

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 686

AN ACT

1  
2  
3 To repeal sections 32.056, 68.075, 136.055, 137.115,  
4 143.441, 144.805, 227.600, 230.205, 301.010, 301.030,  
5 301.032, 301.451, 301.3174, 302.020, 302.171, 304.170,  
6 304.172, 304.180, 306.127, 307.179, 407.1025, 407.1028,  
7 407.1031, 407.1034, 407.1035, 407.1037, 407.1043,  
8 407.1047, 407.1049, and 407.1329, RSMo, and to enact in  
9 lieu thereof forty-six new sections relating to  
10 transportation, with penalty provisions and a delayed  
11 effective date for a certain section.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
15 AS FOLLOWS:

16 Section A. Sections 32.056, 68.075, 136.055, 137.115,  
17 143.441, 144.805, 227.600, 230.205, 301.010, 301.030, 301.032,  
18 301.451, 301.3174, 302.020, 302.171, 304.170, 304.172, 304.180,  
19 306.127, 307.179, 407.1025, 407.1028, 407.1031, 407.1034,  
20 407.1035, 407.1037, 407.1043, 407.1047, 407.1049, and 407.1329,  
21 RSMo, are repealed and forty-six new sections enacted in lieu  
22 thereof, to be known as sections 32.056, 32.450, 68.075, 136.055,  
23 137.115, 143.441, 144.805, 217.850, 227.600, 230.205, 301.010,  
24 301.030, 301.032, 301.451, 301.576, 301.3069, 301.3159, 301.3174,  
25 302.020, 302.026, 302.171, 302.205, 304.170, 304.172, 304.180,  
26 305.800, 305.802, 305.804, 305.806, 305.808, 305.810, 306.127,  
27 307.179, 407.1025, 407.1028, 407.1031, 407.1034, 407.1035,  
28 407.1037, 407.1043, 407.1047, 407.1049, 407.1329, 577.011,  
29 577.800, and 632.460, to read as follows:

1           32.056. Except for uses permitted under 18 U.S.C. Section  
2 2721(b)(1), the department of revenue shall not release the home  
3 address of or any information that identifies any vehicle owned  
4 or leased by any person who is a county, state or federal parole  
5 officer[~~τ~~]; a federal pretrial officer[~~τ~~]; a peace officer  
6 pursuant to section 590.010[~~τ~~]; a person employed by the Missouri  
7 department of corrections; any jailer or corrections officer of  
8 the state or any political subdivision of the state; a person  
9 vested by Article V, Section 1 of the Missouri Constitution with  
10 the judicial power of the state[~~τ~~]; a member of the federal  
11 judiciary[~~τ~~]; or a member of such person's immediate family  
12 contained in the department's motor vehicle or driver  
13 registration records, based on a specific request for such  
14 information from any person. Any such person may notify the  
15 department of his or her status and the department shall protect  
16 the confidentiality of the home address and vehicle records on  
17 such a person and his or her immediate family as required by this  
18 section. This section shall not prohibit the department from  
19 releasing information on a motor registration list pursuant to  
20 section 32.055 or from releasing information on any officer who  
21 holds a class A, B or C commercial driver's license pursuant to  
22 the Motor Carrier Safety Improvement Act of 1999, as amended, 49  
23 U.S.C. 31309.

24           32.450. 1. Notwithstanding any biometric data restrictions  
25 contained in section 302.170, the department of revenue is hereby  
26 authorized to design and implement a secure digital driver's  
27 license program that allows applicants applying for a driver's

1 license in accordance with chapter 302 to obtain a secure digital  
2 driver's license in addition to the physical card-based driver's  
3 license.

4 2. (1) A digital driver's license issued under this  
5 section shall be acceptable for all purposes for which a license,  
6 as defined in section 302.010, is used.

7 (2) The department may contract with one or more entities  
8 to develop the secure digital driver's license system. The  
9 department or entity may develop a mobile software application  
10 capable of being utilized through a person's electronic device to  
11 access an electronic image of the person's secure digital  
12 driver's license.

13 (3) The department shall suspend, disable, or terminate a  
14 person's participation in the secure digital driver's license  
15 program if:

16 (a) The person's driving privilege is suspended, revoked,  
17 denied, withdrawn, or cancelled as provided in chapter 302; or

18 (b) The person reports that the person's electronic device  
19 has been lost, stolen, or compromised.

20 3. The department of revenue may promulgate rules necessary  
21 to implement the provisions of this section. Any rule or portion  
22 of a rule, as that term is defined in section 536.010, that is  
23 created under the authority delegated in this section shall  
24 become effective only if it complies with and is subject to all  
25 of the provisions of chapter 536 and, if applicable, section  
26 536.028. This section and chapter 536 are nonseverable, and if  
27 any of the powers vested with the general assembly pursuant to

1 chapter 536 to review, to delay the effective date, or to  
2 disapprove and annul a rule are subsequently held  
3 unconstitutional, then the grant of rulemaking authority and any  
4 rule proposed or adopted after August 28, 2020, shall be invalid  
5 and void.

6 68.075. 1. This section shall be known and may be cited as  
7 the "Advanced Industrial Manufacturing Zones Act".

8 2. As used in this section, the following terms shall mean:

9 (1) "AIM zone", an area identified through a resolution  
10 passed by the port authority board of commissioners appointed  
11 under section 68.045 that is being developed or redeveloped for  
12 any purpose so long as any infrastructure and building built or  
13 improved is in the development area. The port authority board of  
14 commissioners shall file an annual report indicating the  
15 established AIM zones with the department of revenue;

16 (2) "County average wage", the average wage in each county  
17 as determined by the Missouri department of economic development  
18 for the most recently completed full calendar year. However, if  
19 the computed county average wage is above the statewide average  
20 wage, the statewide average wage shall be deemed the county  
21 average wage for such county for the purpose of determining  
22 eligibility;

23 (3) "New job", the number of full-time employees located at  
24 the project facility that exceeds the project facility base  
25 employment less any decrease in the number of full-time employees  
26 at related facilities below the related facility base employment.  
27 No job that was created prior to the date of the notice of intent

1 shall be deemed a new job. An employee that spends less than  
2 fifty percent of the employee's work time at the facility is  
3 still considered to be located at a facility if the employee  
4 receives his or her directions and control from that facility, is  
5 on the facility's payroll, one hundred percent of the employee's  
6 income from such employment is Missouri income, and the employee  
7 is paid at or above the county average wage;

8 (4) "Related facility", a facility operated by a company or  
9 a related company prior to the establishment of the AIM zone in  
10 question located within any port district, as defined under  
11 section 68.015, which is directly related to the operations of  
12 the facility within the new AIM zone.

13 3. Any port authority located in this state may establish  
14 an AIM zone. Such zone may only include the area within the port  
15 authority's jurisdiction, ownership, or control, and may include  
16 any such area. The port authority shall determine the boundaries  
17 for each AIM zone, and more than one AIM zone may exist within  
18 the port authority's jurisdiction or under the port authority's  
19 ownership or control, and may be expanded or contracted by  
20 resolution of the port authority board of commissioners.

21 4. Fifty percent of the state tax withholdings imposed by  
22 sections 143.191 to 143.265 on new jobs within such zone after  
23 development or redevelopment has commenced shall not be remitted  
24 to the general revenue fund of the state of Missouri. Such  
25 moneys shall be deposited into the port authority AIM zone fund  
26 established under subsection 5 of this section for the purpose of  
27 continuing to expand, develop, and redevelop AIM zones identified

1 by the port authority board of commissioners and may be used for  
2 managerial, engineering, legal, research, promotion, planning,  
3 satisfaction of bonds issued under section 68.040, and any other  
4 expenses.

5 5. There is hereby created in the state treasury the "Port  
6 Authority AIM Zone Fund", which shall consist of money collected  
7 under this section. The state treasurer shall be custodian of  
8 the fund and shall approve disbursements from the fund in  
9 accordance with sections 30.170 and 30.180 to the port  
10 authorities from which the funds were collected, less the  
11 pro-rata portion appropriated by the general assembly to be used  
12 solely for the administration of this section which shall not  
13 exceed ten percent of the total amount collected within the zones  
14 of a port authority. Notwithstanding the provisions of section  
15 33.080 to the contrary, any moneys remaining in the fund at the  
16 end of the biennium shall not revert to the credit of the general  
17 revenue fund. The state treasurer shall invest moneys in the  
18 fund in the same manner as other funds are invested. Any  
19 interest and moneys earned on such investments shall be credited  
20 to the fund.

21 6. The port authority shall approve any projects that begin  
22 construction and disperse any money collected under this section.  
23 The port authority shall submit an annual budget for the funds to  
24 the department of economic development explaining how and when  
25 such money will be spent.

26 7. The provision of section 23.253 notwithstanding, no AIM  
27 zone may be established after August 28, ~~2023~~ 2030. Any AIM

1 zone created prior to that date shall continue to exist and be  
2 coterminous with the retirement of all debts incurred under  
3 subsection 4 of this section. No debts may be incurred or  
4 reauthorized using AIM zone revenue after August 28, ~~2023~~ 2030.

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

15 (1) For each motor vehicle or trailer registration issued,  
16 renewed or transferred, six dollars and twelve dollars for those  
17 licenses sold or biennially renewed pursuant to section 301.147;

18 (2) For each application or transfer of title, six dollars;

19 (3) For each instruction permit, nondriver license,  
20 chauffeur's, operator's or driver's license issued for a period  
21 of three years or less, six dollars and twelve dollars for  
22 licenses or instruction permits issued or renewed for a period  
23 exceeding three years;

24 (4) For each notice of lien processed, six dollars;

25 (5) Notary fee or electronic transmission per processing,  
26 two dollars.

27 2. (1) The director of revenue shall award fee office

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

26 (2) Rules promulgated pursuant to subdivision (1) of this  
27 subsection for evaluating bids shall include a preference for

1 persons and entities that are based in a location near the fee  
2 office location. If the department utilizes any scoring  
3 mechanism for evaluating bids pursuant to this section, such  
4 scoring mechanism shall ensure that:

5 (a) A person or entity based no more than thirty-five miles  
6 from the fee office location shall be awarded a bonus of fifteen  
7 percent of the total available points;

8 (b) A person or entity based more than thirty-five miles  
9 but no more than sixty miles from the fee office location shall  
10 be awarded a bonus of ten percent of the total available points;

11 (c) A person or entity that is a resident of this state  
12 shall be awarded a bonus of ten percent of the total available  
13 points. For the purposes of this paragraph, "resident" shall  
14 have the same meaning as defined pursuant to section 143.101. In  
15 the case of for-profit corporations, each person with an  
16 ownership interest in such organization with the right to manage  
17 the company or direct its operations either solely or as part of  
18 a larger group shall be a resident of this state; and

19 (d) A person or entity based more than sixty miles but no  
20 more than seventy-five miles from the fee office location shall  
21 be awarded a bonus of seven percent of the total available  
22 points.

23 (3) No fee office contract shall be awarded to any person  
24 or entity that is not in compliance with the rules promulgated  
25 pursuant to this subsection.

26 (4) The department of revenue shall not consider for a  
27 contract award any entity that has not been registered with the

1 office of the secretary of state for at least one year.

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

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

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

13 6. The fees authorized by this section shall not be  
14 collected by motor vehicle dealers acting as agents of the  
15 department of revenue under section 32.095 or those motor vehicle  
16 dealers authorized to collect and remit sales tax under  
17 subsection 10 of section 144.070.

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

26 137.115. 1. All other laws to the contrary  
27 notwithstanding, the assessor or the assessor's deputies in all

1 counties of this state including the City of St. Louis shall  
2 annually make a list of all real and tangible personal property  
3 taxable in the assessor's city, county, town or district. Except  
4 as otherwise provided in subsection 3 of this section and section  
5 137.078, the assessor shall annually assess all personal property  
6 at thirty-three and one-third percent of its true value in money  
7 as of January first of each calendar year. The assessor shall  
8 annually assess all real property, including any new construction  
9 and improvements to real property, and possessory interests in  
10 real property at the percent of its true value in money set in  
11 subsection 5 of this section. The true value in money of any  
12 possessory interest in real property in subclass (3), where such  
13 real property is on or lies within the ultimate airport boundary  
14 as shown by a federal airport layout plan, as defined by 14 CFR  
15 151.5, of a commercial airport having a FAR Part 139  
16 certification and owned by a political subdivision, shall be the  
17 otherwise applicable true value in money of any such possessory  
18 interest in real property, less the total dollar amount of costs  
19 paid by a party, other than the political subdivision, towards  
20 any new construction or improvements on such real property  
21 completed after January 1, 2008, and which are included in the  
22 above-mentioned possessory interest, regardless of the year in  
23 which such costs were incurred or whether such costs were  
24 considered in any prior year. The assessor shall annually assess  
25 all real property in the following manner: new assessed values  
26 shall be determined as of January first of each odd-numbered year  
27 and shall be entered in the assessor's books; those same assessed

1 values shall apply in the following even-numbered year, except  
2 for new construction and property improvements which shall be  
3 valued as though they had been completed as of January first of  
4 the preceding odd-numbered year. The assessor may call at the  
5 office, place of doing business, or residence of each person  
6 required by this chapter to list property, and require the person  
7 to make a correct statement of all taxable tangible personal  
8 property owned by the person or under his or her care, charge or  
9 management, taxable in the county. On or before January first of  
10 each even-numbered year, the assessor shall prepare and submit a  
11 two-year assessment maintenance plan to the county governing body  
12 and the state tax commission for their respective approval or  
13 modification. The county governing body shall approve and  
14 forward such plan or its alternative to the plan to the state tax  
15 commission by February first. If the county governing body fails  
16 to forward the plan or its alternative to the plan to the state  
17 tax commission by February first, the assessor's plan shall be  
18 considered approved by the county governing body. If the state  
19 tax commission fails to approve a plan and if the state tax  
20 commission and the assessor and the governing body of the county  
21 involved are unable to resolve the differences, in order to  
22 receive state cost-share funds outlined in section 137.750, the  
23 county or the assessor shall petition the administrative hearing  
24 commission, by May first, to decide all matters in dispute  
25 regarding the assessment maintenance plan. Upon agreement of the  
26 parties, the matter may be stayed while the parties proceed with  
27 mediation or arbitration upon terms agreed to by the parties.

1 The final decision of the administrative hearing commission shall  
2 be subject to judicial review in the circuit court of the county  
3 involved. In the event a valuation of subclass (1) real property  
4 within any county with a charter form of government, or within a  
5 city not within a county, is made by a computer, computer-  
6 assisted method or a computer program, the burden of proof,  
7 supported by clear, convincing and cogent evidence to sustain  
8 such valuation, shall be on the assessor at any hearing or  
9 appeal. In any such county, unless the assessor proves  
10 otherwise, there shall be a presumption that the assessment was  
11 made by a computer, computer-assisted method or a computer  
12 program. Such evidence shall include, but shall not be limited  
13 to, the following:

14 (1) The findings of the assessor based on an appraisal of  
15 the property by generally accepted appraisal techniques; and

16 (2) The purchase prices from sales of at least three  
17 comparable properties and the address or location thereof. As  
18 used in this subdivision, the word "comparable" means that:

19 (a) Such sale was closed at a date relevant to the property  
20 valuation; and

21 (b) Such properties are not more than one mile from the  
22 site of the disputed property, except where no similar properties  
23 exist within one mile of the disputed property, the nearest  
24 comparable property shall be used. Such property shall be within  
25 five hundred square feet in size of the disputed property, and  
26 resemble the disputed property in age, floor plan, number of  
27 rooms, and other relevant characteristics.

1           2. Assessors in each county of this state and the City of  
2 St. Louis may send personal property assessment forms through the  
3 mail.

4           3. The following items of personal property shall each  
5 constitute separate subclasses of tangible personal property and  
6 shall be assessed and valued for the purposes of taxation at the  
7 following percentages of their true value in money:

8           (1) Grain and other agricultural crops in an unmanufactured  
9 condition, one-half of one percent;

10           (2) Livestock, twelve percent;

11           (3) Farm machinery, twelve percent;

12           (4) Motor vehicles which are eligible for registration as  
13 and are registered as historic motor vehicles [~~pursuant to~~] under  
14 section 301.131 and aircraft which are at least twenty-five years  
15 old and which are used solely for noncommercial purposes and are  
16 operated less than [~~fifty~~] two hundred hours per year or aircraft  
17 that are home built from a kit, five percent;

18           (5) Poultry, twelve percent; and

19           (6) Tools and equipment used for pollution control and  
20 tools and equipment used in retooling for the purpose of  
21 introducing new product lines or used for making improvements to  
22 existing products by any company which is located in a state  
23 enterprise zone and which is identified by any standard  
24 industrial classification number cited in subdivision (5) of  
25 section 135.200, twenty-five percent.

26           4. The person listing the property shall enter a true and  
27 correct statement of the property, in a printed blank prepared

1 for that purpose. The statement, after being filled out, shall  
2 be signed and either affirmed or sworn to as provided in section  
3 137.155. The list shall then be delivered to the assessor.

4 5. (1) All subclasses of real property, as such subclasses  
5 are established in Section 4(b) of Article X of the Missouri  
6 Constitution and defined in section 137.016, shall be assessed at  
7 the following percentages of true value:

8 (a) For real property in subclass (1), nineteen percent;

9 (b) For real property in subclass (2), twelve percent; and

10 (c) For real property in subclass (3), thirty-two percent.

11 (2) A taxpayer may apply to the county assessor, or, if not  
12 located within a county, then the assessor of such city, for the  
13 reclassification of such taxpayer's real property if the use or  
14 purpose of such real property is changed after such property is  
15 assessed under the provisions of this chapter. If the assessor  
16 determines that such property shall be reclassified, he or she  
17 shall determine the assessment under this subsection based on the  
18 percentage of the tax year that such property was classified in  
19 each subclassification.

20 6. Manufactured homes, as defined in section 700.010, which  
21 are actually used as dwelling units shall be assessed at the same  
22 percentage of true value as residential real property for the  
23 purpose of taxation. The percentage of assessment of true value  
24 for such manufactured homes shall be the same as for residential  
25 real property. If the county collector cannot identify or find  
26 the manufactured home when attempting to attach the manufactured  
27 home for payment of taxes owed by the manufactured home owner,

1 the county collector may request the county commission to have  
2 the manufactured home removed from the tax books, and such  
3 request shall be granted within thirty days after the request is  
4 made; however, the removal from the tax books does not remove the  
5 tax lien on the manufactured home if it is later identified or  
6 found. For purposes of this section, a manufactured home located  
7 in a manufactured home rental park, rental community or on real  
8 estate not owned by the manufactured home owner shall be  
9 considered personal property. For purposes of this section, a  
10 manufactured home located on real estate owned by the  
11 manufactured home owner may be considered real property.

12 7. Each manufactured home assessed shall be considered a  
13 parcel for the purpose of reimbursement [~~pursuant to~~] under  
14 section 137.750, unless the manufactured home is deemed to be  
15 real estate [~~as defined in~~] under subsection 7 of section 442.015  
16 and assessed as a realty improvement to the existing real estate  
17 parcel.

18 8. Any amount of tax due and owing based on the assessment  
19 of a manufactured home shall be included on the personal property  
20 tax statement of the manufactured home owner unless the  
21 manufactured home is deemed to be real estate [~~as defined in~~]  
22 under subsection 7 of section 442.015, in which case the amount  
23 of tax due and owing on the assessment of the manufactured home  
24 as a realty improvement to the existing real estate parcel shall  
25 be included on the real property tax statement of the real estate  
26 owner.

27 9. The assessor of each county and each city not within a

1 county shall use the trade-in value published in the October  
2 issue of the National Automobile Dealers' Association Official  
3 Used Car Guide, or its successor publication, as the recommended  
4 guide of information for determining the true value of motor  
5 vehicles described in such publication. The assessor shall not  
6 use a value that is greater than the average trade-in value in  
7 determining the true value of the motor vehicle without  
8 performing a physical inspection of the motor vehicle. For  
9 vehicles two years old or newer from a vehicle's model year, the  
10 assessor may use a value other than average without performing a  
11 physical inspection of the motor vehicle. In the absence of a  
12 listing for a particular motor vehicle in such publication, the  
13 assessor shall use such information or publications which in the  
14 assessor's judgment will fairly estimate the true value in money  
15 of the motor vehicle.

16 10. Before the assessor may increase the assessed valuation  
17 of any parcel of subclass (1) real property by more than fifteen  
18 percent since the last assessment, excluding increases due to new  
19 construction or improvements, the assessor shall conduct a  
20 physical inspection of such property.

21 11. If a physical inspection is required, ~~[pursuant to]~~  
22 under subsection 10 of this section, the assessor shall notify  
23 the property owner of that fact in writing and shall provide the  
24 owner clear written notice of the owner's rights relating to the  
25 physical inspection. If a physical inspection is required, the  
26 property owner may request that an interior inspection be  
27 performed during the physical inspection. The owner shall have

1 no less than thirty days to notify the assessor of a request for  
2 an interior physical inspection.

3 12. A physical inspection, as required by subsection 10 of  
4 this section, shall include, but not be limited to, an on-site  
5 personal observation and review of all exterior portions of the  
6 land and any buildings and improvements to which the inspector  
7 has or may reasonably and lawfully gain external access, and  
8 shall include an observation and review of the interior of any  
9 buildings or improvements on the property upon the timely request  
10 of the owner [~~pursuant to~~] under subsection 11 of this section.  
11 Mere observation of the property via a drive-by inspection or the  
12 like shall not be considered sufficient to constitute a physical  
13 inspection as required by this section.

14 13. The provisions of subsections 11 and 12 of this section  
15 shall only apply in any county with a charter form of government  
16 with more than one million inhabitants.

17 14. A county or city collector may accept credit cards as  
18 proper form of payment of outstanding property tax or license  
19 due. No county or city collector may charge surcharge for  
20 payment by credit card which exceeds the fee or surcharge charged  
21 by the credit card bank, processor, or issuer for its service. A  
22 county or city collector may accept payment by electronic  
23 transfers of funds in payment of any tax or license and charge  
24 the person making such payment a fee equal to the fee charged the  
25 county by the bank, processor, or issuer of such electronic  
26 payment.

27 15. Any county or city not within a county in this state

1 may, by an affirmative vote of the governing body of such county,  
2 opt out of the provisions of this section and sections 137.073,  
3 138.060, and 138.100 as enacted by house bill no. 1150 of the  
4 ninety-first general assembly, second regular session and section  
5 137.073 as modified by house committee substitute for senate  
6 substitute for senate committee substitute for senate bill no.  
7 960, ninety-second general assembly, second regular session, for  
8 the next year of the general reassessment, prior to January first  
9 of any year. No county or city not within a county shall  
10 exercise this opt-out provision after implementing the provisions  
11 of this section and sections 137.073, 138.060, and 138.100 as  
12 enacted by house bill no. 1150 of the ninety-first general  
13 assembly, second regular session and section 137.073 as modified  
14 by house committee substitute for senate substitute for senate  
15 committee substitute for senate bill no. 960, ninety-second  
16 general assembly, second regular session, in a year of general  
17 reassessment. For the purposes of applying the provisions of  
18 this subsection, a political subdivision contained within two or  
19 more counties where at least one of such counties has opted out  
20 and at least one of such counties has not opted out shall  
21 calculate a single tax rate as in effect prior to the enactment  
22 of house bill no. 1150 of the ninety-first general assembly,  
23 second regular session. A governing body of a city not within a  
24 county or a county that has opted out under the provisions of  
25 this subsection may choose to implement the provisions of this  
26 section and sections 137.073, 138.060, and 138.100 as enacted by  
27 house bill no. 1150 of the ninety-first general assembly, second

1 regular session, and section 137.073 as modified by house  
2 committee substitute for senate substitute for senate committee  
3 substitute for senate bill no. 960, ninety-second general  
4 assembly, second regular session, for the next year of general  
5 reassessment, by an affirmative vote of the governing body prior  
6 to December thirty-first of any year.

7 16. The governing body of any city of the third  
8 classification with more than twenty-six thousand three hundred  
9 but fewer than twenty-six thousand seven hundred inhabitants  
10 located in any county that has exercised its authority to opt out  
11 under subsection 15 of this section may levy separate and  
12 differing tax rates for real and personal property only if such  
13 city bills and collects its own property taxes or satisfies the  
14 entire cost of the billing and collection of such separate and  
15 differing tax rates. Such separate and differing rates shall not  
16 exceed such city's tax rate ceiling.

17 17. Any portion of real property that is available as  
18 reserve for strip, surface, or coal mining for minerals for  
19 purposes of excavation for future use or sale to others that has  
20 not been bonded and permitted under chapter 444 shall be assessed  
21 based upon how the real property is currently being used. Any  
22 information provided to a county assessor, state tax commission,  
23 state agency, or political subdivision responsible for the  
24 administration of tax policies shall, in the performance of its  
25 duties, make available all books, records, and information  
26 requested, except such books, records, and information as are by  
27 law declared confidential in nature, including individually

1 identifiable information regarding a specific taxpayer or  
2 taxpayer's mine property. For purposes of this subsection, "mine  
3 property" shall mean all real property that is in use or readily  
4 available as a reserve for strip, surface, or coal mining for  
5 minerals for purposes of excavation for current or future use or  
6 sale to others that has been bonded and permitted under chapter  
7 444.

8 143.441. 1. The term "corporation" means every  
9 corporation, association, joint stock  
10 company and joint stock association organized, authorized or  
11 existing under the laws of this state and includes:

12 (1) Every corporation, association, joint stock company,  
13 and joint stock association organized, authorized, or existing  
14 under the laws of this state, and every corporation, association,  
15 joint stock company, and joint stock association, licensed to do  
16 business in this state, or doing business in this state, and not  
17 organized, authorized, or existing under the laws of this state,  
18 or by any receiver in charge of the property of any such  
19 corporation, association, joint stock company or joint stock  
20 association;

21 (2) Every railroad corporation or receiver in charge of the  
22 property thereof which operates over rails owned or leased by it  
23 and every corporation operating any buslines, trucklines,  
24 airlines, or other forms of transportation, including, but not  
25 limited to, qualified air freight forwarders, operating over  
26 fixed routes owned, leased, or used by it extending from this  
27 state to another state or states. For purposes of this

1 subdivision, "qualified air freight forwarder" means a taxpayer  
2 who meets all of the following requirements:

3 (a) The taxpayer is primarily engaged in the facilitation  
4 of the transportation of property by air;

5 (b) The taxpayer does not itself operate the aircraft; and

6 (c) The taxpayer is in the same affiliated group as an  
7 airline;

8 (3) Every corporation, or receiver in charge of the  
9 property thereof, which owns or operates a bridge between this  
10 and any other state; and

11 (4) Every corporation, or receiver in charge of the  
12 property thereof, which operates a telephone line or lines  
13 extending from this state to another state or states or a  
14 telegraph line or lines extending from this state to another  
15 state or states.

16 2. The tax on corporations provided in subsection 1 of  
17 section 143.431 and section 143.071 shall not apply to:

18 (1) A corporation which by reason of its purposes and  
19 activities is exempt from federal income tax. The preceding  
20 sentence shall not apply to unrelated business taxable income and  
21 other income on which chapter 1 of the Internal Revenue Code  
22 imposes the federal income tax or any other tax measured by  
23 income;

24 (2) An express company which pays an annual tax on its  
25 gross receipts in this state;

26 (3) An insurance company which is subject to an annual tax  
27 on its gross premium receipts in this state;

1           (4) A Missouri mutual or an extended Missouri mutual  
2 insurance company organized under chapter 380; and

3           (5) Any other corporation that is exempt from Missouri  
4 income taxation under the laws of Missouri or the laws of the  
5 United States.

6           144.805. 1. In addition to the exemptions granted pursuant  
7 to the provisions of section 144.030, there shall also be  
8 specifically exempted from the provisions of sections 144.010 to  
9 144.525, sections 144.600 to 144.746, and section 238.235, and  
10 the provisions of any local sales tax law, as defined in section  
11 32.085, and from the computation of the tax levied, assessed or  
12 payable pursuant to sections 144.010 to 144.525, sections 144.600  
13 to 144.746, and section 238.235, and the provisions of any local  
14 sales tax law, as defined in section 32.085, all sales of  
15 aviation jet fuel in a given calendar year to common carriers  
16 engaged in the interstate air transportation of passengers and  
17 cargo, and the storage, use and consumption of such aviation jet  
18 fuel by such common carriers, if such common carrier has first  
19 paid to the state of Missouri, in accordance with the provisions  
20 of this chapter, state sales and use taxes pursuant to the  
21 foregoing provisions and applicable to the purchase, storage, use  
22 or consumption of such aviation jet fuel in a maximum and  
23 aggregate amount of one million five hundred thousand dollars of  
24 state sales and use taxes in such calendar year.

25           2. To qualify for the exemption prescribed in subsection 1  
26 of this section, the common carrier shall furnish to the seller a  
27 certificate in writing to the effect that an exemption pursuant

1 to this section is applicable to the aviation jet fuel so  
2 purchased, stored, used and consumed. The director of revenue  
3 shall permit any such common carrier to enter into a direct-pay  
4 agreement with the department of revenue, pursuant to which such  
5 common carrier may pay directly to the department of revenue any  
6 applicable sales and use taxes on such aviation jet fuel up to  
7 the maximum aggregate amount of one million five hundred thousand  
8 dollars in each calendar year. The director of revenue shall  
9 adopt appropriate rules and regulations to implement the  
10 provisions of this section, and to permit appropriate claims for  
11 refunds of any excess sales and use taxes collected in calendar  
12 year 1993 or any subsequent year with respect to any such common  
13 carrier and aviation jet fuel.

14 3. The provisions of this section shall apply to all  
15 purchases and deliveries of aviation jet fuel from and after May  
16 10, 1993.

17 4. All sales and use tax revenues upon aviation jet fuel  
18 received pursuant to this chapter, less the amounts specifically  
19 designated pursuant to the constitution or pursuant to section  
20 144.701 for other purposes, shall be deposited to the credit of  
21 the aviation trust fund established pursuant to section  
22 155.090; provided however, the amount of such state sales and use  
23 tax revenues deposited to the credit of such aviation trust fund  
24 shall not exceed ten million dollars in each calendar year.

25 5. The provisions of this section and section 144.807 shall  
26 expire on December 31, ~~2023~~ 2033.

27 217.850. 1. A person commits the offense of unlawful use

1 of unmanned aircraft over a correctional center if he or she  
2 purposely:

3 (1) Operates an unmanned aircraft within a vertical  
4 distance of four hundred feet over a correctional center's secure  
5 perimeter fence; or

6 (2) Allows an unmanned aircraft to make contact with a  
7 correctional center, including any person or object on the  
8 premises of or within the facility.

9 2. For purposes of this section, "correctional center"  
10 shall include:

11 (1) Any correctional center as defined in section 217.010;

12 (2) Any private jail as defined in section 221.095; and

13 (3) Any county or municipal jail.

14 3. The provisions of this section shall not prohibit the  
15 operation of an unmanned aircraft by:

16 (1) An employee of the correctional center at the direction  
17 of the chief administrative officer of the facility;

18 (2) A person who has written consent from the chief  
19 administrative officer of the facility;

20 (3) An employee of a law enforcement agency, fire  
21 department, or emergency medical service in the exercise of  
22 official duties;

23 (4) A government official or employee in the exercise of  
24 official duties;

25 (5) A public utility or a rural electric cooperative if:

26 (a) The unmanned aircraft is used for the purpose of  
27 inspecting, repairing, or maintaining utility transmission or

1 distribution lines or other utility equipment or infrastructure;

2 (b) The utility notifies the correctional center before  
3 flying the unmanned aircraft, except during an emergency; and

4 (c) The person operating the unmanned aircraft does not  
5 physically enter the prohibited space without an escort provided  
6 by the correctional center;

7 (6) An employee of a railroad in the exercise of official  
8 duties on any land owned or operated by a railroad corporation  
9 regulated by the Federal Railroad Administration; or

10 (7) A person operating an unmanned aircraft pursuant to and  
11 in compliance with any waiver issued by the Federal Aviation  
12 Authority under 14 C.F.R. Section 107.200.

13 4. The offense of unlawful use of unmanned aircraft over a  
14 correctional center shall be punishable as an infraction unless  
15 the person uses an unmanned aircraft for the purpose of:

16 (1) Delivering a gun, knife, weapon, or other article that  
17 may be used in such manner to endanger the life of an offender or  
18 correctional center employee, in which case the offense is a  
19 class B felony;

20 (2) Facilitating an escape from confinement under section  
21 575.210, in which case the offense is a class C felony; or

22 (3) Delivering a controlled substance, as that term is  
23 defined under section 195.010, in which case the offense is a  
24 class D felony.

25 5. Each correctional center shall post a sign warning of  
26 the provisions of this section. The sign shall be at least  
27 eleven inches by fourteen inches and posted in a conspicuous

1 place.

2 227.600. 1. Sections 227.600 to 227.669 shall be known and  
3 may be cited as the "Missouri Public-Private Partnerships  
4 Transportation Act".

5 2. As used in sections 227.600 to 227.669, unless the  
6 context clearly requires otherwise, the following terms mean:

7 (1) "Commission", the Missouri highways and transportation  
8 commission;

9 (2) "Comprehensive agreement", the final binding written  
10 comprehensive project agreement between a private partner and the  
11 commission required in section 227.621 to finance, develop,  
12 and/or operate the project;

13 (3) "Department", the Missouri department of  
14 transportation;

15 (4) "Develop" or "development", to plan, locate, relocate,  
16 establish, acquire, lease, design, or construct;

17 (5) "Finance", to fund the costs, expenses, liabilities,  
18 fees, profits, and all other charges incurred to finance,  
19 develop, and/or operate the project;

20 (6) "Interim agreement", a preliminary binding written  
21 agreement between a private partner and the commission that  
22 provides for completion of studies and any other activities to  
23 advance the financing, development, and/or operation of the  
24 project required by section 227.618;

25 (7) "Material default", any uncured default by a private  
26 partner in the performance of its duties that jeopardizes  
27 adequate service to the public from the project as determined by

1 the commission;

2 (8) "Operate" or "operation", to improve, maintain, equip,  
3 modify, repair, administer, or collect user fees;

4 (9) "Private partner", any natural person, corporation,  
5 partnership, limited liability company, joint venture, business  
6 trust, nonprofit entity, other business entity, or any  
7 combination thereof;

8 (10) "Project", exclusively includes any pipeline, ferry,  
9 port facility, water facility, water way, water supply facility  
10 or pipeline, stormwater facility or system, wastewater system or  
11 treatment facility, public building, airport, railroad, light  
12 rail, vehicle parking facility, mass transit facility, tube  
13 transport system, or other similar facility currently available  
14 or to be made available to a government entity for public use,  
15 including any structure, parking area, appurtenance and other  
16 property required to operate the structure or facility to be  
17 financed, developed, and/or operated under agreement between the  
18 commission and a private partner. The commission or private  
19 partner shall not have the authority to collect user fees in  
20 connection with the project from motor carriers as defined in  
21 section 227.630. Project shall not include any highway,  
22 interstate or bridge construction, or any rest area, rest stop,  
23 or truck parking facility connected to an interstate or other  
24 highway under the authority of the commission. Any project not  
25 specifically included in this subdivision shall not be financed,  
26 developed, or operated by a private partner until such project is  
27 approved by a vote of the people;

1 (11) "Public use", a finding by the commission that the  
2 project to be financed, developed, and/or operated by a private  
3 partner under sections 227.600 to 227.669 will improve or is  
4 needed as a necessary addition to the state transportation  
5 system;

6 (12) "Revenues", include but are not limited to the  
7 following which arise out of or in connection with the financing,  
8 development, and/or operation of the project:

9 (a) Income;

10 (b) Earnings;

11 (c) Proceeds;

12 (d) User fees;

13 (e) Lease payments;

14 (f) Allocations;

15 (g) Federal, state, and local moneys; or

16 (h) Private sector moneys, grants, bond proceeds, and/or  
17 equity investments;

18 (13) "State", the state of Missouri;

19 (14) "State highway system", the state system of highways  
20 and bridges planned, located, relocated, established, acquired,  
21 constructed, and maintained by the commission under Section  
22 30(b), Article IV, Constitution of Missouri;

23 (15) "State transportation system", the state system of  
24 nonhighway transportation programs, including but not limited to  
25 aviation, transit and mass transportation, railroads, ports,  
26 waterborne commerce, freight and intermodal connections;

27 (16) "Tube transport system", a high-speed transportation

1 system, including infrastructure and facilities, in which  
2 pressurized pods containing passengers or freight ride or coast  
3 upon a cushion of air through magnetic levitation within a  
4 reduced-pressure or vacuum tube, propelled by electric power;

5 (17) "User fees", tolls, fees, or other charges authorized  
6 to be imposed by the commission and collected by the private  
7 partner for the use of all or a portion of a project under a  
8 comprehensive agreement.

9 3. The commission shall have the authority to enter into an  
10 agreement with a private partner to utilize rights-of-way of a  
11 state-maintained roadway, including but not limited to any  
12 interstate or other federal-aid highway, for the construction and  
13 operation of a tube transport system.

14 4. When an agreement is reached under subsection 3 of this  
15 section, the director of the department of transportation shall  
16 apply for any necessary federal approvals to utilize the right-  
17 of-way of the state-maintained roadway for a tube transport  
18 system.

19 230.205. 1. The alternative county highway commission  
20 provided by sections 230.200 to 230.260 shall not become  
21 operative in any county unless adopted by a vote of the majority  
22 of the voters of the county voting upon the question at an  
23 election. All counties of this state which have adopted the  
24 alternative county highway commission may abolish it [~~and return~~  
25 ~~to the county highway commission provided for by sections 230.010~~  
26 ~~to 230.110~~] by submitting the question to a vote of the voters of  
27 the county in the manner provided by law or by a vote of the

1 governing body.

2         2. Any county which does not adopt the alternative county  
3 highway commission provided by sections 230.200 to 230.260, or  
4 any county in which [~~a majority of the voters of the county~~  
5 ~~voting upon the question reject~~] the alternative county highway  
6 commission provided by sections 230.200 to 230.260 is abolished  
7 shall [~~retain~~] adopt either the county highway commission  
8 provided by sections 230.010 to 230.110 or the provisions of  
9 sections 231.010 to 231.130.

10         301.010. As used in this chapter and sections 304.010 to  
11 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the  
12 following terms mean:

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

18         (2) "Autocycle", a three-wheeled motor vehicle which the  
19 drivers and passengers ride in a partially or completely enclosed  
20 nonstraddle seating area[~~, that is designed to be controlled with~~  
21 ~~a steering wheel and pedals,~~] and that has met applicable  
22 Department of Transportation National Highway Traffic Safety  
23 Administration requirements or federal motorcycle safety  
24 standards;

25         (3) "Automobile transporter", any vehicle combination  
26 capable of carrying cargo on the power unit and designed and used  
27 for the transport of assembled motor vehicles, including truck

1 camper units;

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

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

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

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

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

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

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

27 (11) "Dealer", any person, firm, corporation, association,

1 agent or subagent engaged in the sale or exchange of new, used or  
2 reconstructed motor vehicles or trailers;

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

5 (13) "Driveaway operation":

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

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

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

24 (14) "Dromedary", a box, deck, or plate mounted behind the  
25 cab and forward of the fifth wheel on the frame of the power unit  
26 of a truck tractor-semitrailer combination. A truck tractor  
27 equipped with a dromedary may carry part of a load when operating

1 independently or in a combination with a semitrailer;

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

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

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

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

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

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

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

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

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

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

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

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

27 (25) "Kit vehicle", a motor vehicle assembled by a person

1 other than a generally recognized manufacturer of motor vehicles  
2 by the use of a glider kit or replica purchased from an  
3 authorized manufacturer and accompanied by a manufacturer's  
4 statement of origin;

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

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

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

18  
19 Nothing in this subdivision shall be construed to prevent any  
20 motor vehicle from being registered as a commercial motor vehicle  
21 or local commercial motor vehicle;

22 (27) "Local commercial motor vehicle", a commercial motor  
23 vehicle whose operations are confined to a municipality and that  
24 area extending not more than fifty miles therefrom, or a  
25 commercial motor vehicle whose property-carrying operations are  
26 confined solely to the transportation of property owned by any  
27 person who is the owner or operator of such vehicle to or from a

1 farm owned by such person or under the person's control by virtue  
2 of a landlord and tenant lease; provided that any such property  
3 transported to any such farm is for use in the operation of such  
4 farm;

5 (28) "Local log truck", a commercial motor vehicle which is  
6 registered pursuant to this chapter to operate as a motor vehicle  
7 on the public highways of this state, used exclusively in this  
8 state, used to transport harvested forest products, operated  
9 solely at a forested site and in an area extending not more than  
10 a one hundred mile radius from such site, carries a load with  
11 dimensions not in excess of twenty-five cubic yards per two axles  
12 with dual wheels, and when operated on the national system of  
13 interstate and defense highways described in 23 U.S.C. Section  
14 103, as amended, or outside the one hundred mile radius from such  
15 site with an extended distance local log truck permit, such  
16 vehicle shall not exceed the weight limits of section 304.180,  
17 does not have more than four axles, and does not pull a trailer  
18 which has more than three axles. Harvesting equipment which is  
19 used specifically for cutting, felling, trimming, delimiting,  
20 debarking, chipping, skidding, loading, unloading, and stacking  
21 may be transported on a local log truck. A local log truck may  
22 not exceed the limits required by law, however, if the truck does  
23 exceed such limits as determined by the inspecting officer, then  
24 notwithstanding any other provisions of law to the contrary, such  
25 truck shall be subject to the weight limits required by such  
26 sections as licensed for eighty thousand pounds;

27 (29) "Local log truck tractor", a commercial motor vehicle

1 which is registered under this chapter to operate as a motor  
2 vehicle on the public highways of this state, used exclusively in  
3 this state, used to transport harvested forest products, operated  
4 at a forested site and in an area extending not more than a one  
5 hundred mile radius from such site, operates with a weight not  
6 exceeding twenty-two thousand four hundred pounds on one axle or  
7 with a weight not exceeding forty-four thousand eight hundred  
8 pounds on any tandem axle, and when operated on the national  
9 system of interstate and defense highways described in 23 U.S.C.  
10 Section 103, as amended, or outside the one hundred mile radius  
11 from such site with an extended distance local log truck permit,  
12 such vehicle does not exceed the weight limits contained in  
13 section 304.180, and does not have more than three axles and does  
14 not pull a trailer which has more than three axles. Violations  
15 of axle weight limitations shall be subject to the load limit  
16 penalty as described for in sections 304.180 to 304.220;

17 (30) "Local transit bus", a bus whose operations are  
18 confined wholly within a municipal corporation, or wholly within  
19 a municipal corporation and a commercial zone, as defined in  
20 section 390.020, adjacent thereto, forming a part of a public  
21 transportation system within such municipal corporation and such  
22 municipal corporation and adjacent commercial zone;

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

1 harvested forest products;

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

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

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

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

15 (36) "Motor vehicle primarily for business use", any  
16 vehicle other than a recreational motor vehicle, motorcycle,  
17 motortricycle, or any commercial motor vehicle licensed for over  
18 twelve thousand pounds:

19 (a) Offered for hire or lease; or

20 (b) The owner of which also owns ten or more such motor  
21 vehicles;

22 (37) "Motorcycle", a motor vehicle operated on two wheels;

23 (38) "Motorized bicycle", any two-wheeled or three-wheeled  
24 device having an automatic transmission and a motor with a  
25 cylinder capacity of not more than fifty cubic centimeters, which  
26 produces less than three gross brake horsepower, and is capable  
27 of propelling the device at a maximum speed of not more than

1 thirty miles per hour on level ground;

2 (39) "Motortricycle", a motor vehicle upon which the  
3 operator straddles or sits astride that is designed to be  
4 controlled by handle bars and is operated on three wheels,  
5 including a motorcycle while operated with any conveyance,  
6 temporary or otherwise, requiring the use of a third wheel. A  
7 motortricycle shall not be included in the definition of  
8 all-terrain vehicle;

9 (40) "Municipality", any city, town or village, whether  
10 incorporated or not;

11 (41) "Nonresident", a resident of a state or country other  
12 than the state of Missouri;

13 (42) "Non-USA-std motor vehicle", a motor vehicle not  
14 originally manufactured in compliance with United States  
15 emissions or safety standards;

16 (43) "Operator", any person who operates or drives a motor  
17 vehicle;

18 (44) "Owner", any person, firm, corporation or association,  
19 who holds the legal title to a vehicle or in the event a vehicle  
20 is the subject of an agreement for the conditional sale or lease  
21 thereof with the right of purchase upon performance of the  
22 conditions stated in the agreement and with an immediate right of  
23 possession vested in the conditional vendee or lessee, or in the  
24 event a mortgagor of a vehicle is entitled to possession, then  
25 such conditional vendee or lessee or mortgagor shall be deemed  
26 the owner;

27 (45) "Public garage", a place of business where motor

1 vehicles are housed, stored, repaired, reconstructed or repainted  
2 for persons other than the owners or operators of such place of  
3 business;

4 (46) "Rebuilder", a business that repairs or rebuilds motor  
5 vehicles owned by the rebuilder, but does not include  
6 certificated common or contract carriers of persons or property;

7 (47) "Reconstructed motor vehicle", a vehicle that is  
8 altered from its original construction by the addition or  
9 substitution of two or more new or used major component parts,  
10 excluding motor vehicles made from all new parts, and new  
11 multistage manufactured vehicles;

12 (48) "Recreational motor vehicle", any motor vehicle  
13 designed, constructed or substantially modified so that it may be  
14 used and is used for the purposes of temporary housing quarters,  
15 including therein sleeping and eating facilities which are either  
16 permanently attached to the motor vehicle or attached to a unit  
17 which is securely attached to the motor vehicle. Nothing herein  
18 shall prevent any motor vehicle from being registered as a  
19 commercial motor vehicle if the motor vehicle could otherwise be  
20 so registered;

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

27 (50) "Recreational trailer", any trailer designed,

1 constructed, or substantially modified so that it may be used and  
2 is used for the purpose of temporary housing quarters, including  
3 therein sleeping or eating facilities, which can be temporarily  
4 attached to a motor vehicle or attached to a unit which is  
5 securely attached to a motor vehicle;

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

10 (52) "Saddlemount combination", a combination of vehicles  
11 in which a truck or truck tractor tows one or more trucks or  
12 truck tractors, each connected by a saddle to the frame or fifth  
13 wheel of the vehicle in front of it. The "saddle" is a mechanism  
14 that connects the front axle of the towed vehicle to the frame or  
15 fifth wheel of the vehicle in front and functions like a fifth  
16 wheel kingpin connection. When two vehicles are towed in this  
17 manner the combination is called a "double saddlemount  
18 combination". When three vehicles are towed in this manner, the  
19 combination is called a "triple saddlemount combination";

20 (53) "Salvage dealer and dismantler", a business that  
21 dismantles used motor vehicles for the sale of the parts thereof,  
22 and buys and sells used motor vehicle parts and accessories;

23 (54) "Salvage vehicle", a motor vehicle, semitrailer, or  
24 house trailer which:

25 (a) Was damaged during a year that is no more than six  
26 years after the manufacturer's model year designation for such  
27 vehicle to the extent that the total cost of repairs to rebuild

1 or reconstruct the vehicle to its condition immediately before it  
2 was damaged for legal operation on the roads or highways exceeds  
3 eighty percent of the fair market value of the vehicle  
4 immediately preceding the time it was damaged;

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

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

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

12 (e) Is abandoned property which is titled pursuant to  
13 section 304.155 or section 304.157 and designated with the words  
14 "salvage/abandoned property". The total cost of repairs to  
15 rebuild or reconstruct the vehicle shall not include the cost of  
16 repairing, replacing, or reinstalling inflatable safety  
17 restraints, tires, sound systems, or damage as a result of hail,  
18 or any sales tax on parts or materials to rebuild or reconstruct  
19 the vehicle. For purposes of this definition, "fair market  
20 value" means the retail value of a motor vehicle as:

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

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

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

4           (55) "School bus", any motor vehicle used solely to  
5 transport students to or from school or to transport students to  
6 or from any place for educational purposes;

7           (56) "Scrap processor", a business that, through the use of  
8 fixed or mobile equipment, flattens, crushes, or otherwise  
9 accepts motor vehicles and vehicle parts for processing or  
10 transportation to a shredder or scrap metal operator for  
11 recycling;

12           (57) "Shuttle bus", a motor vehicle used or maintained by  
13 any person, firm, or corporation as an incidental service to  
14 transport patrons or customers of the regular business of such  
15 person, firm, or corporation to and from the place of business of  
16 the person, firm, or corporation providing the service at no fee  
17 or charge. Shuttle buses shall not be registered as buses or as  
18 commercial motor vehicles;

19           (58) "Special mobile equipment", every self-propelled  
20 vehicle not designed or used primarily for the transportation of  
21 persons or property and incidentally operated or moved over the  
22 highways, including farm equipment, implements of husbandry, road  
23 construction or maintenance machinery, ditch-digging apparatus,  
24 stone crushers, air compressors, power shovels, cranes, graders,  
25 rollers, well-drillers and wood-sawing equipment used for hire,  
26 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,  
27 leveling graders, finished machines, motor graders, road rollers,

1 scarifiers, earth-moving carryalls, scrapers, drag lines,  
2 concrete pump trucks, rock-drilling and earth-moving equipment.  
3 This enumeration shall be deemed partial and shall not operate to  
4 exclude other such vehicles which are within the general terms of  
5 this section;

6 (59) "Specially constructed motor vehicle", a motor vehicle  
7 which shall not have been originally constructed under a  
8 distinctive name, make, model or type by a manufacturer of motor  
9 vehicles. The term specially constructed motor vehicle includes  
10 kit vehicles;

11 (60) "Stinger-steered combination", a truck  
12 tractor-semitrailer wherein the fifth wheel is located on a drop  
13 frame located behind and below the rearmost axle of the power  
14 unit;

15 (61) "Tandem axle", a group of two or more axles, arranged  
16 one behind another, the distance between the extremes of which is  
17 more than forty inches and not more than ninety-six inches apart;

18 (62) "Towaway trailer transporter combination", a  
19 combination of vehicles consisting of a trailer transporter  
20 towing unit and two trailers or semitrailers, with a total weight  
21 that does not exceed twenty-six thousand pounds; and in which the  
22 trailers or semitrailers carry no property and constitute  
23 inventory property of a manufacturer, distributor, or dealer of  
24 such trailers or semitrailers;

25 (63) "Tractor", "truck tractor" or "truck-tractor", a  
26 self-propelled motor vehicle designed for drawing other vehicles,  
27 but not for the carriage of any load when operating

1 independently. When attached to a semitrailer, it supports a  
2 part of the weight thereof;

3 (64) "Trailer", any vehicle without motive power designed  
4 for carrying property or passengers on its own structure and for  
5 being drawn by a self-propelled vehicle, except those running  
6 exclusively on tracks, including a semitrailer or vehicle of the  
7 trailer type so designed and used in conjunction with a  
8 self-propelled vehicle that a considerable part of its own weight  
9 rests upon and is carried by the towing vehicle. The term  
10 trailer shall not include cotton trailers as defined in this  
11 section and shall not include manufactured homes as defined in  
12 section 700.010;

13 (65) "Trailer transporter towing unit", a power unit that  
14 is not used to carry property when operating in a towaway trailer  
15 transporter combination;

16 (66) "Truck", a motor vehicle designed, used, or maintained  
17 for the transportation of property;

18 (67) "Truck-tractor semitrailer-semitrailer", a combination  
19 vehicle in which the two trailing units are connected with a  
20 B-train assembly which is a rigid frame extension attached to the  
21 rear frame of a first semitrailer which allows for a fifth-wheel  
22 connection point for the second semitrailer and has one less  
23 articulation point than the conventional A-dolly connected  
24 truck-tractor semitrailer-trailer combination;

25 (68) "Truck-trailer boat transporter combination", a boat  
26 transporter combination consisting of a straight truck towing a  
27 trailer using typically a ball and socket connection with the

1 trailer axle located substantially at the trailer center of  
2 gravity rather than the rear of the trailer but so as to maintain  
3 a downward force on the trailer tongue;

4 (69) "Used parts dealer", a business that buys and sells  
5 used motor vehicle parts or accessories, but not including a  
6 business that sells only new, remanufactured or rebuilt parts.  
7 Business does not include isolated sales at a swap meet of less  
8 than three days;

9 (70) "Utility vehicle", any motorized vehicle manufactured  
10 and used exclusively for off-highway use which is more than fifty  
11 inches but no more than sixty-seven inches in width, with an  
12 unladen dry weight of two thousand pounds or less, traveling on  
13 four or six wheels, to be used primarily for landscaping, lawn  
14 care, or maintenance purposes;

15 (71) "Vanpool", any van or other motor vehicle used or  
16 maintained by any person, group, firm, corporation, association,  
17 city, county or state agency, or any member thereof, for the  
18 transportation of not less than eight nor more than forty-eight  
19 employees, per motor vehicle, to and from their place of  
20 employment; however, a vanpool shall not be included in the  
21 definition of the term bus or commercial motor vehicle as defined  
22 in this section, nor shall a vanpool driver be deemed a chauffeur  
23 as that term is defined by section 303.020; nor shall use of a  
24 vanpool vehicle for ride-sharing arrangements, recreational,  
25 personal, or maintenance uses constitute an unlicensed use of the  
26 motor vehicle, unless used for monetary profit other than for use  
27 in a ride-sharing arrangement;

1           (72) "Vehicle", any mechanical device on wheels, designed  
2 primarily for use, or used, on highways, except motorized  
3 bicycles, vehicles propelled or drawn by horses or human power,  
4 or vehicles used exclusively on fixed rails or tracks, or cotton  
5 trailers or motorized wheelchairs operated by handicapped  
6 persons;

7           (73) "Wrecker" or "tow truck", any emergency commercial  
8 vehicle equipped, designed and used to assist or render aid and  
9 transport or tow disabled or wrecked vehicles from a highway,  
10 road, street or highway rights-of-way to a point of storage or  
11 repair, including towing a replacement vehicle to replace a  
12 disabled or wrecked vehicle;

13           (74) "Wrecker or towing service", the act of transporting,  
14 towing or recovering with a wrecker, tow truck, rollback or car  
15 carrier any vehicle not owned by the operator of the wrecker, tow  
16 truck, rollback or car carrier for which the operator directly or  
17 indirectly receives compensation or other personal gain.

18           301.030. 1. The director shall provide for the retention  
19 of license plates by the owners of motor vehicles, other than  
20 commercial motor vehicles, and shall establish a system of  
21 registration on a monthly series basis to distribute the work of  
22 registering motor vehicles as uniformly as practicable throughout  
23 the twelve months of the calendar year. For the purpose of  
24 assigning license plate numbers, each type of motor vehicle shall  
25 be considered a separate class. Commencing July 1, 1949, motor  
26 vehicles, other than commercial motor vehicles, shall be  
27 registered for a period of twelve consecutive calendar months.

1 There are established twelve registration periods, each of which  
2 shall start on the first day of each calendar month of the year  
3 and shall end on the last date of the twelfth month from the date  
4 of beginning. Fees for the renewal of noncommercial motor  
5 vehicle registrations shall be payable no later than the last day  
6 of the month that follows the twelfth month of the expired  
7 registration period. No delinquent renewal penalty shall be  
8 assessed under section 301.050, and no violation shall be issued  
9 under section 301.020 for an expired registration, prior to the  
10 second month that follows the twelfth month of the expired  
11 registration period.

12 2. Motor vehicles, other than commercial motor vehicles,  
13 operated for the first time upon the public highways of this  
14 state, to and including the fifteenth day of any given month,  
15 shall be subject to registration and payment of a fee for the  
16 twelve-month period commencing the first day of the month of such  
17 operation; motor vehicles, other than commercial motor vehicles,  
18 operated for the first time on the public highways of this state  
19 after the fifteenth day of any given month shall be subject to  
20 registration and payment of a fee for the twelve-month period  
21 commencing the first day of the next following calendar month.

22 3. All commercial motor vehicles and trailers, except those  
23 licensed under section 301.035 and those operated under  
24 agreements as provided for in sections 301.271 to 301.279, shall  
25 be registered either on a calendar year basis or on a prorated  
26 basis as provided in this section. The fees for commercial motor  
27 vehicles, trailers, semitrailers, and driveaway vehicles, other

1 than those to be operated under agreements as provided for in  
2 sections 301.271 to 301.279 shall be payable not later than the  
3 last day of February of each year, except when such vehicle is  
4 licensed between April first and July first the fee shall be  
5 three-fourths the annual fee, when licensed between July first  
6 and October first the fee shall be one-half the annual fee and  
7 when licensed on or after October first the fee shall be  
8 one-fourth the annual fee. Such license plates shall be made  
9 with fully reflective material with a common color scheme and  
10 design, shall be clearly visible at night, and shall be  
11 aesthetically attractive, as prescribed by section 301.130.

12 Local commercial motor vehicle license plates may also be so  
13 stamped, marked or designed as to indicate they are to be used  
14 only on local commercial motor vehicles and, in addition to such  
15 stamp, mark or design, the letter "F" shall also be displayed on  
16 local commercial motor vehicle license plates issued to motor  
17 vehicles used for farm or farming transportation operations as  
18 defined in section 301.010 in the manner prescribed by the  
19 advisory committee established in section 301.129. In addition,  
20 all commercial motor vehicle license plates may be so stamped or  
21 marked with a letter, figure or other emblem as to indicate the  
22 gross weight for which issued.

23 4. The director shall, upon application, issue registration  
24 and license plates for nine thousand pounds gross weight for  
25 property-carrying commercial motor vehicles referred to herein,  
26 upon payment of the fees prescribed for twelve thousand pounds  
27 gross weight as provided in section 301.057.

1           5. Notwithstanding any other provision of law to the  
2 contrary, any motorcycle or motortricycle registration issued by  
3 the Missouri department of revenue shall expire on June  
4 thirtieth.

5           301.032. 1. Notwithstanding the provisions of sections  
6 301.030 and 301.035 to the contrary, the director of revenue  
7 shall establish a system of registration of all fleet vehicles  
8 owned or purchased by a fleet owner registered pursuant to this  
9 section. The director of revenue shall prescribe the forms for  
10 such fleet registration and the forms and procedures for the  
11 registration updates prescribed in this section. Any owner of  
12 ten or more motor vehicles which must be registered in accordance  
13 with this chapter may register as a fleet owner. All registered  
14 fleet owners may, at their option, register all motor vehicles  
15 included in the fleet on a calendar year or biennial basis  
16 pursuant to this section in lieu of the registration periods  
17 provided in sections 301.030, 301.035, and 301.147. The director  
18 shall issue an identification number to each registered owner of  
19 fleet vehicles.

20           2. All fleet vehicles included in the fleet of a registered  
21 fleet owner shall be registered during April of the corresponding  
22 year or on a prorated basis as provided in subsection 3 of this  
23 section. Fees of all vehicles in the fleet to be registered on a  
24 calendar year basis or on a biennial basis shall be payable not  
25 later than the last day of April of the corresponding year, with  
26 two years' fees due for biennially-registered vehicles.

27 Notwithstanding the provisions of section 307.355, an application

1 for registration of a fleet vehicle must be accompanied by a  
2 certificate of inspection and approval issued no more than one  
3 hundred twenty days prior to the date of application. The fees  
4 for vehicles added to the fleet which must be licensed at the  
5 time of registration shall be payable at the time of  
6 registration, except that when such vehicle is licensed between  
7 July first and September thirtieth the fee shall be three-fourths  
8 the annual fee, when licensed between October first and December  
9 thirty-first the fee shall be one-half the annual fee and when  
10 licensed on or after January first the fee shall be one-fourth  
11 the annual fee. When biennial registration is sought for  
12 vehicles added to a fleet, an additional year's annual fee will  
13 be added to the partial year's prorated fee.

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

22 4. Except as specifically provided in this subsection, all  
23 fleet vehicles registered pursuant to this section shall be  
24 issued a special license plate which shall have the words "Fleet  
25 Vehicle" in place of the words "Show-Me State" in the manner  
26 prescribed by the advisory committee established in section  
27 301.129. Alternatively, for a one-time additional five dollar

1 per-vehicle fee beyond the regular registration fee, a fleet  
2 owner of at least fifty fleet vehicles may apply for fleet  
3 license plates bearing a company name or logo, the size and  
4 design thereof subject to approval by the director. All fleet  
5 license plates shall be made with fully reflective material with  
6 a common color scheme and design, shall be clearly visible at  
7 night, and shall be aesthetically attractive, as prescribed by  
8 section 301.130. Fleet vehicles shall be issued multiyear  
9 license plates as provided in this section which shall not  
10 require issuance of a renewal tab. Upon payment of appropriate  
11 registration fees, the director of revenue shall issue a  
12 registration certificate or other suitable evidence of payment of  
13 the annual or biennial fee, and such evidence of payment shall be  
14 carried at all times in the vehicle for which it is issued.

15 5. Notwithstanding the provisions of sections 307.350 to  
16 307.390 to the contrary, a fleet vehicle registered in Missouri  
17 is exempt from the requirements of sections 307.350 to 307.390 if  
18 at the time of the annual fleet registration, such fleet vehicle  
19 is situated outside the state of Missouri.

20 6. (1) Notwithstanding any other provisions of law to the  
21 contrary, any person, company, or corporation engaged in the  
22 business of renting or leasing three thousand five hundred or  
23 more motor vehicles which are to be used exclusively for rental  
24 or leasing purposes and not for resale that has applied to the  
25 director of revenue for authority to operate as a lease or rental  
26 company as prescribed in section 144.070 may operate as a  
27 registered fleet owner as prescribed in the provisions of this

1 subsection to subsection 10 of this section.

2 (2) The director of revenue may issue license plates after  
3 presentment of an application, as designed by the director, and  
4 payment of an annual fee of three hundred sixty dollars for the  
5 first ten plates and thirty-six dollars for each additional  
6 plate. The payment and issuance of such plates shall be in lieu  
7 of registering each motor vehicle with the director as otherwise  
8 provided by law.

9 (3) The registration fees for vehicles in the registered  
10 fleet owner's fleet shall be fully payable at the time such  
11 plates are ordered, except that when such plate is ordered after  
12 the first month of registration, the fees payable shall be  
13 prorated by the month the plates were ordered. When biennial  
14 registration is sought, an additional year's annual fee shall be  
15 added to the partial year's prorated fee.

16 (4) Such motor vehicles within the fleet shall not be  
17 exempted from the safety inspection and emissions inspection  
18 provisions as prescribed in chapters 307 and 643, but  
19 notwithstanding the provisions of section 307.355, such  
20 inspections shall not be required to be presented to the director  
21 of revenue.

22 7. A recipient of a lease or rental company license issued  
23 by the director of revenue as prescribed in section 144.070  
24 operating as a registered fleet owner under this section shall  
25 register such fleet with the director of revenue on an annual or  
26 biennial basis in lieu of the individual motor vehicle  
27 registration periods as prescribed in sections 301.030, 301.035,

1 and 301.147. If an applicant elects a biennial fleet  
2 registration, the annual fleet license plate fees prescribed in  
3 subdivision (1) of subsection 6 of this section shall be doubled.  
4 An agent fee as prescribed in subdivision (1) of subsection 1 of  
5 section 136.055 shall apply to the issuance of fleet  
6 registrations issued under subsections 6 to 10 of this section,  
7 and if a biennial fleet registration is elected, the agent fee  
8 shall be collected in an amount equal to the fee for two years.

9 8. Prior to the issuance of fleet license plates under  
10 subsections 6 to 10 of this section, the applicant shall provide  
11 proof of insurance as required under section 303.024 or 303.026.

12 9. The authority of a recipient of a lease or rental  
13 company license issued by the director of revenue as prescribed  
14 in section 144.070 to operate as a fleet owner as provided in  
15 this section shall expire on January first of the licensure  
16 period.

17 10. A lease or rental company operating fleet license  
18 plates issued under subsections 6 to 10 of this section shall  
19 make available, upon request, to the director of revenue and all  
20 Missouri law enforcement agencies any corresponding vehicle and  
21 registration information that may be requested as prescribed by  
22 rule.

23 11. The director shall make all necessary rules and  
24 regulations for the administration of this section and shall  
25 design all necessary forms required by this section. Any rule or  
26 portion of a rule, as that term is defined in section 536.010,  
27 that is created under the authority delegated in this section

1 shall become effective only if it complies with and is subject to  
2 all the provisions of chapter 536 and, if applicable, section  
3 536.028. This section and chapter 536 are nonseverable and if  
4 any of the powers vested with the general assembly under chapter  
5 536 to review, to delay the effective date, or to disapprove and  
6 annul a rule are subsequently held unconstitutional, then the  
7 grant of rulemaking authority and any rule proposed or adopted  
8 after August 28, 2019, shall be invalid and void.

9 301.451. (1) Any person who has been awarded the purple  
10 heart medal may apply for special motor vehicle license plates  
11 for any vehicle he or she owns, either solely or jointly, other  
12 than commercial vehicles weighing over twenty-four thousand  
13 pounds.

14 (2) Any such person shall make application for the special  
15 license plates on a form provided by the director of revenue and  
16 furnish such proof as a recipient of the purple heart medal as  
17 the director may require. The director shall then issue license  
18 plates bearing letters or numbers or a combination thereof, with  
19 the words "PURPLE HEART" in place of the words "SHOW-ME STATE" in  
20 a form prescribed by the advisory committee established in  
21 section 301.129.

22 (3) Such license plates shall be made with fully reflective  
23 material with a common color scheme and design, shall be clearly  
24 visible at night, and shall be aesthetically attractive, as  
25 prescribed by section 301.130.

26 (4) There shall be no fee charged for the first set of  
27 license plates issued to an eligible person under this section.

1 A second or subsequent set of license plates issued to the  
2 eligible person under this section shall be subject to regular  
3 registration fees but not to any fee in addition to regular  
4 registration fees [~~for the purple heart license plates issued to~~  
5 ~~the applicant~~].

6 (5) There shall be no limit on the number of license plates  
7 any person qualified under this section may obtain so long as  
8 each set of license plates issued under this section is issued  
9 for vehicles owned solely or jointly by such person.

10 (6) License plates issued under the provisions of this  
11 section shall not be transferable to any other person, except  
12 that, in the event of the death of the qualified person, any  
13 registered co-owner of the motor vehicle shall be entitled to  
14 [~~operate the motor vehicle for the duration of the year licensed~~  
15 ~~in the event of the death of the qualified person~~] use and renew  
16 the license plates until he or she remarries or, if he or she  
17 does not remarry, for the remainder of his or her life.

18 301.576. A motor vehicle dealer, as defined in section  
19 301.550, and the dealer's owners, shareholders, officers,  
20 employees, and agents who, in conjunction with the actual or  
21 potential sale or lease of a motor vehicle, arrange to provide,  
22 actually provide, or otherwise make available to a vehicle  
23 purchaser, lessee, or other person any third-party motor vehicle  
24 history report shall not be liable to the vehicle purchaser,  
25 lessee, or other person for any errors, omissions, or other  
26 inaccuracies contained in the third-party motor vehicle history  
27 report that are not based on information provided directly to the

1 preparer of the third-party motor vehicle history report by that  
2 dealer. For purposes of this section, a "third-party motor  
3 vehicle report" means any information prepared by a party other  
4 than the dealer relating to any one or more of the following:  
5 vehicle ownership or titling history; liens on the vehicle;  
6 vehicle service, maintenance, or repair history; vehicle  
7 condition; or vehicle accident or collision history. This  
8 section shall not apply in the case of any dealer having actual  
9 knowledge about a vehicle's accident, salvage, or service history  
10 which is different from, or not disclosed on, any third-party  
11 motor vehicle report.

12 301.3069. 1. Any Missouri resident may receive special  
13 license plates as prescribed in this section after an annual  
14 payment of an emblem-use authorization fee to Central Missouri  
15 Honor Flight. Central Missouri Honor Flight hereby authorizes  
16 the use of its official emblem to be affixed on multiyear  
17 personalized license plates as provided in this section for any  
18 vehicle the person owns, either solely or jointly, other than an  
19 apportioned motor vehicle or commercial motor vehicle licensed in  
20 excess of twenty-four thousand pounds gross weight. Any  
21 contribution to Central Missouri Honor Flight derived from this  
22 section, except reasonable administrative costs, shall be used  
23 solely for financial assistance to transport veterans to  
24 Washington D.C. to view various veteran memorials. Any Missouri  
25 resident may annually apply to Central Missouri Honor Flight for  
26 the use of the emblem.

27 2. Upon annual application and payment of a twenty-five

1 dollar emblem-use contribution to Central Missouri Honor Flight,  
2 the organization shall issue to the vehicle owner, without  
3 further charge, an emblem-use authorization statement, which  
4 shall be presented by the vehicle owner to the department of  
5 revenue at the time of registration of a motor vehicle. Upon  
6 presentation of the annual statement and payment of the fee  
7 required for personalized license plates in section 301.144, and  
8 other fees and documents which may be required by law, the  
9 department of revenue shall issue personalized license plates,  
10 which shall bear the emblem of Central Missouri Honor Flight, to  
11 the vehicle owner.

12 3. The license plate or plates authorized by this section  
13 shall be of a design submitted by Central Missouri Honor Flight  
14 and approved by the department, shall be made with fully  
15 reflective material with a common color scheme and design, shall  
16 be clearly visible at night, and shall be aesthetically  
17 attractive, as prescribed by section 301.130. The bidding  
18 process used to select a vendor for the material to manufacture  
19 the license plates authorized by this section shall consider the  
20 aesthetic appearance of the plates.

21 4. A vehicle owner who was previously issued plates with  
22 the Central Missouri Honor Flight emblem authorized by this  
23 section but who does not provide an emblem-use authorization  
24 statement at a subsequent time of registration shall be issued  
25 new plates which do not bear the Central Missouri Honor Flight  
26 emblem, as otherwise provided by law. The director of revenue  
27 shall make necessary rules and regulations for the enforcement of

1 this section and shall design all necessary forms required by  
2 this section.

3 301.3159. Any person who has been awarded the military  
4 service award known as the meritorious service medal may apply  
5 for special motor vehicle license plates for any motor vehicle  
6 such person owns, either solely or jointly, other than an  
7 apportioned motor vehicle or a commercial motor vehicle licensed  
8 in excess of twenty-four thousand pounds gross weight. Any such  
9 person shall make application for the special license plates on a  
10 form provided by the director of revenue and furnish such proof  
11 as a recipient of the meritorious service medal as the director  
12 may require. The director shall then issue license plates  
13 bearing letters or numbers or a combination thereof as determined  
14 by the advisory committee established in section 301.129, with  
15 the words "MERITORIOUS SERVICE" in place of the words "SHOW-ME  
16 STATE". Such license plates shall be made with fully reflective  
17 material with a common color scheme and design, shall be clearly  
18 visible at night, and shall be aesthetically attractive, as  
19 prescribed by section 301.130. Such plates shall also bear an  
20 image of the meritorious service medal. There shall be an  
21 additional fee charged for each set of meritorious service  
22 license plates issued under this section equal to the fee charged  
23 for personalized license plates. There shall be no limit on the  
24 number of license plates any person qualified under this section  
25 may obtain so long as each set of license plates issued under  
26 this section is issued for vehicles owned solely or jointly by  
27 such person. License plates issued under the provisions of this

1 section shall not be transferable to any other person except that  
2 any registered co-owner of the motor vehicle shall be entitled to  
3 operate the motor vehicle with such plates for the duration of  
4 the year licensed in the event of the death of the qualified  
5 person.

6 301.3174. 1. Any Missouri resident may receive special  
7 license plates as prescribed in this section after an annual  
8 payment of an emblem-use authorization fee to the Association of  
9 Missouri Electric Cooperatives. The Association of Missouri  
10 Electric Cooperatives hereby authorizes the use of its official  
11 lineman emblem to be affixed on multiyear personalized license  
12 plates as provided in this section for any vehicle the person  
13 owns, either solely or jointly [~~, other than an apportioned motor~~  
14 ~~vehicle or commercial motor vehicle licensed in excess of twenty~~  
15 ~~four thousand pounds gross weight~~]. Any contribution to such  
16 association derived from this section, except reasonable  
17 administrative costs, shall be used solely for financial  
18 assistance for lineman training programs. Any Missouri resident  
19 may annually apply to the association for the use of the emblem.

20 2. Upon annual application and payment of a twenty-five  
21 dollar emblem-use contribution to the Association of Missouri  
22 Electric Cooperatives, the association shall issue to the vehicle  
23 owner, without further charge, an emblem-use authorization  
24 statement, which shall be presented by the vehicle owner to the  
25 department of revenue at the time of registration of a motor  
26 vehicle. Upon presentation of the annual statement and payment  
27 of the fee required for personalized license plates in section

1 301.144, and other fees and documents which may be required by  
2 law, the department of revenue shall issue a personalized license  
3 plate or plates, which shall bear the emblem of the Association  
4 of Missouri Electric Cooperatives' lineman, to the vehicle owner.  
5 Notwithstanding any provision of law to the contrary, the  
6 department of revenue shall issue the license plate or plates, as  
7 authorized in this section, for non-apportioned vehicles of any  
8 classification for which it issues a license plate or plates.

9 3. The license plate or plates authorized by this section  
10 shall be of a design submitted by the Association of Missouri  
11 Electric Cooperatives and approved by the department, shall be  
12 made with fully reflective material with a common color scheme  
13 and design, shall be clearly visible at night, and shall be  
14 aesthetically attractive, as prescribed by section 301.130. The  
15 bidding process used to select a vendor for the material to  
16 manufacture the license plates authorized by this section shall  
17 consider the aesthetic appearance of the plate or plates.

18 4. A vehicle owner, who was previously issued a plate or  
19 plates with the Association of Missouri Electric Cooperatives'  
20 lineman emblem authorized by this section but who does not  
21 provide an emblem-use authorization statement at a subsequent  
22 time of registration, shall be issued a new plate or plates which  
23 do not bear the Association of Missouri Electric Cooperatives'  
24 lineman emblem, as otherwise provided by law. The director of  
25 revenue shall make necessary rules and regulations for the  
26 enforcement of this section, and shall design all necessary forms  
27 required by this section.

1           302.020. 1. Unless otherwise provided for by law, it shall  
2 be unlawful for any person, except those expressly exempted by  
3 section 302.080, to:

4           (1) Operate any vehicle upon any highway in this state  
5 unless the person has a valid license;

6           (2) Operate a motorcycle or motortricycle upon any highway  
7 of this state unless such person has a valid license that shows  
8 the person has successfully passed an examination for the  
9 operation of a motorcycle or motortricycle as prescribed by the  
10 director. The director may indicate such upon a valid license  
11 issued to such person, or shall issue a license restricting the  
12 applicant to the operation of a motorcycle or motortricycle if  
13 the actual demonstration, required by section 302.173, is  
14 conducted on such vehicle;

15           (3) Authorize or knowingly permit a motorcycle or  
16 motortricycle owned by such person or under such person's control  
17 to be driven upon any highway by any person whose license does  
18 not indicate that the person has passed the examination for the  
19 operation of a motorcycle or motortricycle or has been issued an  
20 instruction permit therefor;

21           (4) Operate a motor vehicle with an instruction permit or  
22 license issued to another person.

23           2. Every person under eighteen years of age who is  
24 operating or riding as a passenger on any motorcycle or  
25 motortricycle, as defined in section 301.010, upon any highway of  
26 this state shall wear protective headgear at all times the  
27 vehicle is in motion; except that, any person eighteen years of

1 age or older operating any motorcycle or motortricycle who has  
2 been issued an instruction permit shall wear protective headgear  
3 at all times the vehicle is in motion. The protective headgear  
4 shall meet reasonable standards and specifications established by  
5 the director.

6 3. Notwithstanding the provisions of section 302.340 any  
7 person convicted of violating subdivision (1) or (2) of  
8 subsection 1 of this section is guilty of a misdemeanor. A first  
9 violation of subdivision (1) or (2) of subsection 1 of this  
10 section shall be punishable as a class D misdemeanor. A second  
11 violation of subdivision (1) or (2) of subsection 1 of this  
12 section shall be punishable as a class A misdemeanor. Any person  
13 convicted a third or subsequent time of violating subdivision (1)  
14 or (2) of subsection 1 of this section is guilty of a class E  
15 felony. Notwithstanding the provisions of section 302.340,  
16 violation of subdivisions (3) and (4) of subsection 1 of this  
17 section is a misdemeanor, the first violation punishable as a  
18 class D misdemeanor, a second or subsequent violation of this  
19 section punishable as a class C misdemeanor, and the penalty for  
20 failure to wear protective headgear as required by subsection 2  
21 of this section is an infraction for which a fine not to exceed  
22 twenty-five dollars may be imposed. Notwithstanding all other  
23 provisions of law and court rules to the contrary, no court costs  
24 shall be imposed upon any person due to such violation. No points  
25 shall be assessed pursuant to section 302.302 for a failure to  
26 wear such protective headgear. Prior pleas of guilty and prior  
27 findings of guilty shall be pleaded and proven in the same manner

1 as required by section 558.021.

2 302.026. 1. Any qualified motorcycle operator who is  
3 eighteen years of age or older may operate a motorcycle or  
4 motortricycle upon any highway of this state without wearing  
5 protective headgear if he or she in addition to maintaining proof  
6 of financial responsibility in accordance with chapter 303, is  
7 covered by a health insurance policy or other form of insurance  
8 which will provide the person with medical benefits for injuries  
9 incurred as a result of an accident while operating or riding on  
10 a motorcycle or motortricycle.

11 2. Proof of coverage required by subsection 1 of this  
12 section shall be provided, upon request by authorized law  
13 enforcement, by showing a copy of the qualified operator's  
14 insurance card.

15 302.171. 1. The director shall verify that an applicant  
16 for a driver's license is a Missouri resident or national of the  
17 United States or a noncitizen with a lawful immigration status,  
18 and a Missouri resident before accepting the application. The  
19 director shall not issue a driver's license for a period that  
20 exceeds the duration of an applicant's lawful immigration status  
21 in the United States. The director may establish procedures to  
22 verify the Missouri residency or United States naturalization or  
23 lawful immigration status and Missouri residency of the applicant  
24 and establish the duration of any driver's license issued under  
25 this section. Notwithstanding any other provision of law to the  
26 contrary, the director shall accept electronic versions of the  
27 documents required to verify Missouri residency. An application

1 for a license shall be made upon an approved form furnished by  
2 the director. Every application shall state the full name,  
3 Social Security number, age, height, weight, color of eyes, sex,  
4 residence, mailing address of the applicant, and the  
5 classification for which the applicant has been licensed, and, if  
6 so, when and by what state, and whether or not such license has  
7 ever been suspended, revoked, or disqualified, and, if revoked,  
8 suspended or disqualified, the date and reason for such  
9 suspension, revocation or disqualification and whether the  
10 applicant is making a one dollar donation to promote an organ  
11 donation program as prescribed in subsection 2 of this section. A  
12 driver's license, nondriver's license, or instruction permit  
13 issued under this chapter shall contain the applicant's legal  
14 name as it appears on a birth certificate or as legally changed  
15 through marriage or court order. No name change by common usage  
16 based on common law shall be permitted. The application shall  
17 also contain such information as the director may require to  
18 enable the director to determine the applicant's qualification  
19 for driving a motor vehicle; and shall state whether or not the  
20 applicant has been convicted in this or any other state for  
21 violating the laws of this or any other state or any ordinance of  
22 any municipality, relating to driving without a license, careless  
23 driving, or driving while intoxicated, or failing to stop after  
24 an accident and disclosing the applicant's identity, or driving a  
25 motor vehicle without the owner's consent. The application shall  
26 contain a certification by the applicant as to the truth of the  
27 facts stated therein. Every person who applies for a license to

1 operate a motor vehicle who is less than twenty-one years of age  
2 shall be provided with educational materials relating to the  
3 hazards of driving while intoxicated, including information on  
4 penalties imposed by law for violation of the  
5 intoxication-related offenses of the state. Beginning January 1,  
6 2001, if the applicant is less than eighteen years of age, the  
7 applicant must comply with all requirements for the issuance of  
8 an intermediate driver's license pursuant to section 302.178.  
9 For persons mobilized and deployed with the United States Armed  
10 Forces, an application under this subsection shall be considered  
11 satisfactory by the department of revenue if it is signed by a  
12 person who holds general power of attorney executed by the person  
13 deployed, provided the applicant meets all other requirements set  
14 by the director.

15 2. An applicant for a license may make a donation of one  
16 dollar to promote an organ donor program. The director of  
17 revenue shall collect the donations and deposit all such  
18 donations in the state treasury to the credit of the organ donor  
19 program fund established in sections 194.297 to 194.304. Moneys  
20 in the organ donor program fund shall be used solely for the  
21 purposes established in sections 194.297 to 194.304 except that  
22 the department of revenue shall retain no more than one percent  
23 for its administrative costs. The donation prescribed in this  
24 subsection is voluntary and may be refused by the applicant for  
25 the license at the time of issuance or renewal of the license.  
26 The director shall make available an informational booklet or  
27 other informational sources on the importance of organ and tissue

1 donations to applicants for licensure as designed by the organ  
2 donation advisory committee established in sections 194.297 to  
3 194.304. The director shall inquire of each applicant at the  
4 time the licensee presents the completed application to the  
5 director whether the applicant is interested in making the one  
6 dollar donation prescribed in this subsection and whether the  
7 applicant is interested in inclusion in the organ donor registry  
8 and shall also specifically inform the licensee of the ability to  
9 consent to organ donation by placing a donor symbol sticker  
10 authorized and issued by the department of health and senior  
11 services on the back of his or her driver's license or  
12 identification card as prescribed by subdivision (1) of  
13 subsection 1 of section 194.225. A symbol may be placed on the  
14 front of the license or identification card indicating the  
15 applicant's desire to be listed in the registry at the  
16 applicant's request at the time of his or her application for a  
17 driver's license or identification card, or the applicant may  
18 instead request an organ donor sticker from the department of  
19 health and senior services by application on the department of  
20 health and senior services' website. Upon receipt of an organ  
21 donor sticker sent by the department of health and senior  
22 services, the applicant shall place the sticker on the back of  
23 his or her driver's license or identification card to indicate  
24 that he or she has made an anatomical gift. The director shall  
25 notify the department of health and senior services of  
26 information obtained from applicants who indicate to the director  
27 that they are interested in registry participation, and the

1 department of health and senior services shall enter the complete  
2 name, address, date of birth, race, gender and a unique personal  
3 identifier in the registry established in subsection 1 of section  
4 194.304.

5 3. An applicant for a license may make a donation of one  
6 dollar to promote a blindness education, screening and treatment  
7 program. The director of revenue shall collect the donations and  
8 deposit all such donations in the state treasury to the credit of  
9 the blindness education, screening and treatment program fund  
10 established in section 209.015. Moneys in the blindness  
11 education, screening and treatment program fund shall be used  
12 solely for the purposes established in section 209.015; except  
13 that the department of revenue shall retain no more than one  
14 percent for its administrative costs. The donation prescribed in  
15 this subsection is voluntary and may be refused by the applicant  
16 for the license at the time of issuance or renewal of the  
17 license. The director shall inquire of each applicant at the  
18 time the licensee presents the completed application to the  
19 director whether the applicant is interested in making the one  
20 dollar donation prescribed in this subsection.

21 4. Beginning July 1, 2005, the director shall deny the  
22 driving privilege of any person who commits fraud or deception  
23 during the examination process or who makes application for an  
24 instruction permit, driver's license, or nondriver's license  
25 which contains or is substantiated with false or fraudulent  
26 information or documentation, or who knowingly conceals a  
27 material fact or otherwise commits a fraud in any such

1 application. The period of denial shall be one year from the  
2 effective date of the denial notice sent by the director. The  
3 denial shall become effective ten days after the date the denial  
4 notice is mailed to the person. The notice shall be mailed to  
5 the person at the last known address shown on the person's  
6 driving record. The notice shall be deemed received three days  
7 after mailing unless returned by the postal authorities. No such  
8 individual shall reapply for a driver's examination, instruction  
9 permit, driver's license, or nondriver's license until the period  
10 of denial is completed. No individual who is denied the driving  
11 privilege under this section shall be eligible for a limited  
12 driving privilege issued under section 302.309.

13 5. All appeals of denials under this section shall be made  
14 as required by section 302.311.

15 6. The period of limitation for criminal prosecution under  
16 this section shall be extended under subdivision (1) of  
17 subsection 3 of section 556.036.

18 7. The director may promulgate rules and regulations  
19 necessary to administer and enforce this section. No rule or  
20 portion of a rule promulgated pursuant to the authority of this  
21 section shall become effective unless it has been promulgated  
22 pursuant to chapter 536.

23 8. Notwithstanding any provision of this chapter that  
24 requires an applicant to provide proof of Missouri residency for  
25 renewal of a noncommercial driver's license, noncommercial  
26 instruction permit, or nondriver's license, an applicant who is  
27 sixty-five years and older and who was previously issued a

1 Missouri noncommercial driver's license, noncommercial  
2 instruction permit, or Missouri nondriver's license is exempt  
3 from showing proof of Missouri residency.

4 9. Notwithstanding any provision of this chapter, for the  
5 renewal of a noncommercial driver's license, noncommercial  
6 instruction permit, or nondriver's license, a photocopy of an  
7 applicant's United States birth certificate along with another  
8 form of identification approved by the department of revenue,  
9 including, but not limited to, United States military  
10 identification or United States military discharge papers, shall  
11 constitute sufficient proof of Missouri citizenship.

12 10. Notwithstanding any other provision of this chapter, if  
13 an applicant does not meet the requirements of subsection 8 of  
14 this section and does not have the required documents to prove  
15 Missouri residency, United States naturalization, or lawful  
16 immigration status, the department may issue a one-year driver's  
17 license renewal. This one-time renewal shall only be issued to  
18 an applicant who previously has held a Missouri noncommercial  
19 driver's license, noncommercial instruction permit, or  
20 nondriver's license for a period of fifteen years or more and who  
21 does not have the required documents to prove Missouri residency,  
22 United States naturalization, or lawful immigration status.  
23 After the expiration of the one-year period, no further renewal  
24 shall be provided without the applicant producing proof of  
25 Missouri residency, United States naturalization, or lawful  
26 immigration status.

27 302.205. 1. Any resident of this state may elect to have a

1 medical alert notation placed on the person's driver's license or  
2 nondriver's identification card. The following conditions,  
3 illnesses, and disorders may be recorded on a driver's license or  
4 nondriver's identification card as medical alert information at  
5 the request of the applicant:

6 (1) Posttraumatic stress disorder;

7 (2) Diabetes;

8 (3) Heart conditions;

9 (4) Epilepsy;

10 (5) Drug allergies;

11 (6) Alzheimer's or dementia;

12 (7) Schizophrenia;

13 (8) Autism; or

14 (9) Other conditions as approved by the director of the  
15 department of revenue or his or her designee.

16 2. Any person requesting the inclusion of a medical alert  
17 notation on his or her driver's license or nondriver's  
18 identification card shall submit an application form to include a  
19 waiver of liability for the release of any medical information to  
20 the department, any person who is eligible for access to such  
21 medical information as recorded on the person's driving record  
22 under this chapter, and any other person who may view or receive  
23 notice of such medical information by virtue of having seen such  
24 person's driver's license or nondriver's identification card.  
25 Such application shall advise the person that he or she will be  
26 consenting to the release of such medical information to anyone  
27 who sees or copies his or her driver's license or nondriver's

1 identification card, even if such person is otherwise ineligible  
2 to access such medical information under state or federal law.

3 3. Such application shall include space for a person  
4 requesting the inclusion of a medical alert notation on his or  
5 her driver's license or nondriver's identification card to obtain  
6 a sworn statement from a person licensed to practice medicine or  
7 psychology in this state verifying such diagnosis.

8 4. Any person who has been issued a driver's license or  
9 nondriver's identification card bearing medical alert information  
10 may be issued a replacement driver's license or nondriver's  
11 identification card excluding such medical alert information at  
12 his or her request and upon payment of the fee provided in this  
13 chapter for replacement of lost licenses or identification cards.

14 5. No medical alert information shall be printed on or  
15 removed from a driver's license or nondriver's identification  
16 card without the express consent of the licensee. If the  
17 licensee is a child under the age of eighteen, consent for the  
18 printing of medical alert information shall be provided by the  
19 parent or guardian of the child when he or she signs the  
20 application for the driver's license or nondriver's  
21 identification card. If the licensee is an incapacitated adult,  
22 consent for the printing of medical alert information shall be  
23 given by the guardian of such adult as appointed by a court of  
24 competent jurisdiction.

25 6. The director of the department of revenue may promulgate  
26 all necessary rules and regulations for the administration of  
27 this section. Any rule or portion of a rule, as that term is

1 defined in section 536.010, that is created under the authority  
2 delegated in this section shall become effective only if it  
3 complies with and is subject to all of the provisions of chapter  
4 536 and, if applicable, section 536.028. This section and  
5 chapter 536 are nonseverable, and if any of the powers vested  
6 with the general assembly pursuant to chapter 536 to review, to  
7 delay the effective date, or to disapprove and annul a rule are  
8 subsequently held unconstitutional, then the grant of rulemaking  
9 authority and any rule proposed or adopted after August 28, 2020,  
10 shall be invalid and void.

11 304.170. 1. No vehicle operated upon the highways of this  
12 state shall have a width, including load, in excess of one  
13 hundred two inches, except clearance lights, rearview mirrors or  
14 other accessories required by federal, state or city law or  
15 regulation. Provided however, a recreational vehicle as defined  
16 in section 700.010 may exceed the foregoing width limits if the  
17 appurtenances on such recreational vehicle extend no further than  
18 the rearview mirrors. Such mirrors may only extend the distance  
19 necessary to provide the required field of view before the  
20 appurtenances were attached.

21 2. No vehicle operated upon the interstate highway system  
22 or upon any route designated by the state highways and  
23 transportation commission shall have a height, including load, in  
24 excess of fourteen feet. On all other highways, no vehicle shall  
25 have a height, including load, in excess of thirteen and one-half  
26 feet, except that any vehicle or combination of vehicles  
27 transporting automobiles or other motor vehicles may have a

1 height, including load, of not more than fourteen feet.

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

5 4. No bus, recreational motor vehicle or trackless trolley  
6 coach operated upon the highways of this state shall have a  
7 length in excess of forty-five feet, except that such vehicles  
8 may exceed the forty-five feet length when such excess length is  
9 caused by the projection of a front safety bumper or a rear  
10 safety bumper or both. Such safety bumper shall not cause the  
11 length of the bus or recreational motor vehicle to exceed the  
12 forty-five feet length limit by more than one foot in the front  
13 and one foot in the rear. Notwithstanding any provision of this  
14 section to the contrary, an articulated bus, comprised of two or  
15 more sections connected by a flexible joint or other mechanism,  
16 may be up to sixty feet in length, not including safety bumpers  
17 which may extend one foot in front and one foot in the rear, and  
18 not including bicycle storage racks which may extend over the  
19 safety bumper by up to five feet when in the down position  
20 transporting a bicycle. The term "safety bumper" means any  
21 device which may be fitted on an existing bumper or which  
22 replaces the bumper and is so constructed, treated, or  
23 manufactured that it absorbs energy upon impact.

24 5. No combination of truck-tractor and semitrailer or  
25 truck-tractor equipped with dromedary and semitrailer operated  
26 upon the highways of this state shall have a length, including  
27 load, in excess of sixty feet; except that in order to comply

1 with the provisions of P.L. 97-424 codified in Title 23 of the  
2 United States Code, 23 U.S.C. Section 101, et al., as amended, no  
3 combination of truck-tractor and semitrailer or truck-tractor  
4 equipped with dromedary and semitrailer operated upon the  
5 interstate highway system of this state shall have an overall  
6 length, including load, in excess of the length of the  
7 truck-tractor plus the semitrailer or truck-tractor equipped with  
8 dromedary and semitrailer. The length of such semitrailer shall  
9 not exceed fifty-three feet.

10 6. In order to comply with the provisions of P.L. 97-424  
11 codified in Title 23 of the United States Code, 23 U.S.C. Section  
12 101, et al., as amended, no combination of truck-tractor,  
13 semitrailer and trailer operated upon the interstate highway  
14 system of this state shall have an overall length, including  
15 load, in excess of the length of the truck-tractor plus the  
16 semitrailer and trailer, neither of which semitrailer or trailer  
17 shall exceed twenty-eight feet in length, except that any  
18 existing semitrailer or trailer up to twenty-eight and one-half  
19 feet in length actually and lawfully operated on December 1,  
20 1982, within a sixty-five foot overall length limit in any state,  
21 may continue to be operated upon the interstate highways of this  
22 state. On those primary highways not designated by the state  
23 highways and transportation commission as provided in subsection  
24 11 of this section, no combination of truck-tractor, semitrailer  
25 and trailer shall have an overall length, including load, in  
26 excess of sixty-five feet; provided, however, the commission may  
27 designate additional routes for such sixty-five foot

1 combinations.

2 7. (1) Automobile transporters, boat transporters,  
3 truck-trailer boat transporter combinations, and stinger-steered  
4 combination boat transporters having a length not in excess of  
5 seventy-five feet may be operated on the interstate highways of  
6 this state and such other highways as may be designated by the  
7 commission for the operation of such vehicles plus a distance not  
8 to exceed ten miles from such interstate or designated highway.  
9 All length provisions regarding automobile or boat transporters,  
10 truck-trailer boat transporter combinations and stinger-steered  
11 combination boat transporters shall include a semitrailer length  
12 not to exceed fifty-three feet and are exclusive of front and  
13 rear overhang, which shall be no greater than a three-foot front  
14 overhang and no greater than a four-foot rear overhang.

15 (2) Stinger-steered combination automobile transporters  
16 having a length not in excess of eighty feet may be operated on  
17 the interstate highways of this state and such other highways as  
18 may be designated by the commission for the operation of such  
19 vehicles plus a distance not to exceed ten miles from such  
20 interstate or designated highway. All length provisions  
21 regarding stinger-steered automobile combination transporters are  
22 exclusive of front and rear overhang, which shall be no greater  
23 than a four-foot front overhang and no greater than a six-foot  
24 rear overhang.

25 (3) Automobile transporters may transport cargo or general  
26 freight on a backhaul, as long as in compliance with weight  
27 limitations for a truck-tractor and semitrailer combination as

1 outlined in section 304.180.

2 8. Driveaway saddlemount combinations having a length not  
3 in excess of ninety-seven feet may be operated on the interstate  
4 highways of this state and such other highways as may be  
5 designated by the commission for the operation of such vehicles  
6 plus a distance not to exceed ten miles from such interstate or  
7 designated highway. Saddlemount combinations must comply with  
8 the safety requirements of Section 393.71 of Title 49 of the Code  
9 of Federal Regulations and may contain no more than three  
10 saddlemounted vehicles and one fullmount.

11 9. No truck-tractor semitrailer-semitrailer combination  
12 vehicles operated upon the interstate and designated primary  
13 highway system of this state shall have a semitrailer length in  
14 excess of twenty-eight feet or twenty-eight and one-half feet if  
15 the semitrailer was in actual and lawful operation in any state  
16 on December 1, 1982, operating in a truck-tractor  
17 semitrailer-semitrailer combination. The B-train assembly is  
18 excluded from the measurement of semitrailer length when used  
19 between the first and second semitrailer of a truck-tractor  
20 semitrailer-semitrailer combination, except that when there is no  
21 semitrailer mounted to the B-train assembly, it shall be included  
22 in the length measurement of the semitrailer.

23 10. No towaway trailer transporter combination vehicles  
24 operated upon the interstate and designated primary highway  
25 system of this state shall have an overall length of more than  
26 eighty-two feet.

27 11. The commission is authorized to designate routes on the

1 state highway system other than the interstate system over which  
2 those combinations of vehicles of the lengths specified in  
3 subsections 5, 6, 7, 8, 9, and 10 of this section may be  
4 operated. Combinations of vehicles operated under the provisions  
5 of subsections 5, 6, 7, 8, 9, and 10 of this section may be  
6 operated at a distance not to exceed ten miles from the  
7 interstate system and such routes as designated under the  
8 provisions of this subsection.

9 12. Except as provided in subsections 5, 6, 7, 8, 9, 10,  
10 and 11 of this section, no other combination of vehicles operated  
11 upon the primary or interstate highways of this state plus a  
12 distance of ten miles from a primary or interstate highway shall  
13 have an overall length, unladen or with load, in excess of  
14 sixty-five feet or in excess of fifty-five feet on any other  
15 highway.

16 13. (1) Except as hereinafter provided, these restrictions  
17 shall not apply to:

18 (a) Agricultural implements operating occasionally on the  
19 highways for short distances including tractor parades for  
20 fund-raising activities or special events, provided the tractors  
21 are driven by licensed drivers during daylight hours only and  
22 with the approval of the superintendent of the Missouri state  
23 highway patrol; ~~or to~~

24 (b) Self-propelled hay-hauling equipment or to implements  
25 of husbandry, or to the movement of farm products as defined in  
26 section 400.9-102 or to vehicles temporarily transporting  
27 agricultural implements or implements of husbandry or road-making

1 machinery, or road materials or towing for repair purposes  
2 vehicles that have become disabled upon the highways; ~~[or to]~~

3 (c) Vehicles towing trailers specifically designed to carry  
4 harvested cotton, either as a single trailer or in tandem, with a  
5 total length, including the trailer or trailers, of not more than  
6 ninety-three feet; such vehicles shall only be used to haul  
7 harvested cotton, except when hauling hay within the state to  
8 areas affected by drought as determined by the National Drought  
9 Mitigation Center; or

10 (d) Implement dealers delivering or moving farm machinery  
11 for repairs on any state highway other than the interstate  
12 system.

13 (2) Implements of husbandry and vehicles transporting such  
14 machinery or equipment and the movement of farm products as  
15 defined in section 400.9-102 may be operated occasionally for  
16 short distances on state highways when operated between the hours  
17 of sunrise and sunset by a driver licensed as an operator or  
18 chauffeur.

19 (3) Notwithstanding any other provision of law to the  
20 contrary, agricultural machinery and implements may be operated  
21 on state highways between the hours of sunset and sunrise for  
22 agricultural purposes provided such vehicles are equipped with  
23 lighting meeting the requirements of section 307.115.

24 14. As used in this chapter the term "implements of  
25 husbandry" means all self-propelled machinery operated at speeds  
26 of less than thirty miles per hour, specifically designed for, or  
27 especially adapted to be capable of, incidental over-the-road and

1 primary offroad usage and used exclusively for the application of  
2 commercial plant food materials or agricultural chemicals, and  
3 not specifically designed or intended for transportation of such  
4 chemicals and materials.

5 15. Sludge disposal units may be operated on all state  
6 highways other than the interstate system. Such units shall not  
7 exceed one hundred thirty-eight inches in width and may be  
8 equipped with over-width tires. Such units shall observe all  
9 axle weight limits. The commission shall issue special permits  
10 for the movement of such disposal units and may by such permits  
11 restrict the movements to specified routes, days and hours.

12 304.172. The provisions of sections 304.170 to 304.240  
13 relating to height, width, ~~[weight,]~~ and length ~~[and load]~~  
14 restrictions for motor vehicles shall not apply to any motor  
15 vehicle and its attached apparatus which is designed for use and  
16 used by a fire department, fire protection district or volunteer  
17 fire protection association or when being operated by a fire  
18 apparatus manufacturer or sales organization for the purpose of  
19 sale, demonstration, exhibit, or delivery to a fire department,  
20 fire protection district or volunteer fire protection  
21 association.

22 304.180. 1. No vehicle or combination of vehicles shall be  
23 moved or operated on any highway in this state having a greater  
24 weight than twenty thousand pounds on one axle, no combination of  
25 vehicles operated by transporters of general freight over regular  
26 routes as defined in section 390.020 shall be moved or operated  
27 on any highway of this state having a greater weight than the

1 vehicle manufacturer's rating on a steering axle with the maximum  
2 weight not to exceed twelve thousand pounds on a steering axle,  
3 and no vehicle shall be moved or operated on any state highway of  
4 this state having a greater weight than thirty-four thousand  
5 pounds on any tandem axle; the term "tandem axle" shall mean a  
6 group of two or more axles, arranged one behind another, the  
7 distance between the extremes of which is more than forty inches  
8 and not more than ninety-six inches apart.

9         2. An "axle load" is defined as the total load transmitted  
10 to the road by all wheels whose centers are included between two  
11 parallel transverse vertical planes forty inches apart, extending  
12 across the full width of the vehicle.

13         3. Subject to the limit upon the weight imposed upon a  
14 highway of this state through any one axle or on any tandem axle,  
15 the total gross weight with load imposed by any group of two or  
16 more consecutive axles of any vehicle or combination of vehicles  
17 shall not exceed the maximum load in pounds as set forth in the  
18 following table:

19  
20 Distance in feet between the extremes of any group of two or more  
21 consecutive axles, measured to the nearest foot, except where  
22 indicated otherwise

	Maximum load in pounds					
feet	2 axles	3 axles	4 axles	5 axles	6 axles	
4	34,000					
5	34,000					
6	34,000					

1	7	34,000				
2	8	34,000	34,000			
3	More than 8		38,000	42,000		
4	9	39,000	42,500			
5	10	40,000	43,500			
6	11	40,000	44,000			
7	12	40,000	45,000	50,000		
8	13	40,000	45,500	50,500		
9	14	40,000	46,500	51,500		
10	15	40,000	47,000	52,000		
11	16	40,000	48,000	52,500	58,000	
12	17	40,000	48,500	53,500	58,500	
13	18	40,000	49,500	54,000	59,000	
14	19	40,000	50,000	54,500	60,000	
15	20	40,000	51,000	55,500	60,500	66,000
16	21	40,000	51,500	56,000	61,000	66,500
17	22	40,000	52,500	56,500	61,500	67,000
18	23	40,000	53,000	57,500	62,500	68,000
19	24	40,000	54,000	58,000	63,000	68,500
20	25	40,000	54,500	58,500	63,500	69,000
21	26	40,000	55,500	59,500	64,000	69,500
22	27	40,000	56,000	60,000	65,000	70,000
23	28	40,000	57,000	60,500	65,500	71,000
24	29	40,000	57,500	61,500	66,000	71,500
25	30	40,000	58,500	62,000	66,500	72,000
26	31	40,000	59,000	62,500	67,500	72,500
27	32	40,000	60,000	63,500	68,000	73,000

1	33	40,000	60,000	64,000	68,500	74,000
2	34	40,000	60,000	64,500	69,000	74,500
3	35	40,000	60,000	65,500	70,000	75,000
4	36		60,000	66,000	70,500	75,500
5	37		60,000	66,500	71,000	76,000
6	38		60,000	67,500	72,000	77,000
7	39		60,000	68,000	72,500	77,500
8	40		60,000	68,500	73,000	78,000
9	41		60,000	69,500	73,500	78,500
10	42		60,000	70,000	74,000	79,000
11	43		60,000	70,500	75,000	80,000
12	44		60,000	71,500	75,500	80,000
13	45		60,000	72,000	76,000	80,000
14	46		60,000	72,500	76,500	80,000
15	47		60,000	73,500	77,500	80,000
16	48		60,000	74,000	78,000	80,000
17	49		60,000	74,500	78,500	80,000
18	50		60,000	75,500	79,000	80,000
19	51		60,000	76,000	80,000	80,000
20	52		60,000	76,500	80,000	80,000
21	53		60,000	77,500	80,000	80,000
22	54		60,000	78,000	80,000	80,000
23	55		60,000	78,500	80,000	80,000
24	56		60,000	79,500	80,000	80,000
25	57		60,000	80,000	80,000	80,000

26

27 Notwithstanding the above table, two consecutive sets of tandem

1 axles may carry a gross load of thirty-four thousand pounds each  
2 if the overall distance between the first and last axles of such  
3 consecutive sets of tandem axles is thirty-six feet or more.

4 4. Whenever the state highways and transportation  
5 commission finds that any state highway bridge in the state is in  
6 such a condition that use of such bridge by vehicles of the  
7 weights specified in subsection 3 of this section will endanger  
8 the bridge, or the users of the bridge, the commission may  
9 establish maximum weight limits and speed limits for vehicles  
10 using such bridge. The governing body of any city or county may  
11 grant authority by act or ordinance to the commission to enact  
12 the limitations established in this section on those roadways  
13 within the purview of such city or county. Notice of the weight  
14 limits and speed limits established by the commission shall be  
15 given by posting signs at a conspicuous place at each end of any  
16 such bridge.

17 5. Nothing in this section shall be construed as permitting  
18 lawful axle loads, tandem axle loads or gross loads in excess of  
19 those permitted under the provisions of P.L. 97-424 codified in  
20 Title 23 of the United States Code (23 U.S.C. Section 101, et  
21 al.), as amended.

22 6. Notwithstanding the weight limitations contained in this  
23 section, any vehicle or combination of vehicles operating on  
24 highways other than the interstate highway system may exceed  
25 single axle, tandem axle and gross weight limitations in an  
26 amount not to exceed two thousand pounds. However, total gross  
27 weight shall not exceed eighty thousand pounds, except as

1 provided in subsections 9, 10, 12, and 13 of this section.

2 7. Notwithstanding any provision of this section to the  
3 contrary, the commission shall issue a single-use special permit,  
4 or upon request of the owner of the truck or equipment shall  
5 issue an annual permit, for the transporting of any crane or  
6 concrete pump truck or well-drillers' equipment. The commission  
7 shall set fees for the issuance of permits and parameters for the  
8 transport of cranes pursuant to this subsection. Notwithstanding  
9 the provisions of section 301.133, cranes, concrete pump trucks,  
10 or well-drillers' equipment may be operated on state-maintained  
11 roads and highways at any time on any day.

12 8. Notwithstanding the provision of this section to the  
13 contrary, the maximum gross vehicle limit and axle weight limit  
14 for any vehicle or combination of vehicles equipped with an idle  
15 reduction technology may be increased by a quantity necessary to  
16 compensate for the additional weight of the idle reduction system  
17 as provided for in 23 U.S.C. Section 127, as amended. In no case  
18 shall the additional weight increase allowed by this subsection  
19 be greater than five hundred fifty pounds. Upon request by an  
20 appropriate law enforcement officer, the vehicle operator shall  
21 provide proof that the idle reduction technology is fully  
22 functional at all times and that the gross weight increase is not  
23 used for any purpose other than for the use of idle reduction  
24 technology.

25 9. Notwithstanding any provision of this section or any  
26 other law to the contrary, the total gross weight of any vehicle  
27 or combination of vehicles hauling milk, from a farm to a

1 processing facility or livestock may be as much as, but shall not  
2 exceed, eighty-five thousand five hundred pounds while operating  
3 on highways other than the interstate highway system. The  
4 provisions of this subsection shall not apply to vehicles  
5 operated and operating on the Dwight D. Eisenhower System of  
6 Interstate and Defense Highways.

7 10. Notwithstanding any provision of this section or any  
8 other law to the contrary, any vehicle or combination of vehicles  
9 hauling grain or grain coproducts during times of harvest may be  
10 as much as, but not exceeding, ten percent over the maximum  
11 weight limitation allowable under subsection 3 of this section  
12 while operating on highways other than the interstate highway  
13 system. The provisions of this subsection shall not apply to  
14 vehicles operated and operating on the Dwight D. Eisenhower  
15 System of Interstate and Defense Highways.

16 11. Notwithstanding any provision of this section or any  
17 other law to the contrary, the commission shall issue emergency  
18 utility response permits for the transporting of utility wires or  
19 cables, poles, and equipment needed for repair work immediately  
20 following a disaster where utility service has been disrupted.  
21 Under exigent circumstances, verbal approval of such operation  
22 may be made either by the department of transportation motor  
23 carrier compliance supervisor or other designated motor carrier  
24 services representative. Utility vehicles and equipment used to  
25 assist utility companies granted special permits under this  
26 subsection may be operated and transported on state-maintained  
27 roads and highways at any time on any day. The commission shall

1 promulgate all necessary rules and regulations for the  
2 administration of this section. Any rule or portion of a rule,  
3 as that term is defined in section 536.010, that is created under  
4 the authority delegated in this section shall become effective  
5 only if it complies with and is subject to all of the provisions  
6 of chapter 536 and, if applicable, section 536.028. This section  
7 and chapter 536 are nonseverable and if any of the powers vested  
8 with the general assembly pursuant to chapter 536 to review, to  
9 delay the effective date, or to disapprove and annul a rule are  
10 subsequently held unconstitutional, then the grant of rulemaking  
11 authority and any rule proposed or adopted after August 28, 2014,  
12 shall be invalid and void.

13 12. Notwithstanding any provision of this section to the  
14 contrary, emergency vehicles designed to be used under emergency  
15 conditions to transport personnel and equipment and to support  
16 the suppression of fires and mitigate hazardous situations may  
17 have a maximum gross vehicle weight of eighty-six thousand pounds  
18 inclusive of twenty-four thousand pounds on a single steering  
19 axle; thirty-three thousand five hundred pounds on a single drive  
20 axle; sixty-two thousand pounds on a tandem axle; or fifty-two  
21 thousand pounds on a tandem rear-drive steer axle; except that,  
22 such emergency vehicles shall only operate on the Dwight D.  
23 Eisenhower National System of Interstate and Defense Highways.

24 13. Notwithstanding any provision of this section to the  
25 contrary, a vehicle operated by an engine fueled primarily by  
26 natural gas may operate upon the public highways of this state in  
27 excess of the vehicle weight limits set forth in this section by

1 an amount that is equal to the difference between the weight of  
2 the vehicle attributable to the natural gas tank and fueling  
3 system carried by that vehicle and the weight of a comparable  
4 diesel tank and fueling system. In no event shall the maximum  
5 gross vehicle weight of the vehicle operating with a natural gas  
6 engine exceed eighty-two thousand pounds.

7 305.800. As used in sections 305.800 to 305.810, the  
8 following terms mean:

9 (1) "Abandoned aircraft", an aircraft left in a wrecked,  
10 inoperative, or partially dismantled condition at an airport; or  
11 an aircraft that has remained in an idle state at an airport for  
12 forty-five consecutive calendar days without a contractual  
13 agreement between the owner or operator of the aircraft and the  
14 airport for use of the airport premises;

15 (2) "Airport superintendent", the person or group of people  
16 authorized to make decisions on behalf of an airport;

17 (3) "Derelict aircraft", any aircraft that is not in a  
18 flyable condition, does not have a current certificate of  
19 airworthiness issued by the Federal Aviation Administration, and  
20 is not in the process of actively being repaired.

21 305.802. 1. If a derelict aircraft or abandoned aircraft  
22 is discovered on airport property, the airport superintendent  
23 shall:

24 (1) Make a record of the date the aircraft was discovered  
25 on the airport property; and

26 (2) Inquire as to the name and address of any person having  
27 an equitable or legal interest in the aircraft, including the

1 owner and any lienholders, by:

2 (a) Contacting the Federal Aviation Administration,  
3 aircraft registration branch, and making a diligent search of the  
4 appropriate records; or

5 (b) Contacting an aircraft title search company.

6 2. Within ten business days of receiving the information  
7 requested under subsection 1 of this section, the airport  
8 superintendent shall notify the owner and all other interested  
9 parties by certified mail, return receipt requested:

10 (1) Of the location of the derelict or abandoned aircraft  
11 on the airport property;

12 (2) That fees and charges for the use of the airport by the  
13 aircraft have accrued and the amount of those fees and charges;

14 (3) That the aircraft is subject to a lien under section  
15 305.806 for any unpaid and accrued fees and charges for the use  
16 of the airport and for the transportation, storage, and removal  
17 of the aircraft;

18 (4) That the lien is subject to enforcement under this  
19 section;

20 (5) That the airport may use, trade, sell, or remove the  
21 aircraft as described in section 305.804 if, within thirty  
22 calendar days after the date of receipt of the notice, the owner  
23 or other interested party has not removed the aircraft from the  
24 airport and paid in full all accrued fees and charges for the use  
25 of the airport and for the transportation, storage, and removal  
26 of the aircraft; and

27 (6) That the airport superintendent may remove the aircraft

1 in less than thirty calendar days if the aircraft poses a danger  
2 to the health or safety of users of the airport, as determined by  
3 the airport superintendent.

4 3. (1) If the owner of the aircraft is unknown or cannot be  
5 found after the inquiry required under subdivision (2) of  
6 subsection 1 of this section, the airport superintendent shall  
7 place a notice upon the aircraft in a conspicuous place  
8 containing the information required under subdivisions (2), (3),  
9 (4), (5), and (6) of subsection 2 of this section.

10 (2) The notice required under subdivision (1) of this  
11 subsection shall be not less than eight inches by ten inches and  
12 shall be laminated or otherwise sufficiently weatherproof to  
13 withstand normal exposure to rain, snow, and other conditions.

14 305.804. 1. If the owner or other interested party has not  
15 removed the aircraft from the airport and paid in full all  
16 accrued fees and charges for the use of the airport and for the  
17 transportation, storage, and removal of the aircraft, or shown  
18 reasonable cause for the failure to do so within thirty calendar  
19 days of the airport superintendent posting notice under section  
20 305.802, the airport superintendent may:

21 (1) Retain the aircraft for use by the airport, the state,  
22 or the unit of local government owning or operating the airport;

23 (2) Trade the aircraft to another unit of local government  
24 or a state agency;

25 (3) Sell the aircraft; or

26 (4) Dispose of the aircraft through an appropriate refuse  
27 removal company or a company that provides salvage services for

1 aircraft.

2 2. If the airport superintendent elects to sell the aircraft  
3 in accordance with subdivision (3) of subsection 1 of this  
4 section, the aircraft shall be sold at public auction after  
5 giving notice of the time and place of sale, at least ten  
6 calendar days prior to the date of sale, in a newspaper of  
7 general circulation within the county where the airport is  
8 located and after providing written notice of the intended sale  
9 to all parties known to have an interest in the aircraft.

10 3. If the airport superintendent elects to dispose of the  
11 aircraft in accordance with subdivision (4) of subsection 1 of  
12 this section, the airport superintendent shall be entitled to  
13 negotiate with the company for a price to be received from the  
14 company in payment for the aircraft, or, if circumstances so  
15 warrant, a price to be paid to the company by the airport  
16 superintendent for the costs of disposing of the aircraft. All  
17 information and records pertaining to the establishment of the  
18 price and the justification for the amount of the price shall be  
19 prepared and maintained by the airport superintendent.

20 4. If the sale price or the negotiated price is less than  
21 the airport superintendent's current fees and charges against the  
22 aircraft, the owner of the aircraft shall remain liable to the  
23 airport superintendent for the fees and charges that are not  
24 offset by the sale price or negotiated price.

25 5. All costs incurred by the airport superintendent in the  
26 removal, storage, and sale of any aircraft shall be recoverable  
27 against the owner of the aircraft.

1           305.806. 1. The airport superintendent shall have a lien on  
2 a derelict or abandoned aircraft for all unpaid fees and charges  
3 for the use of the airport by the aircraft and for all unpaid  
4 costs incurred by the airport superintendent for the  
5 transportation, storage, and removal of the aircraft. As a  
6 prerequisite to perfecting a lien under this section, the airport  
7 superintendent shall serve a notice on the last registered owner  
8 and all persons having an equitable or legal interest in the  
9 aircraft.

10           2. (1) For the purpose of perfecting a lien under this  
11 section, the airport superintendent shall file a claim of lien  
12 that states:

13           (a) The name and address of the airport;

14           (b) The name of the last registered owner of the aircraft  
15 and all persons having a legal or equitable interest in the  
16 aircraft;

17           (c) The fees and charges incurred by the aircraft for the  
18 use of the airport and the costs for the transportation, storage,  
19 and removal of the aircraft; and

20           (d) A description of the aircraft sufficient for  
21 identification.

22           (2) The claim of lien shall be signed and sworn to or  
23 affirmed by the airport superintendent's director or the  
24 director's designee.

25           (3) The claim of lien shall be served on the last  
26 registered owner of the aircraft and all persons having an  
27 equitable or legal interest in the aircraft. The claim of lien

1 shall be served before filing.

2 (4) The claim of lien shall be filed with the proper office  
3 according to section 400-9.501. The filing of the claim of lien  
4 shall be constructive notice to all persons of the contents and  
5 effect of such claim. The lien shall attach at the time of  
6 filing and shall take priority as of that time.

7 305.808. 1. If the aircraft is sold, the airport  
8 superintendent shall satisfy the airport superintendent's lien,  
9 plus the reasonable expenses of notice, advertisement, and sale  
10 from the proceeds of the sale.

11 2. The balance of the proceeds of the sale, if any, shall  
12 be held by the airport superintendent and delivered on demand to  
13 the owner of the aircraft.

14 3. If no person claims the balance within twelve months of  
15 the date of sale, the airport shall retain the funds and use the  
16 funds for airport operations.

17 305.810. 1. Any person acquiring a legal interest in an  
18 aircraft under sections 305.800 to 305.810 shall be the lawful  
19 owner of the aircraft and all other legal or equitable interests  
20 in that aircraft shall be divested; provided that, the holder of  
21 any legal or equitable interest was notified of the intended  
22 disposal of the aircraft as required under sections 305.800 to  
23 305.810.

24 2. The airport superintendent may issue documents of  
25 disposition to the purchaser or recipient of an aircraft disposed  
26 of under sections 305.800 to 305.810.

27 306.127. 1. Beginning January 1, 2005, every person born

1 after January 1, 1984, or as required pursuant to section  
2 306.128, who operates a vessel on the lakes of this state shall  
3 possess, on the vessel, a boating safety identification card  
4 issued by the water patrol division or its agent which shows that  
5 he or she has:

6 (1) Successfully completed a boating safety course approved  
7 by the National Association of State Boating Law Administrators  
8 and certified by the water patrol division. The boating safety  
9 course may include a course sponsored by the United States Coast  
10 Guard Auxiliary or the United States Power Squadron. The water  
11 patrol division may appoint agents to administer a boater  
12 education course or course equivalency examination and issue  
13 boater identification cards under guidelines established by the  
14 water patrol. The water patrol division shall maintain a list of  
15 approved courses; or

16 (2) Successfully passed an equivalency examination prepared  
17 by the water patrol division and administered by the water patrol  
18 division or its agent. The equivalency examination shall have a  
19 degree of difficulty equal to, or greater than, that of the  
20 examinations given at the conclusion of an approved boating  
21 safety course; or

22 (3) A valid master's, mate's, or operator's license issued  
23 by the United States Coast Guard.

24 2. The water patrol division or its agent shall issue a  
25 permanent boating safety identification card to each person who  
26 complies with the requirements of this section which is valid for  
27 life unless invalidated pursuant to law.

1           3. The water patrol division may charge a fee for such card  
2 or any replacement card that does not substantially exceed the  
3 costs of administrating this section. The water patrol division  
4 or its designated agent shall collect such fees. These funds  
5 shall be forwarded to general revenue.

6           4. The provisions of this section shall not apply to any  
7 person who:

8           (1) Is licensed by the United States Coast Guard to serve  
9 as master of a vessel;

10          (2) Operates a vessel only on a private lake or pond that  
11 is not classified as waters of the state;

12          (3) Until January 1, 2006, is a nonresident who is visiting  
13 the state for sixty days or less;

14          (4) Is participating in an event or regatta approved by the  
15 water patrol;

16          (5) Is a nonresident who has proof of a valid boating  
17 certificate or license issued by another state if the boating  
18 course is approved by the National Association of State Boating  
19 Law Administrators (NASBLA);

20          (6) Is exempted by rule of the water patrol;

21          (7) Is currently serving in any branch of the United States  
22 Armed Forces, reserves, or Missouri National Guard, or any spouse  
23 of a person currently in such service; or

24          (8) Has previously successfully completed a boating safety  
25 education course approved by the National Association of State  
26 Boating Law Administrators (NASBLA).

27          5. The water patrol division shall inform other states of

1 the requirements of this section.

2 6. No individual shall be detained or stopped strictly for  
3 the purpose of checking whether the individual possesses a  
4 boating safety identification card or a temporary boater  
5 education permit.

6 7. Any person or company that rents or sells vessels may  
7 issue a temporary boating safety identification card to an  
8 individual to operate a rented vessel or a vessel being  
9 considered for sale, for a period of up to seven days, provided  
10 that the individual meets the minimum age requirements for  
11 operating a vessel in this state. In order to qualify for the  
12 temporary boating safety identification card, the applicant shall  
13 provide a valid driver's license and shall sign an affidavit that  
14 he or she has reviewed the Missouri state highway patrol handbook  
15 of Missouri boating laws and responsibilities. Any individual  
16 holding a valid temporary boating safety identification card  
17 shall be deemed in compliance with the requirements of this  
18 section. The Missouri state highway patrol shall charge a fee of  
19 nine dollars for such temporary boating safety identification  
20 card. Individuals shall not be eligible for more than one  
21 temporary boating safety identification card. No person or  
22 company may issue a temporary boating safety identification card  
23 to an individual under the provisions of this subsection unless  
24 such person or company is capable of submitting the applicant's  
25 temporary boating safety identification card information and  
26 payment in an electronic format as prescribed by the Missouri  
27 state highway patrol. The business entity issuing a temporary

1 boating safety identification card to an individual under the  
2 provisions of this subsection shall transmit the applicant's  
3 temporary boating safety identification card information  
4 electronically to the Missouri state highway patrol, in a manner  
5 and format prescribed by the superintendent, using an electronic  
6 online registration process developed and provided by the  
7 Missouri state highway patrol. The electronic online process  
8 developed and provided by the Missouri state highway patrol shall  
9 allow the applicant to pay the temporary boating safety  
10 identification card fee by credit card or debit card.  
11 Notwithstanding any provision in section 306.185 to the contrary,  
12 all fees collected under the authority of this subsection shall  
13 be deposited in the water patrol division fund. The Missouri  
14 state highway patrol shall promulgate rules for developing the  
15 temporary boating safety identification card and any requirements  
16 necessary to the issuance, processing, and payment of the  
17 temporary boating safety identification card. The Missouri state  
18 highway patrol shall, by rule, develop a boating safety checklist  
19 for each applicant seeking a temporary boating safety  
20 identification card. Nothing in this subsection shall allow a  
21 holder of a temporary boating safety identification card to  
22 receive a notation on the person's driver's license or nondriver  
23 identification under section 302.184. The provisions of this  
24 subsection shall expire on December 31, ~~[2022]~~ 2032.

25 307.179. 1. As used in this section, the following terms  
26 shall mean:

27 (1) "Child booster seat", a seating system which meets the

1 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R.  
2 571.213, as amended, that is designed to elevate a child to  
3 properly sit in a federally approved safety belt system;

4 (2) "Child passenger restraint system", a seating system  
5 which meets the Federal Motor Vehicle Safety Standards set forth  
6 in 49 C.F.R. 571.213, as amended, and which is either permanently  
7 affixed to a motor vehicle or is affixed to such vehicle by a  
8 safety belt or a universal attachment system;

9 (3) "Driver", a person who is in actual physical control of  
10 a motor vehicle.

11 2. Every driver transporting a child under the age of  
12 sixteen years shall be responsible, when transporting such child  
13 in a motor vehicle operated by that driver on the streets or  
14 highways of this state, for providing for the protection of such  
15 child as follows:

16 (1) Children shall be secured in a rear-facing child  
17 passenger restraint system until the child reaches two years of  
18 age;

19 (2) Children less than four years of age, regardless of  
20 weight, shall be secured in a child passenger restraint system  
21 appropriate for that child;

22 [~~2~~] (3) Children weighing less than forty pounds,  
23 regardless of age, shall be secured in a child passenger  
24 restraint system appropriate for that child;

25 [~~3~~] (4) Children at least four years of age but less than  
26 eight years of age, who also weigh at least forty pounds but less  
27 than eighty pounds, and who are also less than four feet, nine

1 inches tall, shall be secured in a child passenger restraint  
2 system or booster seat appropriate for that child;

3 ~~[(4)]~~ (5) Children at least eighty pounds or children more  
4 than four feet, nine inches in height shall be secured by a  
5 vehicle safety belt or booster seat appropriate for that child;

6 ~~[(5)]~~ (6) A child who otherwise would be required to be  
7 secured in a booster seat may be transported in the back seat of  
8 a motor vehicle while wearing only a lap belt if the back seat of  
9 the motor vehicle is not equipped with a combination lap and  
10 shoulder belt for booster seat installation;

11 ~~[(6)]~~ (7) When transporting children in the immediate  
12 family when there are more children than there are seating  
13 positions in the enclosed area of a motor vehicle, the children  
14 who are not able to be restrained by a child safety restraint  
15 device appropriate for the child shall sit in the area behind the  
16 front seat of the motor vehicle unless the motor vehicle is  
17 designed only for a front seat area. The driver transporting  
18 children referred to in this subsection is not in violation of  
19 this section.

20  
21 This subsection shall only apply to the use of a child passenger  
22 restraint system or vehicle safety belt for children less than  
23 sixteen years of age being transported in a motor vehicle.

24 3. Any driver who violates subdivision (1), (2), ~~[(3)]~~ (3),  
25 or (4) of subsection 2 of this section is guilty of an infraction  
26 and, upon conviction, may be punished by a fine of not more than  
27 fifty dollars and court costs. Any driver who violates

1 subdivision ~~[(4)]~~ (5) of subsection 2 of this section shall be  
2 subject to the penalty in subsection 6 of section 307.178. If a  
3 driver receives a citation for violating subdivision (1), (2),  
4 ~~[or]~~ (3), or (4) of subsection 2 of this section, the charges  
5 shall be dismissed or withdrawn if the driver prior to or at his  
6 or her hearing provides evidence of acquisition of a child  
7 passenger restraint system or child booster seat which is  
8 satisfactory to the court or the party responsible for  
9 prosecuting the driver's citation.

10 4. The provisions of this section shall not apply to any  
11 public carrier for hire. The provisions of this section shall  
12 not apply to students four years of age or older who are  
13 passengers on a school bus designed for carrying eleven  
14 passengers or more and which is manufactured or equipped pursuant  
15 to Missouri Minimum Standards for School Buses as school buses  
16 are defined in section 301.010.

17 5. The highways and transportation commission shall  
18 initiate and develop a program of public information to develop  
19 understanding of, and ensure compliance with, the provisions of  
20 this section.

21 407.1025. As used in sections 407.1025 to 407.1049, unless  
22 the context otherwise requires, the following terms mean:

23 (1) "Administrative hearing commission", the body  
24 established in chapter 621 to conduct administrative hearings;

25 (2) "All-terrain vehicle", any motorized vehicle  
26 manufactured and used exclusively for off-highway use which is  
27 fifty inches or less in width, with an unladen dry weight of six

1 hundred pounds or less, traveling on three, four or more low  
2 pressure tires, with a seat designed to be straddled by the  
3 operator, and handlebars for steering control;

4 (3) "Coerce", to force a person to act in a given manner or  
5 to compel by pressure or threat but shall not be construed to  
6 include the following:

7 (a) Good faith recommendations, exposition, argument,  
8 persuasion or attempts at persuasion;

9 (b) Notice given in good faith to any franchisee of such  
10 franchisee's violation of terms or provisions of such franchise  
11 or contractual agreement;

12 (c) Any other conduct set forth in section 407.1043 as a  
13 defense to an action brought pursuant to sections 407.1025 to  
14 407.1049; or

15 (d) Any other conduct set forth in sections 407.1025 to  
16 407.1049 that is permitted of the franchisor or is expressly  
17 excluded from coercion or a violation of sections 407.1025 to  
18 407.1049;

19 (4) "Franchise", a written arrangement or contract for a  
20 definite or indefinite period, in which a person grants to  
21 another person a license to use, or the right to grant to others  
22 a license to use, a trade name, trademark, service mark, or  
23 related characteristics, in which there is a community of  
24 interest in the marketing of goods or services, or both, at  
25 wholesale or retail, by agreement, lease or otherwise, and in  
26 which the operation of the franchisee's business with respect to  
27 such franchise is substantially reliant on the franchisor for the

1 continued supply of franchised new ~~[motorcycles or all-terrain]~~  
2 powersport vehicles, parts and accessories for sale at wholesale  
3 or retail;

4 (5) "Franchisee", a person to whom a franchise is granted;

5 (6) "Franchisor", a person who grants a franchise to  
6 another person;

7 (7) "Motorcycle", a motor vehicle operated on two wheels;

8 (8) "New", when referring to ~~[motorcycles or all-terrain]~~  
9 powersport vehicles or parts, means those ~~[motorcycles or~~  
10 ~~all-terrain]~~ powersport vehicles or parts which have not been  
11 held except as inventory, as that term is defined in subdivision  
12 (4) of section 400.9-109;

13 (9) "Person", a sole proprietor, partnership, corporation,  
14 or any other form of business organization;

15 (10) "Powersport vehicle", includes but is not limited to  
16 any motorcycle, all-terrain vehicle, motorized bicycle,  
17 motortricycle, recreational off-highway vehicle, or utility  
18 vehicle, as defined in section 301.010, or personal watercraft as  
19 defined in section 306.010.

20 407.1028. Any person who is engaged or engages directly or  
21 indirectly in purposeful contacts within the state of Missouri in  
22 connection with the offering, advertising, purchasing, selling,  
23 or contracting to purchase or to sell new ~~[motorcycles or~~  
24 ~~all-terrain]~~ powersport vehicles, or who, being a ~~[motorcycle or~~  
25 ~~all-terrain]~~ powersport vehicle franchisor, is transacting or  
26 transacts any business with a ~~[motorcycle or all-terrain]~~  
27 powersport vehicle franchisee who maintains a place of business

1 within the state and with whom the person has a franchise, shall  
2 be subject to the jurisdiction of the courts of the state of  
3 Missouri, upon service of process in accordance with the  
4 provisions of section 506.510, irrespective of whether such  
5 person is a manufacturer, importer, distributor or dealer in new  
6 ~~motorcycles or all-terrain~~ powersport vehicles.

7 407.1031. 1. Any party seeking relief pursuant to the  
8 provisions of sections 407.1025 to 407.1049 may file an  
9 application for a hearing with the administrative hearing  
10 commission within the time periods specified in this section.  
11 The application for a hearing shall comply with the requirements  
12 for a request for agency action set forth in chapter 536.  
13 Simultaneously, with the filing of the application for a hearing  
14 with the administrative hearing commission, the applicant shall  
15 send by certified mail, return receipt requested, a copy of the  
16 application to the party or parties against whom relief is  
17 sought. Within ten days of receiving a timely application for a  
18 hearing, the administrative hearing commission shall enter an  
19 order fixing a date, time and place for a hearing on the record.  
20 Such hearing shall be within forty-five days of the date of the  
21 order but the administrative hearing commission may continue the  
22 hearing date up to twenty-five additional days by agreement of  
23 the parties or upon a finding of good cause. The administrative  
24 hearing commission shall send by certified mail, return receipt  
25 requested, a copy of the order to the party seeking relief and to  
26 the party or parties against whom relief is sought. The order  
27 shall also state that the party against whom relief is sought

1 shall not proceed with the initiation of its activity or  
2 activities until the administrative hearing commission issues its  
3 final decision or order.

4 2. Unless otherwise expressly provided in sections 407.1025  
5 to 407.1049, the provisions of chapter 536 shall govern hearings  
6 and prehearing procedures conducted pursuant to the authority of  
7 this section. The administrative hearing commission shall issue  
8 a final decision or order, in proceedings arising pursuant to the  
9 provisions of sections 407.1025 to 407.1049, within forty-five  
10 days from the conclusion of the hearing. Any final decisions  
11 shall be subject to review pursuant to a petition for review to  
12 be filed in the court of appeals in the district in which the  
13 hearing, or any part of the hearing, is held and by delivery of  
14 copies of the petition to each party of record, within thirty  
15 days after the mailing or delivery of the final decision and  
16 notice of the final decision in such a case. Review pursuant to  
17 this section shall be exclusive and decisions of the  
18 administrative hearing commission reviewable pursuant to this  
19 section shall not be reviewable in any other proceeding, and no  
20 other official or court shall have power to review any such  
21 decision by an action in the nature of mandamus or otherwise,  
22 except pursuant to the provisions of this section. The party  
23 seeking review shall be responsible for the filing of the  
24 transcript and record of all proceedings before the  
25 administrative hearing commission with the appropriate court of  
26 appeals.

27 3. Any franchisee receiving a notice from a franchisor

1 pursuant to the provisions of sections 407.1025 to 407.1049, or  
2 any franchisee adversely affected by a franchisor's acts or  
3 proposed acts described in the provisions of sections 407.1025 to  
4 407.1049, shall be entitled to file an application for a hearing  
5 before the administrative hearing commission for a determination  
6 as to whether the franchisor has good cause for its acts or  
7 proposed acts.

8 4. Not less than sixty days before the effective date of  
9 the initiation of any enumerated act pursuant to subdivisions  
10 (5), (6), (7) and (14) of section 407.1034, a franchisor shall  
11 give written notice to the affected franchisee or franchisees, by  
12 certified mail, return receipt requested, except as follows:

13 (1) Upon the initiation of an act pursuant to subdivision  
14 (5) of section 407.1034, such notice shall be given not less than  
15 fifteen days before the effective date of such act only if the  
16 grounds for the notice include the following:

17 (a) Transfer of any ownership or interest in the franchised  
18 dealership without the consent of the [~~motorcycle or all-terrain~~]  
19 powersport vehicle franchisor;

20 (b) Material misrepresentation by the [~~motorcycle or~~  
21 ~~all-terrain~~] powersport vehicle franchisee in applying for the  
22 franchise;

23 (c) Insolvency of the [~~motorcycle or all-terrain~~]  
24 powersport vehicle franchisee or the filing of any petition by or  
25 against the [~~motorcycle or all-terrain~~] powersport vehicle  
26 franchisee under any bankruptcy or receivership law;

27 (d) Any unfair business practice by the [~~motorcycle or~~

1 ~~all-terrain]~~ powersport vehicle franchisee after the [~~motorcycle~~  
2 ~~or all-terrain]~~ powersport vehicle franchisor has issued a  
3 written warning to the [~~motorcycle or all-terrain]~~ powersport  
4 vehicle franchisee to desist from such practice;

5 (e) Conviction of the [~~motorcycle or all-terrain]~~  
6 powersport vehicle franchisee of a crime which is a felony;

7 (f) Failure of the [~~motorcycle or all-terrain]~~ powersport  
8 vehicle franchisee to conduct customary sales and service  
9 operations during customary business hours for at least seven  
10 consecutive business days unless such closing is due to an act of  
11 God, strike or labor difficulty or other cause over which [~~the~~  
12 ~~motorcycle or all-terrain vehicle]~~ such franchisee has no  
13 control; or

14 (g) Revocation of the [~~motorcycle or all-terrain]~~  
15 powersport vehicle franchisee's license to operate as a dealer of  
16 powersport vehicles;

17 (2) Upon initiation of an act pursuant to subdivision (7)  
18 of section 407.1034, such notice shall be given within sixty days  
19 of the franchisor's receipt of a written proposal to consummate  
20 such sale or transfer and the receipt of all necessary  
21 information and documents generally used by the franchisor to  
22 conduct its review. The franchisor's notice of disapproval shall  
23 also specify the reasonable standard which the franchisor  
24 contends is not satisfied and the reason the franchisor contends  
25 such standard is not satisfied. Failure on the part of the  
26 franchisor to provide such notice shall be conclusively deemed an  
27 approval by the franchisor of the proposed sale or transfer to

1 the proposed transferee. A franchisee's application for a  
2 hearing shall be filed with the administrative hearing commission  
3 within fifteen days from receipt of such franchisor's notice;

4 (3) Pursuant to paragraphs (a) and (b) of subdivision (14)  
5 of section 407.1034, such notice shall be given within sixty days  
6 of the franchisor's receipt of a deceased or incapacitated  
7 franchisee's designated family member's intention to succeed to  
8 the franchise or franchises or of the franchisor's receipt of the  
9 personal and financial data of the designated family member,  
10 whichever is later.

11 5. A franchisor's notice to a franchisee or franchisees  
12 pursuant to subdivisions (5), (6), (7) and (14) of section  
13 407.1034 shall contain a statement of the particular grounds  
14 supporting the intended action or activity which shall include  
15 any reasonable standards which were not satisfied. The notice  
16 shall also contain at a minimum, on the first page thereof, a  
17 conspicuous statement which reads as follows:

18 "NOTICE TO FRANCHISEE: YOU MAY BE ENTITLED TO FILE A  
19 PROTEST WITH THE MISSOURI ADMINISTRATIVE HEARING COMMISSION IN  
20 JEFFERSON CITY, MISSOURI, AND HAVE A HEARING IN WHICH YOU MAY  
21 PROTEST THE CONTENTS OF THIS NOTICE. ANY ACTION MUST BE FILED  
22 WITHIN FIFTEEN DAYS FROM RECEIPT OF THIS NOTICE."

23 6. When more than one application for a hearing is filed  
24 with the administrative hearing commission, the administrative  
25 hearing commission may consolidate the applications into one  
26 proceeding to expedite the disposition of all relevant issues.

27 7. In all proceedings before the administrative hearing

1 commission pursuant to this section and section 407.1034, where  
2 the franchisor is required to give notice pursuant to subsection  
3 5 of this section, the franchisor shall have the burden of  
4 proving by a preponderance of the evidence that good cause exists  
5 for its actions. In all other actions, the franchisee shall have  
6 the burden of proof.

7 407.1034. Notwithstanding the terms of any franchise  
8 agreement, the performance, whether by act or omission, by a  
9 ~~motorcycle or all-terrain~~ powersport vehicle franchisor of any  
10 or all of the following acts enumerated in this section are  
11 hereby defined as unlawful practices, the remedies for which are  
12 set forth in section 407.1043:

13 (1) To engage in any conduct which is capricious, in bad  
14 faith, or unconscionable and which causes damage to a ~~motorcycle~~  
15 ~~or all-terrain~~ powersport vehicle franchisee or to the public;  
16 provided, that good faith conduct engaged in by ~~motorcycle or~~  
17 ~~all-terrain~~ powersport vehicle franchisors as sellers of new  
18 ~~motorcycles, all-terrain~~ powersport vehicles or parts or as  
19 holders of security interests therein, in pursuit of rights or  
20 remedies accorded to sellers of goods or to holders of security  
21 interests pursuant to the provisions of chapter 400, uniform  
22 commercial code, shall not constitute unfair practices pursuant  
23 to sections 407.1025 to 407.1049;

24 (2) To coerce any ~~motorcycle or all-terrain~~ powersport  
25 vehicle franchisee to accept delivery of any new ~~motorcycle,~~  
26 ~~motorcycles, all-terrain~~ powersport vehicles, equipment, parts  
27 or accessories therefor, or any other commodity or commodities

1 which such [~~motorcycle or all-terrain~~] powersport vehicle  
2 franchisee has not ordered after such [~~motorcycle or all-terrain~~]  
3 powersport vehicle franchisee has rejected such commodity or  
4 commodities. It shall not be deemed a violation of sections  
5 407.1025 to 407.1049 for a [~~motorcycle or all-terrain~~] powersport  
6 vehicle franchisor to require a [~~motorcycle or all-terrain~~]  
7 powersport vehicle franchisee to have an inventory of parts,  
8 tools and equipment reasonably necessary to service the  
9 [~~motorcycles or all-terrain~~] powersport vehicles sold by a  
10 [~~motorcycle or all-terrain~~] powersport vehicle franchisor; or new  
11 [~~motorcycles or all-terrain~~] powersport vehicles reasonably  
12 necessary to meet the demands of dealers or the public;

13 (3) To unreasonably refuse to deliver in reasonable  
14 quantities and within a reasonable time after receipt of orders  
15 for new [~~motorcycles or all-terrain~~] powersport vehicles, such  
16 [~~motorcycles or all-terrain~~] powersport vehicles as are so  
17 ordered and as are covered by such franchise and as are  
18 specifically publicly advertised by such [~~motorcycle or~~  
19 ~~all-terrain~~] powersport vehicle franchisor to be available for  
20 immediate delivery; provided, however, the failure to deliver any  
21 [~~motorcycle or all-terrain~~] powersport vehicle shall not be  
22 considered a violation of sections 407.1025 to 407.1049 if such  
23 failure is due to an act of God, work stoppage, or delay due to a  
24 strike or labor difficulty, shortage of products or materials,  
25 freight delays, embargo or other cause of which such [~~motorcycle~~  
26 ~~or all-terrain~~] powersport vehicle franchisor has no control;

27 (4) To coerce any [~~motorcycle or all-terrain~~] powersport

1 vehicle franchisee to enter into any agreement with such  
2 ~~[motorcycle or all-terrain]~~ powersport vehicle franchisor or to  
3 do any other act prejudicial to such ~~[motorcycle or all-terrain]~~  
4 powersport vehicle franchisee, by threatening to cancel any  
5 franchise or any contractual agreement existing between such  
6 ~~[motorcycle or all-terrain]~~ powersport vehicle franchisor and  
7 ~~[motorcycle or all-terrain]~~ powersport vehicle franchisee;  
8 provided, however, that notice in good faith to any ~~[motorcycle~~  
9 ~~or all-terrain]~~ powersport vehicle franchisee of such ~~[motorcycle~~  
10 ~~or all-terrain]~~ powersport vehicle franchisee's violation of any  
11 provisions of such franchise or contractual agreement shall not  
12 constitute a violation of sections 407.1025 to 407.1049;

13 (5) To terminate, cancel or refuse to continue any  
14 franchise, directly or indirectly through the actions of the  
15 franchisor, unless such new ~~[motorcycle or all-terrain]~~  
16 powersport vehicle franchisee substantially defaults in the  
17 performance of such franchisee's reasonable and lawful  
18 obligations under such franchisee's franchise, or such new  
19 ~~[motorcycle or all-terrain]~~ powersport vehicle franchisor  
20 discontinues the sale in the state of Missouri of such  
21 franchisor's products which are the subject of the franchise:

22 (a) Notwithstanding the terms of any franchise agreement to  
23 the contrary, good cause to terminate, cancel, or refuse to  
24 continue any franchise agreement shall not be established based  
25 upon the fact that the ~~[motorcycle or all-terrain]~~ powersport  
26 vehicle franchisee owns, has an investment in, participates in  
27 the management of or holds a franchise agreement for the sale or

1 service of another make or line of new [~~motorcycles or~~  
2 ~~all-terrain~~] powersport vehicles or the [~~motorcycle or~~  
3 ~~all-terrain~~] powersport vehicle dealer has established another  
4 make or line of new [~~motorcycles or all-terrain~~] powersport  
5 vehicles or service in the same dealership facilities as those of  
6 the [~~motorcycle or all-terrain~~] powersport vehicle franchisor  
7 prior to February 1, 1998, or such establishment is approved in  
8 writing by the franchisee and the franchisor. However, a  
9 franchisor may require a franchisee to maintain a reasonable line  
10 of credit for each franchise and to comply with each franchisor's  
11 reasonable requirements concerning capital, management and  
12 facilities. If the franchise agreement requires the approval of  
13 the franchisor, such approval shall be requested in writing by  
14 the franchisee and the franchisor shall approve or disapprove  
15 such a request in writing within sixty days of receipt of such  
16 request. A request from a franchisee shall be deemed to have  
17 been approved if the franchisor fails to notify the franchisee,  
18 in writing, of its disapproval within sixty days after its  
19 receipt of the written request;

20 (b) In determining whether good cause exists, the  
21 administrative hearing commission shall take into consideration  
22 the existing circumstances, including, but not limited to, the  
23 following factors:

24 a. The franchisee's sales in relation to sales in the  
25 market;

26 b. The franchisee's investment and obligations;

27 c. Injury to the public welfare;

1           d. The adequacy of the franchisee's service facilities,  
2 equipment, parts and personnel in relation to those of other  
3 franchisees of the same line-make;

4           e. Whether warranties are being honored by the franchisee;

5           f. The parties' compliance with their franchise agreement;

6           g. The desire of a franchisor for market penetration or a  
7 market study, if any, prepared by the franchisor or franchisee  
8 are two factors which may be considered;

9           h. The harm to the franchisor;

10          (6) To prevent by contract or otherwise, any [~~motorcycle or~~  
11 ~~all-terrain~~] powersport vehicle franchisee from changing the  
12 capital structure of the franchisee's franchise of such  
13 [~~motorcycle or all-terrain~~] powersport vehicle franchisee or the  
14 means by or through which the franchisee finances the operation  
15 of the franchisee's franchise, provided the [~~motorcycle or~~  
16 ~~all-terrain~~] powersport vehicle franchisee at all times meets any  
17 reasonable capital standards agreed to between the [~~motorcycle or~~  
18 ~~all-terrain~~] powersport vehicle franchisee and the [~~motorcycle or~~  
19 ~~all-terrain~~] powersport vehicle franchisor and grants to the  
20 [~~motorcycle or all-terrain~~] powersport vehicle franchisor a  
21 purchase money security interest in the new [~~motorcycles or~~  
22 ~~all-terrain~~] powersport vehicles, new parts and accessories  
23 purchased from the [~~motorcycle or all-terrain~~] powersport vehicle  
24 franchisor;

25          (7) (a) Prevent, by contract or otherwise, any sale or  
26 transfer of a franchisee's franchise or franchises or interest or  
27 management thereof; provided, if the franchise specifically

1 permits the franchisor to approve or disapprove any such proposed  
2 sale or transfer, a franchisor shall only be allowed to  
3 disapprove a proposed sale or transfer if the interest being sold  
4 or transferred when added to any other interest owned by the  
5 transferee constitutes fifty percent or more of the ownership  
6 interest in the franchise and if the proposed transferee fails to  
7 satisfy any standards of the franchisor which are in fact  
8 normally relied upon by the franchisor prior to its entering into  
9 a franchise, and which relate to the proposed management or  
10 ownership of the franchise operations or to the qualification,  
11 capitalization, integrity or character of the proposed transferee  
12 and which are reasonable. A franchisee may request, at any time,  
13 that the franchisor provide a copy of the standards which are  
14 normally relied upon by the franchisor to evaluate a proposed  
15 sale or transfer and a proposed transferee;

16 (b) The franchisee and the prospective franchisee shall  
17 cooperate fully with the franchisor in providing information  
18 relating to the prospective transferee's qualifications,  
19 capitalization, integrity and character;

20 (c) In the event of a proposed sale or transfer of a  
21 franchise, the franchisor shall be permitted to exercise a right  
22 of first refusal to acquire the franchisee's assets or ownership  
23 if:

24 a. The franchise agreement permits the franchisor to  
25 exercise a right of first refusal to acquire the franchisee's  
26 assets or ownership in the event of a proposed sale or transfer;

27 b. Such sale or transfer is conditioned upon the franchisor

1 or franchisee entering a franchise agreement with the proposed  
2 transferee;

3 c. The exercise of the right of first refusal shall result  
4 in the franchisee and the franchisee's owners receiving the same  
5 or greater consideration and the same terms and conditions as  
6 contracted to receive in connection with the proposed sale or  
7 transfer;

8 d. The sale or transfer does not involve the sale or  
9 transfer to an immediate member or members of the family of one  
10 or more franchisee owners, defined as a spouse, child,  
11 grandchild, spouse of a child or grandchild, brother, sister or  
12 parent of the franchisee owner, or to the qualified manager,  
13 defined as an individual who has been employed by the franchisee  
14 for at least two years and who otherwise qualifies as a  
15 franchisee operator, or a partnership or corporation controlled  
16 by such persons; and

17 e. The franchisor agrees to pay the reasonable expenses,  
18 including attorney's fees which do not exceed the usual,  
19 customary and reasonable fees charged for similar work done for  
20 other clients, incurred by the proposed transferee prior to the  
21 franchisor's exercise of its right of first refusal in  
22 negotiating and implementing the contract for the proposed sale  
23 or transfer of the franchise or the franchisee's assets.  
24 Notwithstanding the foregoing, no payment of such expenses and  
25 attorney's fees shall be required if the franchisee has not  
26 submitted or caused to be submitted an accounting of those  
27 expenses within fourteen days of the franchisee's receipt of the

1 franchisor's written request for such an accounting. Such  
2 accounting may be requested by a franchisor before exercising its  
3 right of first refusal;

4 (d) For determining whether good cause exists for the  
5 purposes of this subdivision, the administrative hearing  
6 commission shall take into consideration the existing  
7 circumstances, including, but not limited to, the following  
8 factors:

9 a. Whether the franchise agreement specifically permits the  
10 franchisor to approve or disapprove any proposed sale or  
11 transfer;

12 b. Whether the interest to be sold or transferred when  
13 added to any other interest owned by the proposed transferee  
14 constitutes fifty percent or more of the ownership interest in  
15 the franchise;

16 c. Whether the proposed transferee fails to satisfy any  
17 standards of the franchisor which are in fact normally relied  
18 upon by the franchisor prior to its entering into a franchise,  
19 and which are related to the proposed management or ownership of  
20 the franchise operations or to the qualification, capitalization,  
21 integrity or character of the proposed transferee which are  
22 reasonable;

23 d. Injury to the public welfare;

24 e. The harm to the franchisor;

25 (8) To prevent by contract or otherwise any [~~motorcycle or~~  
26 ~~all-terrain~~] powersport vehicle franchisee from changing the  
27 executive management of [~~motorcycle or all-terrain~~] powersport

1 vehicle franchisee's business, except that any attempt by a  
2 ~~[motorcycle or all-terrain]~~ powersport vehicle franchisor to  
3 demonstrate by giving reasons that such change in executive  
4 management will be detrimental to the distribution of the  
5 ~~[motorcycle or all-terrain]~~ powersport vehicle franchisor's  
6 ~~[motorcycles]~~ vehicles shall not constitute a violation of this  
7 subdivision;

8 (9) To impose unreasonable standards of performance upon a  
9 ~~[motorcycle or all-terrain]~~ powersport vehicle franchisee;

10 (10) To require a ~~[motorcycle or all-terrain]~~ powersport  
11 vehicle franchisee at the time of entering into a franchise  
12 arrangement to assent to a release, assignment, novation, waiver  
13 or estoppel which would relieve any person from liability imposed  
14 by sections 407.1025 to 407.1049;

15 (11) To prohibit directly or indirectly the right of free  
16 association among ~~[motorcycle or all-terrain]~~ powersport vehicle  
17 franchisees for any lawful purpose;

18 (12) To provide any term or condition in any lease or other  
19 agreement ancillary or collateral to a franchise, which term or  
20 condition directly or indirectly violates the provisions of  
21 sections 407.1025 to 407.1049;

22 (13) Upon any termination, cancellation or refusal to  
23 continue any franchise or any discontinuation of any line-make or  
24 parts or products related to such line-make by a franchisor, fail  
25 to pay reasonable compensation to a franchisee as follows:

26 (a) ~~[Any new, undamaged and unsold motorcycles or~~  
27 ~~all-terrain vehicles in the franchisee's inventory of either the~~

1 ~~current model year or purchased from the franchisor within one~~  
2 ~~hundred twenty days prior to receipt of a notice of termination~~  
3 ~~or nonrenewal, provided the motorcycle or all-terrain vehicle has~~  
4 ~~less than twenty miles registered on the odometer, including~~  
5 ~~mileage incurred in delivery from the franchisor or in~~  
6 ~~transporting the motorcycle or all-terrain vehicle between~~  
7 ~~dealers for sale, at the dealer's net acquisition cost]~~ The  
8 dealer's net acquisition cost for any new, undamaged, and unsold  
9 and untitled powersport vehicles in the franchisee's inventory of  
10 either the current model year, or purchased from the franchisor  
11 within one hundred twenty days prior to receipt of a notice of  
12 termination or nonrenewal, provided the powersport vehicle has  
13 less than seventy-five miles registered on the odometer,  
14 including mileage incurred in delivery from the franchisor or in  
15 transporting the powersport vehicle between dealers for sale;

16 (b) The current parts catalog cost to the dealer of each  
17 new, unused, undamaged and unsold part or accessory if the part  
18 or accessory is in the current parts catalog, less applicable  
19 allowances. If the part or accessory was purchased by the  
20 franchisee from an outgoing authorized franchisee, the franchisor  
21 shall purchase the part for either the price in the current parts  
22 catalog or the franchisee's actual purchase price of the part,  
23 whichever is less;

24 (c) The depreciated value determined pursuant to generally  
25 accepted accounting principles of each undamaged sign owned by  
26 the franchisee which bears a trademark or trade name used or  
27 claimed by the franchisor if the sign was purchased from, or

1 purchased at the request of, the franchisor;

2 (d) The fair market value of all special tools, data  
3 processing equipment and [~~motorcycle or all-terrain~~] powersport  
4 vehicle service equipment owned by the franchisee which were  
5 recommended in writing and designated as special tools and  
6 equipment and purchased from, or purchased at the request of, the  
7 franchisor within three years of the termination of the  
8 franchise, if the tools and equipment are in usable and good  
9 condition, except for reasonable wear and tear; and

10 (e) The franchisor shall pay the franchisee the amounts  
11 specified in this subdivision within ninety days after the tender  
12 of the property subject to the franchisee providing evidence of  
13 good and clear title upon return of the property to the  
14 franchisor. Unless previous arrangements have been made and  
15 agreed upon, the franchisee is under no obligation to provide  
16 insurance for the property left after one hundred eighty days;

17 (14) To prevent or refuse to honor the succession to a  
18 franchise or franchises by any legal heir or devisee under the  
19 will of a franchisee, under any written instrument filed with the  
20 franchisor designating any person as the person's successor  
21 franchisee, or pursuant to the laws of descent and distribution  
22 of this state; provided:

23 (a) Any designated family member of a deceased or  
24 incapacitated franchisee shall become the succeeding franchisee  
25 of such deceased or incapacitated franchisee if such designated  
26 family member gives the franchisor written notice of such family  
27 member's intention to succeed to the franchise or franchises

1 within forty-five days after the death or incapacity of the  
2 franchisee, and agrees to be bound by all of the terms and  
3 conditions of the current franchise agreement, and the designated  
4 family member meets the current reasonable criteria generally  
5 applied by the franchisor in qualifying franchisees. A  
6 franchisee may request, at any time, that the franchisor provide  
7 a copy of such criteria generally applied by the franchisor in  
8 qualifying franchisees;

9 (b) The franchisor may request from a designated family  
10 member such personal and financial data as is reasonably  
11 necessary to determine whether the existing franchise agreement  
12 should be honored. The designated family member shall supply the  
13 personal and financial data promptly upon the request;

14 (c) If the designated family member does not meet the  
15 reasonable criteria generally applied by the franchisor in  
16 qualifying franchisees, the discontinuance of the current  
17 franchise agreement shall take effect not less than ninety days  
18 after the date the franchisor serves the required notice on the  
19 designated family member pursuant to subsection 5 of section  
20 407.1031;

21 (d) The provisions of this subdivision shall not preclude a  
22 franchisee from designating any person as the person's successor  
23 by written instrument filed with the franchisor, and if such an  
24 instrument is filed, it alone shall determine the succession  
25 rights to the management and operation of the franchise; and

26 (e) For determining whether good cause exists, the  
27 administrative hearing commission shall take into consideration

1 the existing circumstances, including, but not limited to, the  
2 following factors:

3 a. Whether the franchise agreement specifically permits the  
4 franchisor to approve or disapprove any successor;

5 b. Whether the proposed successor fails to satisfy any  
6 standards of the franchisor which are in fact normally relied  
7 upon by the franchisor prior to the successor entering into a  
8 franchise, and which relate to the proposed management or  
9 ownership of the franchise operation or to the qualification,  
10 capitalization, integrity or character of the proposed successor  
11 and which are reasonable;

12 c. Injury to the public welfare;

13 d. The harm to the franchisor;

14 (15) To coerce, threaten, intimidate or require a  
15 franchisee under any condition affecting or related to a  
16 franchise agreement, or to waive, limit or disclaim a right that  
17 the franchisee may have pursuant to the provisions of sections  
18 407.1025 to 407.1049. Any contracts or agreements which contain  
19 such provisions shall be deemed against the public policy of the  
20 state of Missouri and are void and unenforceable. Nothing in  
21 this section shall be construed to prohibit voluntary settlement  
22 agreements;

23 (16) To initiate any act enumerated in this subsection on  
24 grounds that it has advised a franchisee of its intention to  
25 discontinue representation at the time of a franchisee change.

26 407.1035. 1. For purposes of this section, "relevant  
27 market area" means:

1           (1) For a proposed franchisee or franchisee who plans to  
2 relocate his or her place of business in a county having a  
3 population which is greater than one hundred thousand, the area  
4 within a radius of ten miles of the intended site of the proposed  
5 or relocated franchisee. The ten-mile distance shall be  
6 determined by measuring the distance between the nearest surveyed  
7 boundary of the existing franchisee's principal place of business  
8 and the nearest surveyed boundary line of the proposed or  
9 relocated franchisee's principal place of business; or

10           (2) For a proposed franchisee or a franchisee who plans to  
11 relocate his or her place of business in a county having a  
12 population which is not greater than one hundred thousand, the  
13 area within a radius of twenty miles of the intended site of the  
14 proposed or relocated franchisee, or the county line, whichever  
15 is closer to the intended site. The twenty-mile distance shall  
16 be determined by measuring the distance between the nearest  
17 surveyed boundary line of the existing franchisee's principal  
18 place of business and the nearest surveyed boundary line of the  
19 proposed or relocated franchisee's principal place of business.

20           2. As used in this section, "relocate" and "relocation"  
21 shall not include the relocation of a franchisee within two miles  
22 of its established place of business.

23           3. As used in this section, "motor vehicle" shall include  
24 ~~[motorcycles and all-terrain]~~ powersport vehicles as defined in  
25 section 407.1025.

26           4. Before a franchisor enters into a franchise establishing  
27 or relocating a franchisee within a relevant market area where

1 the same line-make is represented, the franchisor shall give  
2 written notice to each franchisee of the same line-make in the  
3 relevant market area of its intention to establish an additional  
4 franchisee or to relocate an existing franchisee within that  
5 relevant market area.

6 5. Within thirty days after receiving the notice provided  
7 for in subsection 4 of this section, or within thirty days after  
8 the end of any appeal procedure provided by the franchisor, a  
9 franchisee may bring an action pursuant to section 407.1031 to  
10 determine whether good cause exists for the establishing or  
11 relocating of a proposed franchisee.

12 6. This section shall not apply to the reopening or  
13 replacement in a relevant market area of a closed dealership that  
14 has been closed within the preceding year, if the established  
15 place of business of the reopened or replacement franchisee is  
16 within two miles of the established place of business of the  
17 closed dealership.

18 7. In determining whether good cause exists for  
19 establishing or relocating an additional franchisee for the same  
20 line-make, the court shall take into consideration the existing  
21 circumstances, including but not limited to the following:

22 (1) Permanency of the investment;

23 (2) Effect on the retail motor vehicle business and the  
24 consuming public in the relevant market area;

25 (3) Whether it is injurious or beneficial to the public  
26 welfare;

27 (4) Whether the franchisees of the same line-make in that

1 relevant market area are providing adequate competition and  
2 convenient consumer care for the motor vehicles of that line-make  
3 in the market area, including the adequacy of the motor vehicle  
4 sales and qualified service personnel;

5 (5) Whether the establishment or relocation of the  
6 franchisee would promote competition;

7 (6) Growth or decline of the population and the number of  
8 new motor vehicle registrations in the relevant market area; and

9 (7) Effect on the relocating franchisee of a denial of its  
10 relocations into the relevant market area.

11 8. The remedies and relief available pursuant to section  
12 407.1049 shall apply to this section.

13 407.1037. When a franchised dealer or manufacturer proposes  
14 to establish or relocate a [~~motorcycle or all-terrain~~] powersport  
15 vehicle dealership within any city not within a county, the  
16 dealer or manufacturer shall make reasonable efforts to establish  
17 or relocate such dealership in an area within such city that  
18 improves the equitable distribution of dealerships within such  
19 city and is conveniently located to serve minorities who reside  
20 in such city.

21 407.1043. It shall be a defense for a [~~motorcycle or~~  
22 ~~all-terrain~~] powersport vehicle franchisor, to any action brought  
23 pursuant to sections 407.1025 to 407.1049 by a [~~motorcycle or~~  
24 ~~all-terrain~~] powersport vehicle franchisee, if it is shown that  
25 such [~~motorcycle or all-terrain~~] powersport vehicle franchisee  
26 has failed to substantially comply with reasonable and lawful  
27 requirements imposed by the franchise and other agreements

1 ancillary or collateral thereto, or if the [~~motorcycle or~~  
2 ~~all-terrain~~] powersport vehicle franchisee, or any of its  
3 officers, have been convicted of a felony relevant to business  
4 honesty or business practices, or if [~~the motorcycle or~~  
5 ~~all-terrain vehicle~~] such franchisee has ceased conducting its  
6 business or has abandoned the franchise, or is insolvent as that  
7 term is defined in subdivision (23) of section 400.1-201, or has  
8 filed a voluntary petition in bankruptcy, or has made an  
9 assignment for benefit of creditors, or has been the subject of  
10 an involuntary proceeding under the Federal Bankruptcy Act or  
11 under any state insolvency law which is not vacated within twenty  
12 days from the institution thereof, or there has been an  
13 appointment of a receiver or other officer having similar powers  
14 for the [~~motorcycle or all-terrain~~] powersport vehicle franchisee  
15 or [~~the motorcycle or all-terrain vehicle~~] such franchisee's  
16 business who is not removed within twenty days from the person's  
17 appointment, or there has been a levy under attachment, execution  
18 or similar process which is not within ten days vacated or  
19 removed by payment or bonding, and it shall be a defense to any  
20 action brought pursuant to sections 407.1025 to 407.1049 that the  
21 complained of conduct by a [~~motorcycle or all-terrain~~] powersport  
22 vehicle franchisor was undertaken in good faith in pursuit of  
23 rights or remedies accorded to [~~a motorcycle or all-terrain~~  
24 ~~vehicle~~] such franchisor as a seller of goods or a holder of a  
25 security interest pursuant to the provisions of chapter 400.

26 407.1047. 1. The provisions of this section shall apply to  
27 franchisors and franchisees engaged in the sale of [~~motorcycles~~

1 ~~and all-terrain]~~ powersport vehicles.

2         2. Each franchisor shall specify in writing to each of its  
3 franchisees in this state the franchisee's obligations for  
4 preparation, delivery, and warranty service on its powersport  
5 vehicle products. The franchisor shall compensate the franchisee  
6 for warranty service required of the franchisee by the  
7 franchisor.

8         3. The franchisor shall provide the franchisee with the  
9 schedule of compensation to be paid to the franchisee for parts,  
10 work, and service, and the time allowance for the performance of  
11 the work and service. The schedule of compensation shall include  
12 reasonable compensation for diagnostic work, as well as repair  
13 service and labor. Time allowances for the diagnosis and  
14 performance of warranty work and service shall be reasonable and  
15 adequate for the work performed. In the determination of what  
16 constitutes reasonable compensation under this section, the  
17 principal factor to be given consideration shall be the  
18 prevailing wage rates being paid by the franchisees in the  
19 community in which the franchisee is doing business, and in no  
20 event shall the compensation of a franchisee for warranty labor  
21 be less than the rates charged by the franchisee for like service  
22 to retail customers for nonwarranty service and repairs, provided  
23 that such rates are reasonable.

24         4. A franchisor shall not:

25             (1) Fail to perform any warranty obligation;

26             (2) Fail to include in written notices of franchisor

27 recalls to owners of new ~~[motorcycles and all-terrain]~~ powersport

1 vehicles the expected date by which necessary parts and equipment  
2 will be available to franchisees for the correction of the  
3 defects; or

4 (3) Fail to compensate any of the franchisees in this state  
5 for repairs effected by the recall.

6 5. All claims made by a franchisee pursuant to this section  
7 for labor and parts shall be paid within thirty days after their  
8 approval. All claims shall be either approved or disapproved by  
9 the franchisor within thirty days after their receipt on a proper  
10 form generally used by the franchisor and containing the usually  
11 required information therein. Any claims not specifically  
12 disapproved in writing within thirty days after the receipt of  
13 the form shall be considered to be approved and payment shall be  
14 made within thirty days. A claim that has been approved and paid  
15 may not be charged back to the franchisee unless the franchisor  
16 can show that the claim was fraudulent, false, or  
17 unsubstantiated, except that a charge back for false or  
18 fraudulent claims shall not be made more than two years after  
19 payment, and a charge back for unsubstantiated claims shall not  
20 be made more than fifteen months after payment. A franchisee  
21 shall maintain all records of warranty repairs, including the  
22 related time records of its employees, for at least two years  
23 following payment of any warranty claim.

24 6. A franchisor shall compensate the franchisee for  
25 franchisor-sponsored sales or service promotion events, programs,  
26 or activities in accordance with established guidelines for such  
27 events, programs, or activities.

1           7. All claims made by a franchisee pursuant to subsection 5  
2 of this section for promotion events, programs, or activities  
3 shall be paid within twenty-five days after their approval or  
4 program close, whichever comes later. All claims except those of  
5 the type set forth in subdivisions (1) and (2) of this subsection  
6 shall be either approved or disapproved by the franchisor within  
7 thirty days after their receipt on a proper form generally used  
8 by the franchisor and containing the usually required information  
9 therein. Any claim not specifically disapproved in writing  
10 within thirty days after the receipt of this form shall be  
11 considered to be approved, and payment shall be made within  
12 thirty days. The franchisor has the right to charge back any  
13 claim for twelve months after the later of either the close of  
14 the promotion event, program, or activity, or the date of the  
15 payment. The provisions of this subsection shall not apply to:

16           (1) Claims related to holdbacks, retail sales bonuses, or  
17 similar programs in which the franchisor accrues a certain  
18 portion of the vehicle sales price for the franchisee and then at  
19 a later point in time pays that amount to the franchisee, in  
20 which event the franchisor shall compensate a franchisee no later  
21 than forty-five days following the payment date that the  
22 franchisor specified in the program;

23           (2) Claims related to franchisor's use of a "balance  
24 forward account" to make reimbursement, in which event the  
25 franchisor shall compensate a franchisee no later than  
26 seventy-five days following the date that the franchisee properly  
27 registered the manufacturer's limited warranty for the vehicle.

1           407.1049. In addition to the administrative relief provided  
2 in sections 407.1025 to 407.1049, any [~~motorcycle or all-terrain~~]  
3 powersport vehicle franchisee may bring an action in any court of  
4 competent jurisdiction against a [~~motorcycle or all-terrain~~]  
5 powersport vehicle franchisor with whom the franchisee has a  
6 franchise, for an act or omission which constitutes an unlawful  
7 practice as defined in section 407.1034 to recover damages  
8 sustained by reason thereof, and, where appropriate, such  
9 [~~motorcycle or all-terrain~~] powersport vehicle franchisee shall  
10 be entitled to injunctive relief, but the remedies set forth in  
11 this section shall not be deemed exclusive and shall be in  
12 addition to any other remedies permitted by law.

13           407.1329. If the RV dealer agreement is terminated,  
14 cancelled, or not renewed by the manufacturer for cause, or if  
15 the dealer voluntarily terminates an RV dealer agreement in a  
16 manner permitted by such agreement, or if the manufacturer  
17 terminates or discontinues a franchise by discontinuing a line-  
18 make, ceasing to do business in the state, or changing the  
19 distributer or method of distribution of its products in the  
20 state, the manufacturer shall, at the election of the RV dealer,  
21 within thirty days of termination, repurchase:

22           (1) [~~(a) All new, untitled current model year recreation~~  
23 ~~vehicle inventory, acquired from the manufacturer, which has not~~  
24 ~~been used (except for demonstration purposes), altered or damaged~~  
25 ~~to the extent that such damage must be disclosed to the consumer~~  
26 ~~pursuant to section 407.1343, at one hundred percent of the net~~  
27 ~~invoice cost, including transportation, less applicable rebates~~

1 ~~and discounts to the dealer; and~~

2 ~~—— (b) All new, untitled recreation vehicle inventory of the~~  
3 ~~prior model year, acquired from the manufacturer, provided the~~  
4 ~~prior model year vehicles have not been altered, used (except for~~  
5 ~~demonstration purposes) or damaged to the extent that such damage~~  
6 ~~must be disclosed to the consumer pursuant to section 407.1343,~~  
7 ~~and were drafted on the dealer's financing source or paid within~~  
8 ~~one hundred twenty days prior to the effective date of the~~  
9 ~~termination, cancellation, or nonrenewal.~~

10  
11 ~~In the event any of the vehicles repurchased pursuant to this~~  
12 ~~subdivision are damaged, but do not trigger the consumer~~  
13 ~~disclosure requirement, the amount due the dealer shall be~~  
14 ~~reduced by the cost to repair the vehicle. Damage prior to~~  
15 ~~delivery to dealer that is disclosed at the time of delivery will~~  
16 ~~not disqualify repurchase under this provision] All new, untitled~~  
17 ~~recreation vehicle inventory, acquired from the manufacturer in~~  
18 ~~the previous eighteen months, which has not been altered or~~  
19 ~~damaged to the extent that such damage must be disclosed to the~~  
20 ~~consumer pursuant to section 407.1343, at one hundred percent of~~  
21 ~~the net invoice cost, including transportation, less applicable~~  
22 ~~rebates and discounts to the dealer;~~

23 (2) All current and undamaged manufacturer's accessories  
24 and proprietary parts sold to the dealer for resale, if  
25 accompanied by the original invoice, at one hundred five percent  
26 of the original net price paid to the manufacturer to compensate  
27 the dealer for handling, packing, and shipping the parts; and

1 (3) Any fully and correctly functioning diagnostic  
2 equipment, special tools, current signage and other equipment and  
3 machinery, at one hundred percent of the dealer's net cost plus  
4 freight, destination, delivery and distribution charges and sales  
5 taxes, if any, provided it was purchased by the dealer within  
6 five years before termination and upon the manufacturer's request  
7 and can no longer be used in the normal course of the dealer's  
8 ongoing business. The manufacturer shall pay the dealer within  
9 thirty days of receipt of ~~the returned~~ all items returned for  
10 repurchase under this section.

11 577.011. In addition to other terms and conditions imposed  
12 on a person who has pled guilty to or been found guilty of  
13 driving while intoxicated under section 577.010, except for good  
14 cause shown, such person shall complete a victim impact program  
15 approved by the court. Such person shall be responsible for any  
16 charges imposed by the victim impact program.

17 577.800. 1. A person commits the offense of unlawful use  
18 of unmanned aircraft over an open-air facility if he or she  
19 purposefully:

20 (1) Operates an unmanned aircraft within a vertical  
21 distance of four hundred feet from the ground and within the  
22 property line of an open-air facility; or

23 (2) Uses an unmanned aircraft with the purpose of  
24 delivering to a person within an open-air facility any object  
25 described in subdivision (1) or (2) of subsection 4 of this  
26 section.

27 2. For purposes of this section, "open-air facility" shall

1 mean any sports, theater, music, performing arts, or other  
2 entertainment facility with a capacity of five thousand people or  
3 more and not completely enclosed by a roof or other structure.

4 3. The provisions of this section shall not prohibit the  
5 operation of an unmanned aircraft by:

6 (1) An employee of an open-air facility at the direction of  
7 the president or chief executive officer of the open-air  
8 facility;

9 (2) A person who has written consent from the president or  
10 chief executive officer of the open-air facility;

11 (3) An employee of a law enforcement agency, fire  
12 department, or emergency medical service in the exercise of  
13 official duties;

14 (4) A government official or employee in the exercise of  
15 official duties;

16 (5) A public utility or a rural electric cooperative if:

17 (a) The unmanned aircraft is used for the purpose of  
18 inspecting, repairing, or maintaining utility transmission or  
19 distribution lines or other utility equipment or infrastructure;

20 (b) The utility or cooperative notifies the open-air  
21 facility before flying the unmanned aircraft, except during an  
22 emergency; and

23 (c) The person operating the unmanned aircraft does not  
24 physically enter the prohibited space without an escort provided  
25 by the open-air facility; or

26 (6) An employee of a railroad in the exercise of official  
27 duties on any land owned or operated by a railroad corporation

1 regulated by the Federal Railroad Administration.

2 4. The offense of unlawful use of unmanned aircraft over an  
3 open-air facility shall be punishable as a class A misdemeanor  
4 unless the person uses an unmanned aircraft for:

5 (1) Delivering a gun, knife, weapon, or other article that  
6 may be used in such manner to endanger the life of an employee or  
7 guest at an open-air facility, in which case the offense is a  
8 class B felony; or

9 (2) Delivering a controlled substance, as that term is  
10 defined under section 195.010, in which case the offense is a  
11 class D felony.

12 5. Each open-air facility shall post a sign warning of the  
13 provisions of this section. The sign shall be at least eleven  
14 inches by fourteen inches and posted in a conspicuous place.

15 632.460. 1. A person commits the offense of unlawful use  
16 of unmanned aircraft over a mental health hospital if he or she  
17 purposely:

18 (1) Operates an unmanned aircraft within a vertical  
19 distance of four hundred feet over the mental health hospital's  
20 property line; or

21 (2) Uses an unmanned aircraft to deliver to a person  
22 confined in a mental health hospital any object described in  
23 subdivision (1) or (3) of subsection 6 of this section.

24 2. For the purposes of subsection 1 of this section,  
25 vertical distance extends from ground level.

26 3. For purposes of this section, "mental health hospital"  
27 shall mean a facility operated by the department of mental health

1 to provide inpatient evaluation, treatment, or care to persons  
2 suffering from a mental disorder, as defined under section  
3 630.005; mental illness, as defined under section 630.005; or  
4 mental abnormality, as defined under section 632.480.

5 4. The provisions of this section shall not prohibit the  
6 operation of an unmanned aircraft by:

7 (1) An employee of the mental health hospital at the  
8 direction of the chief administrative officer of the mental  
9 health hospital;

10 (2) A person who has written consent from the chief  
11 administrative officer of the mental health hospital;

12 (3) An employee of a law enforcement agency, fire  
13 department, or emergency medical service in the exercise of  
14 official duties;

15 (4) A government official or employee in the exercise of  
16 official duties;

17 (5) A public utility or a rural electric cooperative if:

18 (a) The unmanned aircraft is used for the purpose of  
19 inspecting, repairing, or maintaining utility transmission or  
20 distribution lines or other utility equipment or infrastructure;

21 (b) The utility notifies the mental health hospital before  
22 flying the unmanned aircraft, except during an emergency; and

23 (c) The person operating the unmanned aircraft does not  
24 physically enter the prohibited space without an escort provided  
25 by the mental health hospital;

26 (6) An employee of a railroad in the exercise of official  
27 duties on any land owned or operated by a railroad corporation

1 regulated by the Federal Railway Administration; or

2 (7) A person operating an unmanned aircraft pursuant to and  
3 in compliance with any waiver issued by the Federal Aviation  
4 Authority under 14 C.F.R. Section 107.200.

5 5. Each mental health hospital shall post a sign warning of  
6 the provisions of this section. The sign shall be at least  
7 eleven inches by fourteen inches and posted in a conspicuous  
8 place.

9 6. The offense of unlawful use of unmanned aircraft over a  
10 mental health hospital shall be punishable as an infraction  
11 unless the person uses an unmanned aircraft for the purpose of:

12 (1) Delivering a gun, knife, weapon, or other article that  
13 may be used in such manner to endanger the life of a patient or  
14 mental health hospital employee, in which case the offense is a  
15 class B felony;

16 (2) Facilitating an escape from commitment or detention  
17 under section 575.195, in which case the offense is a class C  
18 felony; or

19 (3) Delivering a controlled substance, as that term is  
20 defined under section 195.010, in which case the offense is a  
21 class D felony.

22 Section B. The enactment of section 302.205 of section A of  
23 this act shall become effective on July 31, 2021.