privileges.

43 4. Except for the offense established under subdivision (6) of subsection 1 of this
44 section, no person shall be deemed to commit the offense of endangerment of a highway worker
45 except when the act or omission constituting the offense occurred when one or more highway
46 workers were in the construction zone or work zone.

47 5. No person shall be cited or convicted for endangerment of a highway worker or
48 aggravated endangerment of a highway worker, for any act or omission otherwise constituting
49 an offense under subsection 1 of this section, if such act or omission resulted in whole or in part
50 from mechanical failure of the person's vehicle or from the negligence of another person or a
51 highway worker.

52 **6. (1) Notwithstanding any provision of this section or any other law to the**
53 **contrary, the director of the department of revenue or his or her agent shall order the**
54 **revocation of a driver's license upon its determination that an individual holding such**
55 **license was involved in a physical accident where his or her negligent acts or omissions**
56 **contributed to his or her vehicle striking a highway worker within a designated**
57 **construction zone or work zone where department of transportation guidelines involving**
58 **notice and signage were properly implemented. The department shall make its**
59 **determination of these facts on the basis of the report of a law enforcement officer**
60 **investigating the incident and this determination shall be final unless a hearing is requested**
61 **and held as provided under subdivision (2) of this subsection. Upon its determination that**
62 **the facts support a license revocation, the department shall issue a notice of revocation**

63 which shall be mailed to the person at the last known address shown on the department's
64 records. The notice is deemed received three days after mailing unless returned by postal
65 authorities. The notice of revocation shall clearly specify the reason and statutory grounds
66 for the revocation, the effective date of the revocation which shall be at least fifteen days
67 from the date the department issued its order, the right of the person to request a hearing,
68 and the date by which the request for a hearing must be made.

69 (2) An individual who received notice of revocation from the department under this
70 section may seek reinstatement by either:

71 (a) Taking and passing the written and driving portions of the driver's license
72 examination, in which case the individual's driver's license shall be immediately reinstated;
73 or

74 (b) Petitioning for a hearing before a circuit division or associate division of the
75 court in the county in which the work zone accident occurred. The individual may request
76 such court to issue an order staying the revocation until such time as the petition for review
77 can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon
78 a form prescribed by the director of revenue and shall send a copy of such order to the
79 director. Such order shall serve as proof of the privilege to operate a motor vehicle in this
80 state, and the director shall maintain possession of the person's license to operate a motor
81 vehicle until the termination of any suspension under this subsection. The clerk of the
82 court shall notify the prosecuting attorney of the county, and the prosecutor shall appear
83 at the hearing on behalf of the director of revenue. At the hearing, the court shall
84 determine only:

85 a. Whether the person was involved in a physical accident where his or her vehicle
86 struck a highway worker within a designated construction or work zone;

87 b. Whether the department of transportation guidelines involving notice and
88 signage were properly implemented in such work zone; and

89 c. Whether the investigating officer had probable cause to believe the person's
90 negligent acts or omissions contributed to his or her vehicle striking a highway worker.

91

92 If the court determines subparagraph a., b., or c. of this paragraph not to be in the
93 affirmative, the court shall order the director to reinstate the license or permit to drive.

94 (3) The department of revenue administrative adjudication to reinstate a driver's
95 license that was revoked under this subsection, and any evidence provided to the
96 department related to such adjudication, shall not be produced by subpoena or any other
97 means and made available as evidence in any other administrative action, civil case, or
98 criminal prosecution. The court's determinations issued under this section, and the
99 evidence provided to the court relating to such determinations, shall not be produced by

100 **subpoena or any other means and made available in any other administrative action, civil**
101 **case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the**
102 **department from providing information to the system authorized under 49 U.S.C. Section**
103 **31309, or any successor federal law, pertaining to the licensing, identification, and**
104 **disqualification of operators of commercial motor vehicles.**

304.590. 1. As used in this section, the term "travel safe zone" means any area upon or
2 around any highway, as defined in section 302.010, which is visibly marked by the department
3 of transportation; and when a highway safety analysis demonstrates fatal or disabling motor
4 vehicle crashes exceed a predicted safety performance level for comparable roadways as
5 determined by the department of transportation.

6 2. Upon a conviction or a plea of guilty by any person for a moving violation as defined
7 in section 302.010 or any offense listed in section 302.302, the court [~~shall~~] **may** double the
8 amount of fine authorized to be imposed by law, if the moving violation or offense occurred
9 within a travel safe zone.

10 3. Upon a conviction or plea of guilty by any person for a speeding violation under
11 section 304.009 or 304.010, the court [~~shall~~] **may** double the amount of fine authorized by law,
12 if the violation occurred within a travel safe zone.

13 4. The penalty authorized under subsections [~~4~~] **2** and 3 of this section shall only be
14 assessed by the court if the department of transportation has erected signs upon or around a travel
15 safe zone which are clearly visible from the highway and which state substantially the following
16 message: "Travel Safe Zone — Fines Doubled".

17 5. This section shall not be construed to enhance the assessment of court costs or the
18 assessment of points under section 302.302.

304.894. 1. A person commits the offense of endangerment of an emergency responder
2 for any of the following offenses when the offense occurs within an active emergency zone:

3 (1) Exceeding the posted speed limit by fifteen miles per hour or more;

4 (2) Passing in violation of subsection 3 of section 304.892;

5 (3) Failure to stop for an active emergency zone flagman or emergency responder, or
6 failure to obey traffic control devices erected, or personnel posted, in the active emergency zone
7 for purposes of controlling the flow of motor vehicles through the zone;

8 (4) Driving through or around an active emergency zone via any lane not clearly
9 designated for motorists to control the flow of traffic through or around the active emergency
10 zone;

11 (5) Physically assaulting, attempting to assault, or threatening to assault an emergency
12 responder with a motor vehicle or other instrument; or

13 (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices
14 erected to control the flow of traffic to protect emergency responders and motorists unless the

15 action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of
16 an occupant of the motor vehicle or of another person.

17 2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment
18 of an emergency responder under subsection 1 of this section, if no injury or death to an
19 emergency responder resulted from the offense, the court shall assess a fine of not more than one
20 thousand dollars, and four points shall be assessed to the operator's license pursuant to section
21 302.302 upon conviction.

22 3. A person commits the offense of aggravated endangerment of an emergency responder
23 upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when
24 such offense results in the injury or death of an emergency responder. Upon a finding of guilt
25 or a plea of guilty for committing the offense of aggravated endangerment of an emergency
26 responder, in addition to any other penalty authorized by law, the court shall assess a fine of not
27 more than five thousand dollars if the offense resulted in injury to an emergency responder, and
28 ten thousand dollars if the offense resulted in the death of an emergency responder. In addition,
29 twelve points shall be assessed to the operator's license pursuant to section 302.302 upon
30 conviction.

31 4. Except for the offense established under subdivision (6) of subsection 1 of this
32 section, no person shall be deemed to have committed the offense of endangerment of an
33 emergency responder except when the act or omission constituting the offense occurred when
34 one or more emergency responders were responding to an active emergency.

35 5. No person shall be cited for, or found guilty of, endangerment of an emergency
36 responder or aggravated endangerment of an emergency responder, for any act or omission
37 otherwise constituting an offense under subsection 1 of this section, if such act or omission
38 resulted in whole or in part from mechanical failure of the person's vehicle, or from the
39 negligence of another person or emergency responder.

40 6. (1) **Notwithstanding any provision of this section or any other law to the**
41 **contrary, the director of the department of revenue or his or her agent shall order the**
42 **revocation of a driver's license upon its determination that an individual holding such**
43 **license was involved in a physical accident where his or her negligent acts or omissions**
44 **substantially contributed to his or her vehicle striking an emergency responder within an**
45 **active emergency zone where the appropriate visual markings for active emergency zones**
46 **were properly implemented. The department shall make its determination of these facts**
47 **on the basis of the report of a law enforcement officer investigating the incident and this**
48 **determination shall be final unless a hearing is requested and held as provided under**
49 **subdivision (2) of this subsection. Upon its determination that the facts support a license**
50 **revocation, the department shall issue a notice of revocation which shall be mailed to the**
51 **person at the last known address shown on the department's records. The notice is deemed**

52 received three days after mailing unless returned by postal authorities. The notice of
53 revocation shall clearly specify the reason and statutory grounds for the revocation, the
54 effective date of the revocation which shall be at least fifteen days from the date the
55 department issued its order, the right of the person to request a hearing, and the date by
56 which the request for a hearing must be made.

57 (2) An individual who received notice of revocation from the department under this
58 section may seek reinstatement by either:

59 (a) Taking and passing the written and driving portions of the driver's license
60 examination, in which case the individual's driver's license shall be immediately reinstated;
61 or

62 (b) Petitioning for a hearing before a circuit division or associate division of the
63 court in the county in which the emergency zone accident occurred. The individual may
64 request such court to issue an order staying the revocation until such time as the petition
65 for review can be heard. If the court, in its discretion, grants such stay, it shall enter the
66 order upon a form prescribed by the director of revenue and shall send a copy of such
67 order to the director. Such order shall serve as proof of the privilege to operate a motor
68 vehicle in this state, and the director shall maintain possession of the person's license to
69 operate a motor vehicle until the termination of any suspension under this subsection. The
70 clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor
71 shall appear at the hearing on behalf of the director of revenue. At the hearing, the court
72 shall determine only:

73 a. Whether the person was involved in a physical accident where his or her vehicle
74 struck an emergency responder within an active emergency zone;

75 b. Whether the guidelines involving notice and signage were properly implemented
76 in such emergency zone; and

77 c. Whether the investigating officer had probable cause to believe the person's
78 negligent acts or omissions substantially contributed to his or her vehicle striking an
79 emergency responder.

80

81 If the court determines subparagraph a., b., or c. of this paragraph not to be in the
82 affirmative, the court shall order the director to reinstate the license or permit to drive.

83 (3) The department of revenue administrative adjudication to reinstate a driver's
84 license that was revoked under this subsection, and any evidence provided to the
85 department related to such adjudication, shall not be produced by subpoena or any other
86 means and made available as evidence in any other administrative action, civil case, or
87 criminal prosecution. The court's determinations issued under this section, and the
88 evidence provided to the court relating to such determinations, shall not be produced by

89 subpoena or any other means and made available in any other administrative action, civil
90 case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the
91 department from providing information to the system authorized under 49 U.S.C. Section
92 31309, or any successor federal law, pertaining to the licensing, identification, and
93 disqualification of operators of commercial motor vehicles.

479.500. 1. In the twenty-first judicial circuit, a majority of the circuit judges, en banc,
2 may establish a traffic court, which shall be a division of the circuit court, and may authorize the
3 appointment of not more than three municipal judges who shall be known as traffic judges. The
4 traffic judges shall be appointed by a traffic court judicial commission consisting of the presiding
5 judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one
6 associate circuit judge elected by the associate circuit judges of the circuit, and two members
7 appointed by the county executive of St. Louis County, each of whom shall represent one of the
8 two political parties casting the highest number of votes at the next preceding gubernatorial
9 election. The procedures and operations of the traffic court judicial commission shall be
10 established by circuit court rule.

11 2. Traffic judges may be authorized to act as commissioners to hear in the first instance
12 nonfelony violations of state law involving motor vehicles, and such other offenses as may be
13 provided by circuit court rule. Traffic judges may also be authorized to hear in the first instance
14 violations of county and municipal ordinances involving motor vehicles, and other county
15 ordinance violations, as provided by circuit court rule.

16 3. In the event that a county municipal court is established pursuant to section 66.010
17 which takes jurisdiction of county ordinance violations the circuit court may then authorize the
18 appointment of no more than two traffic judges authorized to hear municipal ordinance
19 violations other than county ordinance violations, and to act as commissioner to hear in the first
20 instance nonfelony violations of state law involving motor vehicles, and such other offenses as
21 may be provided by rule. These traffic court judges also may be authorized to act as
22 commissioners to hear in the first instance petitions to review decisions of the department of
23 revenue or the director of revenue filed pursuant to sections 302.309 and 302.311 and, prior to
24 January 1, 2002, pursuant to sections 302.535 and 302.750.

25 4. After January 1, 2002, traffic judges, in addition to the authority provided in
26 subsection 3 of this section, may be authorized by local court rule adopted pursuant to Article
27 V, Section 15 of the Missouri Constitution to conduct proceedings pursuant to sections 302.535,
28 302.574, and 302.750, subject to procedures that preserve a meaningful hearing before a judge
29 of the circuit court, as follows:

30 (1) Conduct the initial call docket and accept uncontested dispositions of petitions to
31 review;

32 (2) The petitioner shall have the right to the de novo hearing before a judge of the circuit
33 court, except that, at the option of the petitioner, traffic judges may hear in the first instance such
34 petitions for review.

35 5. In establishing a traffic court, the circuit may be divided into such sectors as may be
36 established by a majority of the circuit and associate circuit judges, en banc. The traffic court
37 in each sector shall hear those cases arising within the territorial limits of the sector unless a case
38 arising within another sector is transferred as provided by operating procedures.

39 6. Traffic judges shall be licensed to practice law in this state and shall serve at the
40 pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents
41 of St. Louis County, and shall receive from the state as annual compensation an amount equal
42 to one-third of the annual compensation of an associate circuit judge. Each judge shall devote
43 approximately one-third of his working time to the performance of his duties as a traffic judge.
44 Traffic judges shall not accept or handle cases in their practice of law which are inconsistent with
45 their duties as a traffic judge and shall not be a judge or prosecutor for any other court. Traffic
46 judges shall not be considered state employees and shall not be members of the state employees'
47 or judicial retirement system or be eligible to receive any other employment benefit accorded
48 state employees or judges.

49 7. A majority of the judges, en banc, shall establish operating procedures for the traffic
50 court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday
51 or other sessions as efficient operation and convenience to the public may require. Proceedings
52 in the traffic court, except when a judge is acting as a commissioner pursuant to this section,
53 shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic
54 judge without jury, and the judge shall assume an affirmative duty to determine the merits of the
55 evidence presented and the defenses of the defendant and may question parties and witnesses.
56 In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by
57 jury as otherwise provided by law. Clerks and computer personnel shall be assigned as needed
58 for the efficient operation of the court.

59 8. In establishing operating procedure, provisions shall be made for appropriate
60 circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone
61 or written communication without personal appearance, or to plead guilty and deliver by mail
62 or electronic transfer or other approved method the specified amount of the fine and costs as
63 otherwise provided by law, within a specified period of time.

64 9. Operating procedures shall be provided for electronic recording of proceedings, except
65 that if adequate recording equipment is not provided at county expense, then, in that event, a
66 person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial
67 de novo. The procedures for perfecting the right of a trial de novo shall be the same as that

68 provided under sections 512.180 to 512.320, except that the provisions of subsection 2 of section
69 512.180 shall not apply to such cases.

70 10. The circuit court shall only have the authority to appoint two commissioners with
71 the jurisdiction provided in subsection 3 of this section.

72 11. All costs to establish and operate a county municipal court under section 66.010 and
73 this section shall be borne by such county.

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