

Journal of the Senate

FIRST REGULAR SESSION

FORTIETH DAY—WEDNESDAY, MARCH 14, 2007

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“I call upon you, for you will answer me, O God; incline your ear to me, hear my voice.” (Psalm 17:6)

Heavenly Father, it is good to know that You hear our prayers for which we give You thanks and praise. We thank You that we can call upon You at all times and know that You will answer us according to Your wisdom and guide us along the paths You would want us to walk and vote. Shelter us in Your love and let Your peace abide in us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KMIZ-TV, KSDK-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 602, regarding Gabriella Callahan, Glendale, which was adopted.

Senator Coleman offered Senate Resolution No. 603, regarding Brittany Oluwaseyi Daniel, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 604, regarding Heather Davis, Washington, which was adopted.

Senator Coleman offered Senate Resolution No. 605, regarding Sarah Baucom, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 606, regarding Ashley Brooks, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 607, regarding Amanda Elizabeth Cone, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 608, regarding Brittany Cozart, Wentzville, which was adopted.

Senator Coleman offered Senate Resolution No. 609, regarding Colleen Dillon, Pacific, which was adopted.

Senator Coleman offered Senate Resolution No. 610, regarding Mollie Frazier, Wentzville, which was adopted.

Senator Coleman offered Senate Resolution No. 611, regarding Emily Heitmeyer, Maryland Heights, which was adopted.

Senator Coleman offered Senate Resolution No. 612, regarding Stephanie C. Holland, Ste. Genevieve, which was adopted.

Senator Coleman offered Senate Resolution No. 613, regarding Sabrina E. Jones, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 614, regarding Erin Kaye Callaway, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 615, regarding Jessica Alvey, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 616, regarding Juliane Whithaus, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 617, regarding Kelly Striker, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 618, regarding Elizabeth Conte, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 619, regarding Lisa Schmitt, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 620, regarding Candace Rebecca Koenig, St. Charles, which was adopted.

Senator Green offered Senate Resolution No. 621, regarding Larry V. Schisler, Jennings, which was adopted.

Senator Lager offered Senate Resolution No. 622, regarding Cody Morrison, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 623, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Don Coleman, Bethany, which was adopted.

Senator Wilson offered Senate Resolution No. 624, regarding Vivian Simmons Hardiman, which was adopted.

Senator Wilson offered Senate Resolution No. 625, regarding the One Hundred Sixth Birthday of Erna Mae Parker Harper, Mexico, which was adopted.

Senator Wilson offered Senate Resolution No. 626, regarding the Spelling Bee participants from J.S. Chick Elementary School, Kansas City, which was adopted.

Senator Goodman offered Senate Resolution No. 627, regarding the Taneyville R-II School District, which was adopted.

Senator Gibbons offered Senate Resolution No. 628, regarding Marjorie Powers, Saint Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, voting is a fundamental part of a democracy; and

WHEREAS, facilitating the dissemination of information and education on the voting process to Missouri citizens promotes a healthy democracy; and

WHEREAS, the Department of Conservation's hunting and fishing licensing program serves as an established point of contact between many citizens and state government:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby encourage the Conservation Commission to develop a partnership with the Secretary of State's office to implement a streamlined process for electronically transmitting the contact information for individuals who apply for a hunting or fishing license who are not registered to vote. Upon receipt of the

information, the Secretary of State is encouraged to send voter registration information to such individuals; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Conservation Commission and the Secretary of State.

Senator Shields requested unanimous consent of the Senate to allow members of the law enforcement community to enter the Chamber with side arms, which request was granted.

Senator Gross assumed the Chair.

SENATE BILLS FOR PERFECTION

At the request of Senator Stouffer, **SBs 239, 24 and 445**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Loudon, **SB 215**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Loudon, **SB 297**, with **SCS**, was placed on the Informal Calendar.

SB 40 was placed on the Informal Calendar.

Senator Engler moved that **SB 47**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 47**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 47

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof eight new sections relating to fire protection.

Was taken up.

Senator Engler moved that **SCS** for **SB 47** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 47** was declared perfected and ordered printed.

Senator Champion moved that **SB 418**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 418**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 418

An Act to repeal section 208.030, RSMo, and to enact in lieu thereof one new section relating to the supplemental nursing care program.

Was taken up.

Senator Champion moved that **SCS** for **SB 418** be adopted.

Senator Champion offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 418, Page 1, Section 208.030, Line 1, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend line 10, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and

Further amend said bill and section, page 2, lines 26-27, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend lines 27-28, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend line 37, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend line 42, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend line 45, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and

Further amend said bill and section, page 3, line 59, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”; and further amend line 84, by striking “division of family services” and inserting in lieu thereof the following: “**family support division**”.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Champion moved that **SCS** for **SB 418**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 418**, as amended, was declared perfected and ordered printed.

Senator Loudon moved that **SB 215**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 215**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 215

An Act to amend chapter 379, RSMo, by adding thereto forty-nine new sections relating to the regulation of captive insurance companies.

Was taken up.

Senator Loudon moved that **SCS** for **SB 215** be adopted.

Senator Loudon offered **SS** for **SCS** for **SB 215**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 215

An Act to amend chapter 379, RSMo, by adding thereto forty-nine new sections relating to the regulation of captive insurance companies.

Senator Loudon moved that **SS** for **SCS** for **SB 215** be adopted.

Senator Shoemyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 215, Page 1, Section A, Line 12, by inserting after all of said line the following:

“379.109. 1. An insurer may refer the vehicle owner to a list of shops if they are

specifically asked for a referral.

2. All claims paid by an insurer, a holding company of an insurer, or a wholly owned subsidiary of an insurer for any loss to motor vehicles or any claim for damages to motor vehicles shall be paid to the claimant by check, electronic transfer to the claimant, or other means that provides the claimant immediate access to the funds.

3. The labor rate for the repair of damages to motor vehicles that is paid by an insurer, a holding company of an insurer, or a wholly owned subsidiary of an insurer to the claimant shall be based on the usual and customary rate for such repairs. For the purposes of this subsection, “usual and customary rate” means the labor rate that the general public commonly pays for similar repairs on similar motor vehicles in the same geographic area of the state.

4. Any violation of the provisions of this section by an insurer shall be deemed an unfair or deceptive insurance practice under sections 375.930 to 375.948, RSMo.

5. No automobile physical damage appraiser shall request or require that appraisals or repairs should or should not be made in a specified facility or repair shop or shops. Such appraiser shall include on the heading of such appraisal the following notice, printed in not less than ten point boldface type:

“NOTICE

UNDER MISSOURI LAW, THE CONSUMER HAS THE RIGHT TO CHOOSE THE REPAIR FACILITY TO MAKE REPAIRS TO A MOTOR VEHICLE AND AN INSURANCE COMPANY SHALL NOT INTERFERE IN ANY MANNER WITH THE CONSUMER'S CHOICE OF REPAIR FACILITY.”.

6. No insurance company doing business in this state, or agent or adjuster for such company, shall request or require any insured

to use a specific person or business for the provision of automobile physical damage repairs, automobile glass replacement, glass repair service, or glass products unless otherwise agreed to in writing by the insured.

7. For the purposes of this section, “request or require” includes any act to influence a consumer's decision, including but not limited to:

(1) Reducing the amount of the deductible or premium, or offering additional warranties if the consumer chooses a preferred repair facility; or

(2) Suggesting that choosing a facility other than a preferred repair facility will result in delays in repairing the motor vehicle, a lack of guaranty for repair work or additional cost to the insured.

8. Any physical damage appraiser preparing an estimate of damage on a motor vehicle or altering any previously prepared estimate of damage on a motor vehicle shall have made a physical inspection of the damage to the vehicle. After such inspection is made, negotiations, if needed, may proceed in a reasonable manner.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Engler raised the point of order that SA 1 is out of order as it exceeds the title and subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Rupp assumed the Chair.

Senator Bray offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 215,

Page 16, Section 379.1314, Lines 10-11, by striking the phrase "and are not subject to subpoena".

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Green, Days, Justus and Smith.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Graham	Green	Justus
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Kennedy	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Shields	Stouffer	Vogel—20

Absent—Senators

Koster	Scott—2
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Absent with leave—Senators—None

Vacancies—None

Senator Loudon moved that SS for SCS for SB 215 be adopted, which motion prevailed.

On motion of Senator Loudon, SS for SCS for SB 215 was declared perfected and ordered printed.

On motion of Senator Shields, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 339**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 284**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto twenty new sections relating to the provision of video services, with an emergency clause.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Section 67.2692, Page 11, Line 53 by inserting after all of said line the following:

“(d) A video service provider shall not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment;” and

Further amend said section, Page 11, Line 54 by deleting from said line the subdivision indicator **“(d)”** and inserting in lieu thereof the indicator **“(e)”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

SENATE BILLS FOR PERFECTION

SBs 260 and **71**, with **SCS**, was placed on the Informal Calendar.

SBs 370, 375 and **432**, with **SCS**, was placed

on the Informal Calendar.

Senator Engler moved that **SB 257** be taken up for perfection, which motion prevailed.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 257, Page 1, Section 44.101, Line 4, by inserting immediately after all of said line the following: **“Nothing in this section shall be interpreted to preclude a business or public facility from prohibiting the possession of concealed weapons on its premises.”**

Senator Bray moved that the above amendment be adopted.

Senator Crowell requested a roll vote be taken and was joined in his request by Senators Callahan, Clemens, Engler and Stouffer.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Justus	Smith	Wilson—7	

NAYS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel—27	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 257, Page 1, Section 44.101, Line 4, by inserting immediately after said line the following:

“571.023. 1. A person commits the crime of criminally negligent storage of a firearm if:

(1) Such person stores or keeps any loaded firearm or unloaded firearm and ammunition for that firearm on any premises under his or her custody and control;

(2) Such person knows or reasonably should know that a minor is capable of gaining access to the loaded firearm or unloaded firearm and ammunition; and

(3) A minor obtains the loaded firearm or unloaded firearm and ammunition and uses it to cause the death or injury of any person or exhibits the firearm in a public place or uses it to threaten injury or death to any person.

2. The provisions of subsection 1 of this section shall not apply if, at the time the minor obtains the firearm:

(1) Such person is keeping:

(a) The loaded firearm or unloaded firearm and ammunition in a securely locked box or other locked container;

(b) The loaded or unloaded firearm secured by a locking mechanism that renders the firearm inoperable;

(c) The loaded or unloaded firearm in a dismantled state that renders the firearm inoperable and stores at least one part which is essential to the operation of the firearm in a securely locked box or other locked container; or

(d) The ammunition for an unloaded firearm stored separate from that unloaded firearm in a securely locked box or other locked container;

(2) The person is a peace officer, an active member of the armed forces, or its reserves, or a member of the national guard and the minor obtains the firearm during, or incidental to, that person performing his or her official duties;

(3) The minor obtains and discharges the firearm in a lawful act of self-defense or defense of one or more persons;

(4) The minor obtains the firearm as the result of an unlawful entry onto the premises where the firearm is located;

(5) The minor is supervised by a person twenty-one years of age or older and is engaging in hunting, sporting, or another lawful purpose; or

(6) The minor is engaged in an agricultural enterprise.

3. As used in this section the term “minor” means any person eighteen years of age or younger.

4. Firearms dealers shall be required to provide purchasers with a written warning about the provisions of this section and to place a conspicuous warning sign at the place where their firearms are sold. The warning shall read as follows: “It is unlawful and a violation of section 571.023, RSMo, to store, transport, or abandon a loaded firearm or an unloaded firearm and ammunition for that firearm in a place where minors are likely to be and can obtain access to the loaded firearm or unloaded firearm and ammunition.”

5. Criminally negligent storage of a firearm is a class A misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Engler, Green, Justus and Stouffer.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Justus	Smith	Wilson—7	

NAYS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel—27	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Bray offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 257, Page 1, Section 44.101, Line 4, by inserting immediately after said line the following:

“565.142. 1. When responding to the scene of an alleged act of domestic assault, a law enforcement officer may remove a firearm from the scene if:

(1) The law enforcement officer has probable cause to believe that an act of domestic assault has occurred; and

(2) The law enforcement officer has observed the firearm on the scene during the response.

2. If a firearm is removed from the scene under subsection 1 of this section, the law enforcement officer shall:

(1) Provide to the owner of the firearm information on the process for retaking possession of the firearm; and

(2) Provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic assault.

3. Within fourteen days of the conclusion of a proceeding on the alleged act of domestic

assault, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under section 571.095, RSMo.

565.143. A sheriff shall deny an application for or revoke a permit issued or registration filed pursuant to section 571.090, RSMo, if the sheriff finds that the applicant, or a person who was issued a permit or has registered a firearm:

(1) Is subject to an existing order of protection prohibiting him or her from possessing a firearm;

(2) Has been convicted of, pleaded guilty or nolo contendere to, or has been found guilty of domestic assault as defined in sections 565.072 to 565.074; or

(3) Has been convicted of, pleaded guilty or nolo contendere to, or has been found guilty of a violation of an order of protection issued in response to a domestic assault situation.

565.144. 1. It shall be unlawful to possess a firearm for a person who:

(1) Is subject to a court order that:

(a) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(b) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or a child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(2) Has been found guilty of or pleaded guilty to a misdemeanor crime of domestic assault in a court of competent jurisdiction.

2. It shall be a class D felony to violate the provisions of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 3** is out of order as it exceeds the scope of the underlying legislation.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Engler, **SB 257** was declared perfected and ordered printed.

Senator Crowell moved that **SJR 9** and **SJR 17**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SJR 9** and **17**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTIONS NOS. 9 and 17

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Was taken up.

Senator Crowell moved that **SCS** for **SJR 9** and **17** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SJR 9** and **17** was declared perfected and ordered printed.

Senator Nodler moved that **SB 242**, with **SCS**, be taken up for perfection, which motion prevailed.

Senator Bartle assumed the Chair.

At the request of Senator Nodler, **SB 242**,

with **SCS**, was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 7:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 629, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ralph Wibbenmeyer, Old Appleton, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 257**; **SCS** for **SJR 9** and **17**; **SCS** for **SB 418**; **SCS** for **SB 47**; and **SS** for **SCS** for **SB 215**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 86**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 365**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 215** and **SCS** for **SB 418** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Gibbons re-referred **SB 611** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 239**, **SB 24** and **SB 445**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 239, 24** and **445**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 239, 24 and 445

An Act to repeal sections 301.010, 301.130, 301.144, 301.218, 301.221, 301.225, 301.229, 301.550, 301.560, 302.272, 302.275, 302.321, 302.545, 302.700, 302.755, 302.775, 304.070, 304.170, 306.015, 306.016, 306.535, 307.179, and 311.326, RSMo, and to enact in lieu thereof twenty-five new sections relating to the regulation of motor vehicles, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Was taken up.

Senator Stouffer moved that **SCS** for **SBs 239, 24** and **445** be adopted.

Senator Shields assumed the Chair.

Senator Stouffer offered **SS** for **SCS** for **SBs 239, 24** and **445**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 239, 24 and 445

An Act to repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 301.010, 301.130, 301.144, 301.218, 301.221, 301.225, 301.229, 301.444, 301.550, 301.560,

302.010, 302.178, 302.272, 302.275, 302.321, 302.545, 302.700, 302.755, 302.775, 304.022, 304.070, 304.170, 304.281, 306.015, 306.016, 306.535, 307.100, 307.179, and 311.326, RSMo, and to enact in lieu thereof forty-one new sections relating to the regulation of motor vehicles, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Senator Stouffer moved that **SS** for **SCS** for **SBs 239, 24** and **445** be adopted.

Senator Koster assumed the Chair.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 7, Section 43.220, Line 1, by inserting after all of said line the following:

“227.295. 1. The department of transportation shall establish and administer a drunk driving victim memorial sign program. The signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.

2. The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen. The department shall also establish by rule, application procedures and methods for proving eligibility for the program.

3. Any person may apply to the department of transportation to sponsor a drunk driving victim memorial sign in memory of an

immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was committing an intoxication-related traffic offense at the time of the accident. Upon the request of an immediate family member of the deceased victim involved in a drunk driving accident, the department shall place a sign in accordance with this section. A person who is not a member of the immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of an immediate family member. The department shall charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining that sign, and the department's costs in administering this section. Signs erected under this section shall remain in place for a period of ten years. After the expiration of the ten-year period, the department shall remove the sign unless the sponsoring party remits to the department of transportation a ten-year renewable fee to cover maintenance costs associated with the sign.

4. The signs shall feature the words “**Drunk Driving Victim!**”, the initials of the victim, and the month and year in which the victim of the drunk driving accident was killed. The overall design of the sign, including size, color, and lettering, shall conform to the guidelines and regulations established by the department. The signs shall be placed near the scene of the accident.

5. All roadside memorials or markers commemorating the death of a drunk driving victim not meeting the provisions of this section are prohibited. No person, other than a department of transportation employee or the department's designee, may erect a drunk driving victim memorial sign.

6. As used in this section, the term “**immediate family member**” shall mean spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

7. The department shall adopt rules and regulations to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 22, Section 301.029, Line 15 of said page, by inserting after all of said line the following:

“301.040. The director of revenue shall notify each registered motor vehicle owner by mail, at the last known address, within an appropriate period prior to the beginning of the registration period to which he has been assigned, of the date for reregistration. Such notice shall include an application blank for registration and shall specify the amount of license fees due and the registration

period covered by such license. **No commercial inserts or other forms of advertising shall accompany the notice.** Application blanks shall also be furnished all branch offices of the department of revenue and license fee offices designated by the director of revenue under the provisions of section 136.055, RSMo, where they shall be made available to any person upon request. Failure of the owner to receive such notice shall not relieve the owner of the requirement to register pursuant to this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Purgason offered **SA 1 to SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 1, Section 301.040, Line 11, by inserting after the word “notice.” the following: **“For every form of public assistance that is mailed by the state, the agency responsible for mailing such public assistance shall insert a brochure describing how to fill out a job application.”**.”

Senator Purgason moved that the above amendment be adopted, which motion failed.

SA 2 was again taken up.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Pages 59-64, Section 302.178, by striking all of said section from the bill; and

Further amend the title and enacting clause

accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

Senator Griesheimer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 51, Section 301.560, Line 19 of said page, by inserting after all of said line the following:

“New and used recreational motor vehicle dealers RV-0 through RV-9999”; and

Further amend said bill and section, Page 52, Lines 6 to 23 of said page, by striking all of said lines inserting in lieu thereof the following:

“6. In the case of **new motor vehicle manufacturers [and], motor vehicle dealers, powersport dealers, recreational motor vehicle dealers, and trailer dealers,** the department shall [also] issue one number plate bearing the distinctive dealer license number **and two additional number plates** to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee **for the number plate bearing the distinctive dealer license number and twenty-one dollar fee for the additional number plates.** Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. [As many] Additional number plates [as may be desired by manufacturers and motor vehicle dealers] and as many additional certificates of number [as may be desired by boat dealers and boat manufacturers] may be obtained upon payment of a fee of ten dollars and fifty cents

for each additional plate or certificate. **New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, [public motor vehicle auction,] or wholesale motor vehicle dealer [or wholesale motor vehicle auction] obtaining a distinctive dealer license plate or certificate”;** and

Further amend said bill and section, Page 53, Line 5 of said page, by inserting after “prorated.” the following: **“Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July first of the immediately preceding year to July thirtieth of the present year.”;** and further amend lines 6 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 54, Lines 1 to 12 of said page, by striking all of said

lines and inserting in lieu thereof the following:

“7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. **The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by [the] a motor vehicle dealer [or manufacturer, and used] for use by a customer who is test driving the motor vehicle, [or is used] for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.**

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer **on a vessel or vessel trailer only**, but shall not be displayed on any **motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or** vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and **boat** manufacturers may display their certificate of number on a vessel or vessel trailer [which is being transported] **when transporting a vessel or vessels** to an exhibit or show.

9. (1) [Beginning August 28, 2006,] Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has

completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and [retail] **public auto auctions and applicants currently holding a new or used license for a separate dealership** shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to **current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise [dealers] or a motor vehicle leasing agency**. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 54, Section 301.560, Line 12 of said page, by inserting after all of said line the following:

“301.640. 1. [Upon] **Within five business days after** the satisfaction of any lien or encumbrance of a motor vehicle or trailer, the lienholder shall[, within ten business days] release the lien or encumbrance on the certificate or a separate document, and mail or deliver the certificate or a separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation. The release on the certificate or separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as

provided in this section for the first lienholder. The owner may cause the certificate to be mailed or delivered to the director of revenue, who shall issue a new certificate of ownership upon application and payment of the required fee. A lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives payment in full in the form of certified funds, as defined in section 381.410, RSMo, **or when the lienholder receives payment in full electronically or by way of electronic funds transfer, whichever first occurs.**

2. If the electronic certificate of ownership is in the possession of the director of revenue, the lienholder shall notify the director within [ten] **five business days [of] after** any release of a lien and provide the director with the most current address of the owner **or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation.** The director shall note such release on the electronic certificate and if no other lien exists the director shall mail or deliver the certificate free of any lien to the owner **or any person who has delivered to the lienholder an authorization from the owner to receive the certificate or such documentation from the director.**

3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle financing corporation whose net worth exceeds one hundred million dollars, or a depository institution, shall be considered satisfied within six years from the date the lien or encumbrance was originally perfected unless a new lien or encumbrance has been perfected as provided in section 301.600. This subsection does not apply to motor vehicles or trailers for which the certificate of ownership has recorded in the second lienholder portion the words “subject to future advances”.

4. Any lienholder who fails to **timely** comply with subsection 1 or 2 of this section shall pay to

the person or persons satisfying the lien or encumbrance [twenty-five dollars for the first ten business days after expiration of the time period prescribed in subsection 1 or 2 of this section, and such payment shall double for each ten days thereafter in which there is continued noncompliance, up to a maximum of five hundred dollars for each lien] **liquidated damages up to a maximum of two thousand five hundred dollars for each lien. Liquidated damages shall be five hundred dollars if the lienholder does not comply within five business days after satisfaction of the lien or encumbrance. Liquidated damages shall be one thousand dollars if the lienholder does not comply within ten business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand dollars if the lienholder does not comply within fifteen business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand five hundred dollars if the lienholder does not comply within twenty business days after satisfaction of the lien or encumbrance.** If delivery of the certificate or other lien release is made by mail, the delivery date is the date of the postmark for purposes of this subsection. **In computing any period of time prescribed or allowed by this section, the day of the act or event after which the designated period of time begins to run is not to be counted. However, the last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.**

5. Any person who knowingly and intentionally sends in a separate document releasing a lien of another without authority to do so shall be guilty of a class C felony.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above

amendment be adopted, which motion prevailed.

Senator Gross offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 111, Section 390.372, Line 9, by inserting after all of said line the following:

“**Section 1. All fines that are generated from municipal red light violations that are detected and enforced through automated photo red light enforcement systems shall be deposited in the state school moneys fund. As used in this section, the term “automated photo red light enforcement system” shall mean a device, consisting of a camera or cameras and a vehicle sensor or sensors, installed to work in conjunction with a traffic control signal, which is used to produce recorded images of motor vehicles entering an intersection against a red signal indication.**”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 87, Section 304.022, Line 26, by inserting after all of said line the following:

“**304.032. 1. For purposes of this section, “Utility vehicle” means any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand nine hundred pounds or less, traveling on four or six wheels, excluding all-terrain vehicles, to be used primarily for agricultural, landscaping, lawn care, or maintenance purposes.**

2. No person shall operate a utility vehicle, as defined in this section upon the highways of this state, except as follows:

(1) Utility vehicles owned and operated by a governmental entity for official use;

(2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;

(3) Utility vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;

(4) Governing bodies of cities may issue special permits for utility vehicles to be used on highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected and retained by cities for such permits;

(5) Governing bodies of counties may issue special permits for utility vehicles to be used on county roads within the county by licensed drivers. Fees of fifteen dollars may be collected and retained by the counties for such permits.

3. No person shall operate a utility vehicle within any stream or river in this state, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

4. A person operating a utility vehicle on a

public road pursuant to an exception covered in this section, or otherwise, shall exercise the highest degree of care as required by this chapter and shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (3) of subsection 2 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour.

5. No persons shall operate a utility vehicle:

(1) In any careless way so as to endanger the person or property of another;

(2) While under the influence of alcohol or any controlled substance.

6. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one person.

7. Utility vehicles shall be exempt from the titling and registration provisions of chapter 301, RSMo.

8. A violation of this section shall be a class C misdemeanor.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 98, Section 306.015, Lines 2-28, by striking all of said section from the bill; and

Further amend said bill, pages 99-104, Section 306.016, by striking all of said section from the bill; and

Further amend said bill, pages 104-105, Section 306.535, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Crowell, Gross, Kennedy and Mayer.

Senator Gross assumed the Chair.

SA 8 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Kennedy
Lager	Loudon	Mayer	Nodler
Purgason	Rupp	Scott	Shoemyer—20

NAYS—Senators

Days	Graham	Koster	McKenna
Ridgeway	Shields	Smith	Stouffer
Wilson—9			

Absent—Senators

Champion	Clemens	Green	Justus—4
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Absent with leave—Senator Vogel—1

Vacancies—None

Senator Graham offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 24, Section 301.130, Line 13 of said page, by inserting after “impaired.” the following: **“Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired.”**

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 111, Section 390.372, Line 9, by inserting after all of said line the following:

“Section 1. Notwithstanding section 304.180, RSMo, or any other provision of the law to the contrary, any commercial motor vehicle originating within this state traversing to a neighboring state may operate or move such motor vehicle on a state highway within this state with a weight limit that meets but does not exceed the weight limits of the destination state. If the weight limits of the destination state are less than the weight limits of this state, then the weight limits of this state shall apply.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 110, Section 311.326, Line 4, by inserting after all of said line the following:

“387.075. 1. Notwithstanding any provision of chapter 390, RSMo, chapter 622, RSMo, or this chapter to the contrary, any common carrier that is authorized to transport household goods by a certificate issued under section 390.051, RSMo, may file one or more applications to the state highways and transportation commission for approval of rate schedules, applicable to that carrier's intrastate transportation of household goods, that authorize periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in the carrier's prudently incurred costs of providing transportation of property by

motor vehicle. The filing of applications by common carriers under this section shall be authorized upon the same terms and conditions as provided in section 386.266, RSMo, with reference to the filing of applications to the public service commission by an electrical, gas, or water corporation. These applications shall be made in such form, and shall contain such information, as the state highways and transportation commission reasonably may require.

2. Notwithstanding any provision of chapter 390, RSMo, chapter 622, RSMo, or this chapter to the contrary, the state highways and transportation commission shall consider and determine every application filed under subsection 1 of this section, upon the same terms and conditions as provided in section 386.266, RSMo, with reference to the public service commission's consideration and determination of applications by an electrical, gas, or water corporation under that section.

3. In proceedings under this section, common carriers and the state highways and transportation commission shall be governed by the statutes and rules of practice and procedure that are applicable in motor carrier proceedings under chapters 387, 390, and 622, RSMo, except to the extent they are inconsistent with the requirements of this section. The statutes and rules that generally govern public service commission proceedings relating to electrical, gas, and water corporations shall not apply in proceedings under this section.

390.030. 1. The provisions of this chapter shall not apply to:

- (1) School buses;
- (2) Taxicabs;
- (3) Motor vehicles while being used exclusively to transport;
 - (a) Stocker and feeder livestock from farm to farm, or from market to farm,

- (b) Farm or dairy products including livestock from a farm or dairy,

- (c) Agricultural limestone or fertilizer to farms,

- (d) Property from farm to farm,

- (e) Raw forest products from farm, or

- (f) Cotton, cottonseed, and cottonseed hulls;

- (4) Motor vehicles when operated under contract with the federal government for carrying the United States mail and when on a trip provided in the contract;

- (5) Motor vehicles used solely in the distribution of newspapers from the publisher to subscribers or distributors;

- (6) The transportation of passengers or property performed by a carrier pursuant to a contract between the carrier and the state of Missouri or any civil subdivision thereof, where the transportation services are paid directly to the carrier by the state of Missouri or civil subdivision;

- (7) Freight-carrying motor vehicles duly registered and licensed in conformity with the provisions of chapter 301, RSMo, for a gross weight of six thousand pounds or less;

- (8) The transportation of passengers or property wholly within a municipality, or between contiguous municipalities, or within a commercial zone as defined in section 390.020, or within a commercial zone established by the division of motor carrier and railroad safety pursuant to the provisions of subdivision (4) of section 390.041; provided, the exemption in this subdivision shall not apply to motor carriers of persons operating to, from or between points located wholly or in part in counties now or hereafter having a population of more than three hundred thousand persons, where such points are not within the same municipality and to motor carriers of commodities in bulk to include liquids, in tank or hopper type vehicles, and in a commercial zone as defined herein or by the division;

(9) Street railroads and public utilities other than common carriers as defined in section 386.020, RSMo;

(10) Motor vehicles whose operations in the state of Missouri are interstate in character and are limited exclusively to a municipality and its commercial zone;

(11) Motor vehicles, commonly known as tow trucks or wreckers, designed and exclusively used in the business of towing or otherwise rendering assistance to abandoned, disabled or wrecked vehicles;

(12) Motor vehicles while being used solely by a group of employees to commute to and from their place or places of employment, except that the motor vehicle must be driven by a member of the group.

2. Nothing contained in this section shall be deemed to exempt the vehicles of driveaway operators.

3. Except for the provisions of subdivision (5) of section 390.041, the provisions of this chapter shall not apply to private carriers.

4. No agency of state government nor any county or municipality or their agencies shall discriminate against any motor carrier or private carrier or deny any such carrier operating a motor vehicle public access to any building, facility or area owned by or operated for the public unless such discrimination or denial is based solely on reasonable vehicle size or weight considerations. The provisions of this subsection shall only apply in cities not within a county and first class counties with a charter form of government which adjoin any city not within a county.

5. Beginning January 1, 2008, the exemptions in subdivisions (8) and (10) of subsection 1 of this section shall not apply to intrastate motor carriers that transport household goods."; and

Further amend the title and enacting clause

accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24 and 445, Page 79, Section 302.700, Line 28 of said page, by inserting after all of said line the following:

"302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary. **The director shall neither supply nor permit the use of language interpreters in connection with the written and driving test required under this section.**

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any

third-party tester.

(3) Beginning August 28, 2006, the director shall only issue or renew third-party tester certification to junior colleges or community colleges established under chapter 178, RSMo, or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

3. A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing

state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Kennedy, Koster and Nodler.

SA 12 was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Crowell	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer
Stouffer—21			

NAYS—Senators

Bray	Coleman	Days	Graham
Justus	Kennedy	Smith	Wilson—8

Absent—Senators

Bartle	Champion	Clemens	Scott—4
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Absent with leave—Senator Vogel—1

Vacancies—None

Senator Coleman offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 239, 24

and 445, Page 36, Section 301.229, Line 25, by inserting immediately after all of said line the following:

“301.301. **1.** Any person replacing a stolen license plate tab **issued on or after January 1, 2009**, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a police report that is corresponding with the stolen license plate tab.

2. Any person replacing a stolen license plate tab issued prior to January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen.”

And further amend page 111, section C, line 16 by inserting immediately after “law,” the following, “and because of the need to provide Missouri motorists with a method to replace stolen license plate tabs without administrative red tape and because of the need to verify the payment of registration fees,”

And further amend same page, same section, line 17 by deleting “section 307.179” and inserting in lieu thereof the following “sections 301.301 and 307.179”.

And further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **SBs 239, 24** and **445**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SBs 239, 24** and **445**, as amended, was declared perfected and ordered printed.

COMMUNICATIONS

Senator Bray submitted the following:

March 14, 2007

Terry Spieler
Senate Secretary
Missouri State Senate
State Capitol Building, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler,

In accordance with Rule 45, I am writing to object to the placement of SB 304 on the Consent Calendar. This bill does not adhere to the definition of a consent bill and therefore should be removed as such and returned to the Small Business, Insurance and Industrial Relations Committee.

Sincerely,
/s/ Joan Bray
Joan Bray

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Christopher "Kit" Young, M.D., Ladue.

Senator Green introduced to the Senate, Mary Tackett and her daughters, Sara and Erin, John Schelich, Rod and Rose Culbertson, Michael and Mary Jo White, Terry and Bob Riley, Dave Wakeman, Mike Cleary and Scott Walker, St. Louis.

Senator Green introduced to the Senate, Joann Donovan, Kevin McClain, Greg and Amy Heise and Dan Boyle, St. Louis.

Senator Coleman introduced to the Senate, Lee Fetter, Leslie Dimit, Lisa Meadows, Emily

Glenn and friends of St. Louis Children's Hospital.

On behalf of Senator Barnitz and himself, Senator Engler introduced to the Senate, Kim and Wayne Evans, Chris and Rene Diamond, Ed Schlogl, Mark Miller, Richard Brooker, Kieth Hayes, Pat Tuholske, Steve and Judy Wellton, Diane Lovacheff, and Brent and Leonard Hodges, members of the Hornbeck Foundation Search and Rescue; Agent Mike Singleton, Agent Pat Cunningham, Rolla; Detective Don Cooksey, Prosecuting Attorney John Rupp and Sheriff Kevin Schroeder, Potosi.

Senator Griesheimer introduced to the Senate, Sheriff Gary Toelke, Chief Deputy Michael Copeland and Captain Don Jones, Union; Special Agent Roland Corvington, St. Louis; and Mitchell Hults and family, Beaufort.

Senator Gibbons introduced to the Senate, Kirkwood Police Officers Chris Nelson and Gary Wagster.

Senator Purgason introduced to the Senate, members of Laclede County Extension.

Senator Bartle introduced to the Senate, members of Blue Springs Chamber of Commerce.

Senator Griesheimer introduced to the Senate, Wally Hellebusch, Washington.

Senator Shields introduced to the Senate, students from Truman Middle School, St. Joseph.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIRST DAY—THURSDAY, MARCH 15, 2007

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 22-Griesheimer
(In Fiscal Oversight)

SB 257-Engler, et al
SCS for SJRs 9 & 17-Crowell and Bartle

SCS for SB 418-Champion
(In Fiscal Oversight)
SCS for SB 47-Engler

SS for SCS for SB 215-Loudon
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| 1. SB 160-Rupp, with SCS | 18. SB 20-Griesheimer, with SCS |
| 2. SB 320-Clemens, with SCS | 19. SB 85-Champion and Koster, with SCS |
| 3. SB 492-Crowell | 20. SB 429-Gibbons, with SCS |
| 4. SB 476-Crowell | 21. SB 5-Loudon, with SCS |
| 5. SB 303-Loudon, et al | 22. SB 368-Barnitz, et al, with SCS |
| 6. SB 363-Bartle | 23. SB 417-Goodman |
| 7. SB 82-Griesheimer, with SCS | 24. SB 534-Nodler |
| 8. SB 112-Rupp | 25. SB 254-Nodler, et al, with SCS |
| 9. SB 131-Rupp | 26. SJR 8-Ridgeway |
| 10. SB 31-Nodler | 27. SBs 45 & 39-Mayer, with SCS |
| 11. SB 250-Ridgeway and Vogel | 28. SB 17-Shields, with SCS |
| 12. SB 570-Clemens | 29. SB 385-Gibbons, with SCS |
| 13. SB 444-Goodman | 30. SB 66-Rupp, with SCS |
| 14. SB 364-Koster, with SCS | 31. SB 313-Scott, with SCS |
| 15. SB 591-Scott and Gibbons, with SCS | 32. SB 453-Scott, with SCS |
| 16. SB 400-Crowell, et al | 33. SB 391-Days, with SCS |
| 17. SB 213-McKenna | 34. SB 53-Koster and Engler, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 2-Gibbons, with SCS | SB 274-Shields |
| SB 3-Gibbons, with SCS | SB 282-Griesheimer, with SCS & SS
for SCS (pending) |
| SB 21-Griesheimer, with SCS | SB 287-Crowell and Vogel |
| SB 27-Bartle and Koster | SB 292-Mayer |
| SB 40-Ridgeway | SB 297-Loudon, with SCS |
| SB 75-Coleman, et al, with SCS | SB 300-Bartle |
| SB 101-Mayer | SBs 370, 375 & 432-Scott and Koster,
with SCS |
| SB 155-Engler, with SCS | SB 389-Nodler, et al, with SCS & SS#4
for SCS (pending) |
| SB 169-Rupp, with SCS, SS for SCS &
SA 3 (pending) | SB 430-Shields, et al, with SCS, SS for
SCS, SA 3 & SA 1 to SA 3 (pending) |
| SB 204-Stouffer, with SCS & SS
for SCS (pending) | |
| SB 242-Nodler, with SCS | |
| SBs 260 & 71-Koster, et al, with SCS | |

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/1

SB 549-Scott

SB 498-Scott

Reported 3/8

SB 482-Gibbons, et al, with SCS

SB 150-Mayer, with SCS

SB 138-Bray

SB 369-Scott, with SCS

SB 509-Scott

SB 510-Scott

SB 525-Scott, with SCS

SB 526-Scott, with SCS

SB 550-Scott

SB 593-Scott

SB 594-Scott, with SCS

SB 478-Gross

SB 559-Shields

SB 497-Scott, with SCS

SB 671-Justus

SB 502-Koster

SB 333-Stouffer, with SCS

SB 516-Goodman

SB 426-Justus

SB 488-Clemens

SB 133-Rupp

SB 140-Rupp

SB 137-Bray, with SCS

SB 185-Green

SB 419-Kennedy

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 284-Griesheimer, with HCS, as amended

RESOLUTIONS

To be Referred

SCR 25-Scott