

# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTY-SIXTH DAY—WEDNESDAY, MARCH 11, 2009**

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The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let those suffering in accordance with God’s will entrust themselves to a faithful Creator, while continuing to do good.” (1 Peter 4:19)

O Blessed God, You know that many times we receive criticism and misunderstanding while we attempt to do the good that You have given us the ability to perform. So we pray, strengthen us through this long day as we pursue to do Your will, doing good despite how tired we may be and the difficulties we will encounter. And help us pass on some of that caring to others. 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.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

## RESOLUTIONS

Senator Goodman offered Senate Resolution No. 515, regarding Huntress VisionHealth Associates,

Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 516, regarding the Thirtieth Anniversary of Mid-America Dental and Hearing Center, which was adopted.

Senator Smith offered Senate Resolution No. 517, regarding Kennard Classical Junior Academy, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 518, regarding the 2008-2009 HDC Conference Champion Winston R-VI School District girls basketball team, which was adopted.

Senator Lager offered Senate Resolution No. 519, regarding the death of Chief Warrant Officer Matthew Gene Kelley, which was adopted.

Senator Nodler offered Senate Resolution No. 520, regarding Access Family Care, Joplin, which was adopted.

Senator Shields offered Senate Resolution No. 521, regarding Douglas E. Evans, D.O., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 522, regarding Thomas W. Alderson, M.D., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 523, regarding Alan W. Brewer, D.O., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 524, regarding Narayan Veligati, M.D., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 525, regarding David A. Lowry, D.O., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 526, regarding Jane L. Schwabe, M.D., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 527, regarding Scott M. Folk, M.D., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 528, regarding Wendell D. Bronson, D.O., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 529, regarding Randall E. Mitchem, D.O., St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 530, regarding John P. Olson, M.D., St. Joseph, which was adopted.

Senator Smith offered Senate Resolution No. 531, regarding Michael Kenneth Martin, South City, which was adopted.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 14, with SCS, entitled:**

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for

persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2009.

Was taken up by Senator Nodler.

**SCS for HCS for HB 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2009.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 14** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for HCS for HB 14** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Justus	Lembke	Smith—3
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Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**BILLS DELIVERED TO THE GOVERNOR**

**HCS for SCS for SB 313**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

President Pro Tem Shields assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 513**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 396**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 421**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 435**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 296**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 276**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 337**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 67**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 549**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 509**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 378**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 468**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 338**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 318**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 398**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 357**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 485**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 480**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 394**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 464**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

### SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 176**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 176**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 176

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force, with an expiration date.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 176** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 176** was declared perfected and ordered printed.

### 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 **HCS** for **HBs 46** and **434**, entitled:

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof six new sections relating to abortion, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 678**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Silver Star Families of America Day in Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 359**, entitled:

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 239**, entitled:

An Act to repeal sections 472.335, 473.333, 475.130, and 475.190, RSMo, and to enact in lieu thereof four new sections relating to a conservator's investment in property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REFERRALS**

President Pro Tem Shields referred **HCS** for **HCR 4** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Goodman, the Senate recessed until 4:00 p.m.

### **RECESS**

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

### **SENATE BILLS FOR PERFECTION**

Senator Pearce moved that **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SBs 45**, **212**, **136**, **278**, **279**, **285** and **288** was again taken up.

Senator Stouffer assumed the Chair.

Senator Lager offered **SS** for **SCS** for **SBs 45**, **212**, **136**, **278**, **279**, **285** and **288**, entitled:

### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 45, 212, 136, 278, 279, 285 and 288**

An Act to repeal sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.820, 99.865, 99.1205, 100.286, 100.297, 100.760, 100.770, 100.850, 135.090, 135.305, 135.327, 135.352, 135.355, 135.363, 135.460, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.710, 135.750, 135.766, 135.800, 135.803, 135.805, 135.967, 208.770, 253.550, 320.093,

348.430, 348.432, 348.434, 348.505, 447.708, 620.014, 620.017, 620.470, 620.472, 620.478, 620.495, 620.1039, 620.1881, and 660.055, RSMo, and to enact in lieu thereof sixty-one new sections relating to taxation, with penalty provisions and an emergency clause and an expiration date for a certain section.

Senator Lager moved that **SS** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** be adopted.

Senator Pearce assumed the Chair.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Page 124, Section 135.680, Line 6 of said page, by striking “year 2010” and inserting in lieu thereof the following: “**years beginning on or after July 1, 2009**”; and further amend line 17 of said page, by inserting at the end of said line the following: “**For qualified equity investments properly certified by the department, nothing in this subsection shall prevent a taxpayer from claiming tax credits relating to such qualified equity investment for each applicable credit allowance date of such qualified equity investment.**”.

Senator Rupp moved that the above amendment be adopted.

Senator Lager assumed the Chair.

At the request of Senator Pearce, **SB 45, SB 212, SB 136, SB 278, SB 279, SB 285** and **SB 288**, with **SCS, SS** for **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

Senator Bartle moved that **SB 261, SB 159, SB 180** and **SB 181**, with **SCS, SS No. 2** for **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Bartle, **SS No. 2** for **SCS** for **SBs 261, 159, 180** and **181** was withdrawn rendering the pending amendment moot.

Senator Bartle offered **SS No. 3** for **SCS** for **SBs 261, 159, 180** and **181**, entitled:

SENATE SUBSTITUTE NO. 3 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 261, 159, 180 and 181

An Act to repeal sections 84.830, 115.350, 174.700, 191.225, 195.214, 195.217, 195.218, 556.036, 561.021, 566.147, 566.149, 566.226, 570.030, 570.040, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 577.029, 578.025, 578.030, 578.255, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, and 595.060, RSMo, section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof forty-eight new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

Senator Bartle moved that **SS No. 3** for **SCS** for **SBs 261, 159, 180** and **181** be adopted.

Senator Goodman offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 80, Section 595.220, Line 15 of said page, by inserting after all of said line the following:

**“Section 1. 1. Notwithstanding any provision of law to the contrary, upon request of a law enforcement officer to inspect any record open to inspection by the state veterinarian under section 277.120, RSMo, or any record open to inspection by the department of agriculture, of any livestock sales or market licensee to determine the origin and destination of any livestock handled by the licensee, the law enforcement officer shall be entitled to inspect such records of the licensee without prior notice or the necessity of obtaining a search warrant during regular business hours in a manner so as to minimize interference with or delay to the licensee's business operation. When a law enforcement officer has probable cause to believe that livestock in the possession of a licensee is misappropriated, the officer may place a hold order on the livestock. The hold order shall contain the following:**

- (1) The name of the licensee;**
- (2) The name and mailing address of the licensee where the livestock is held;**
- (3) The name, title, and identification number of the law enforcement officer placing the hold order;**
- (4) The name and address of the agency to which the law enforcement officer is attached and the claim or case number, if any, assigned by the agency to the claim regarding the livestock;**
- (5) A description of the livestock; and**
- (6) The time of expiration of the holding period.**

The hold order shall be signed and dated by the issuing officer and signed and dated by the licensee or the licensee's designee as evidence of the hold order's issuance by the officer, receipt by the licensee and the beginning time of the holding period. The officer issuing the hold order shall provide an executed copy of the hold order to the licensee for the licensee's record-keeping purposes at no cost to the licensee.

**2. For the purposes of this section, the term “hold order” shall mean a written legal instrument issued to a licensee by a law enforcement officer ordering the licensee to retain physical possession of livestock in the possession of a licensee or livestock purchased by and in the possession of a licensee and not to return, sell or otherwise dispose of such livestock that is believed to be misappropriated for up to twenty-four hours.**

**3. Upon receiving the hold order, the licensee shall retain physical possession of the livestock subject to the order in a secured area.**

**4. A violation of, or noncompliance with, this section shall be a class A misdemeanor. Gross negligence or willful noncompliance with the provisions of this section by a licensee shall be cause for the licensing authority to suspend or revoke the licensee's license. Any imposed suspensions or revocation provided for by this subsection may be appealed by the licensee to the licensing authority or to a court of competent jurisdiction.**

**5. All records and information that relate to a licensee's purchases or transactions and that are delivered to or otherwise obtained by an appropriate law enforcement officer under this section are confidential and may be used only by such appropriate law enforcement officer and only for the following official law enforcement purposes:**

**(1) The investigation of a crime specifically involving the livestock delivered to the licensee in a purchase or transaction; or**

**(2) The notification of property crime victims of where livestock that has been reported misappropriated can be located.”; and**

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted.

At the request of Senator Bartle, **SB 261, SB 159, SB 180 and SB 181**, with **SCS, SS No. 3** for **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

Senator Lembke moved that **SB 284** be taken up for perfection, which motion prevailed.

At the request of Senator Lembke, **SB 284** was placed on the Informal Calendar.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 447**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 399**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 387**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 386**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 377**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 354**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 266**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 258**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 253**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 123**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 526**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 176**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Stouffer moved that **SB 58**, with **SS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Lager assumed the Chair.

**SA 7** was again taken up.

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

Senator McKenna offered **SA 8**:

## SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Bill No. 58, Page 56, Section 304.285, Line 4, by inserting immediately after said line the following:

**“304.820. 1. Except as provided in subsection 2 of this section, no person operating a moving motor vehicle upon the highways of this state shall, by means of an electronic wireless communications device, send, read, or write a text message or electronic message.**

**2. The provisions of subsection 1 of this section shall not apply to a person operating:**

**(1) An authorized emergency vehicle; or**

**(2) A moving motor vehicle while using an electronic wireless communications device to:**

**(a) Report illegal activity;**

**(b) Summon medical or other emergency help;**

**(c) Prevent injury to a person or property; or**

**(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.**

**3. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of an electronic wireless communications device, while operating a motor vehicle upon the highways of this state.**

**4. As used in this section, “electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between electronic wireless communication devices. “Electronic message” includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an Internet site.**

**5. As used in this section, “electronic wireless communications device” includes any cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not include any built-in navigational or emergency road service assistance system.**

**6. As used in this section, “making or taking part in a telephone call” means listening to or engaging in verbal communication through an electronic wireless communication device.**

**7. As used in this section, “send, read, or write a text message or electronic message” means using an electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into an electronic wireless communications device for the purpose of making a telephone call.**

**8. A violation of this section shall be deemed a class C misdemeanor and shall be deemed a moving violation for purposes of point assessment under section 302.302, RSMo.**

**9. The state preempts the field of regulating the use of electronic wireless communications devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of electronic wireless communication devices by the operator of a motor vehicle.”; and**

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Schaefer assumed the Chair.

Senator Mayer offered **SA 1** to **SA 8**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for Senate Bill No. 58, Page 2, Section 304.820, Lines 26-27, by striking the words “a class C misdemeanor” as such words appear on such lines, and inserting in lieu thereof the following: “**an infraction**”.

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

Senator Lager assumed the Chair.

**SA 8**, as amended, was again taken up.

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

Senator Shields offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Bill No. 58, Page 1, In the Title, Line 7, by inserting after “provisions” the following: “and an effective date for certain sections”; and

Further amend said bill, Page 18, Section 227.295, Line 16 of said page, by inserting after all of said line the following:

“301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, proof of a motor vehicle safety inspection, **if applicable**, and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026, RSMo.

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, 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 July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, RSMo, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536, RSMo, indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to

prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a

vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307, RSMo, and the emissions inspection required under chapter 643, RSMo, shall be completed and the fees required by section 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307, RSMo. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307, RSMo, **if such inspection is otherwise required under section 307.350, RSMo**, and the emissions inspection required under chapter 643, RSMo, shall be completed and only the fees required by section 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles.

The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol."; and

Further amend said bill, Page 57, Section 306.535, Line 7 of said page, by inserting after all of said line the following:

"307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) [New] Motor vehicles [which have not been previously titled and registered,] for the [two-year] **ten-year** period following their model year of manufacture;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application

for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.”; and

Further amend said bill, Page 59, Section 387.040, Line 3, by inserting after all of said line the following:

“643.303. 1. Beginning September 1, 2007, emissions inspections required by sections 643.300 to 643.355 shall be conducted through a decentralized emissions program that meets the requirements of this section. Prior to September 1, 2007, the air conservation commission shall develop a decentralized emissions inspection program that allows official inspection stations to conduct on-board diagnostic emission inspections of 1996 model year and newer motor vehicles equipped with on-board diagnostic systems meeting the federal Environmental Protection Agency On-Board Diagnostics II (OBDII) standards. The decentralized emissions inspection program shall, at a minimum, provide for the following:

- (1) The periodic inspection of certain motor vehicles as required under section 643.315;
- (2) The certification and operation of official emissions inspection stations and the licensing of emission inspectors;
- (3) The testing of motor vehicles through on-board diagnostic testing technologies;
- (4) The training, certification, and supervision of emission inspectors and other personnel; and
- (5) Procedures for certifying test results and for reporting and maintaining relevant data records.

2. In addition to any other criteria established by the commission under section 643.320 or by rule, the decentralized emissions inspection program shall allow any official inspection station located in an area

described in subsection 1 of section 643.305 otherwise qualified by the Missouri state highway patrol to conduct motor vehicle safety inspections under section 307.360, RSMo, to conduct on-board diagnostic emission inspections. Any motor vehicle safety inspection station that desires to conduct emissions inspections shall submit an application for a certificate of authorization to the commission as provided for under section 643.320. Other individuals, corporations, or entities that do not conduct motor vehicle safety inspections may conduct emission inspections provided they meet the qualifications set forth in sections 643.300 to 643.355 and the rules promulgated by the commission. Applications shall be made upon a form designated by the commission and shall contain such information as may be required by the commission. A certificate of authorization issued under section 643.320 to conduct emission inspections shall be issued only after the commission has made a determination that the applicant's proposed inspection station will be properly equipped, has the necessary licensed emission inspectors to conduct inspections, and meets all other requirements of sections 643.300 to 643.355 or rules promulgated to carry out the provisions of those sections.

3. The decentralized emissions inspection program shall allow any official inspection station that is certified to conduct an on-board diagnostic emission inspection under sections 643.300 to 643.355 to repair motor vehicles in order to bring such vehicles into compliance with sections 643.300 to 643.355, if such station and personnel meet the qualifications to conduct emission repairs as set forth in sections 643.300 to 643.355. An official emission inspection station may elect to be an emissions test-only station or may elect to conduct both emission inspections and repairs.

4. The commission is authorized to begin certification of official inspection stations prior to September 1, 2007, in order to implement the decentralized emissions inspection program. Prior to January 1, 2007, the department of natural resources shall issue a report to the general assembly and the governor regarding the progress of implementing the decentralized emissions inspection program. The report shall include, but not be limited to, a summary describing how many inspection stations or individuals the department expects to participate in the program and how many inspection stations or individuals will be qualified by September 1, 2007, to conduct such emissions inspections.

5. The commission may, as a part of implementing the decentralized emissions inspection program, use remote sensing devices to collect information regarding the vehicle fleet emissions characteristics and registration compliance within the area described in subsection 1 of section 643.305. The decentralized emissions inspection program established by the commission may also include a clean screen program that utilizes remote sensing devices. Owners of eligible vehicles who comply with clean screen/remote sensing procedures shall be deemed to have complied with the mandatory inspection requirements for the next inspection cycle. As used in this subsection, the term "clean screen program" shall mean a procedure or system that utilizes remote sensing technologies to determine whether a motor vehicle has acceptable emission levels and then allows the motor vehicle owner to bypass the emissions inspection test required under section 643.315.

6. The decentralized emissions inspection program may include a gas cap pressure test and a visual inspection component, and such tests may be included as part of the motor vehicle safety inspection test under section 307.350, RSMo, **if such motor vehicle is otherwise required to undergo an inspection under section 307.350, RSMo.**

7. As used in sections 643.300 to 643.355, "decentralized emissions inspection program" means an emissions inspection program under which a certified emissions inspector conducts emissions inspection testing at an official inspection station.

8. The decentralized emission inspection program shall satisfy the requirements established by regulation of the United States Environmental Protection Agency.

9. The decentralized emissions inspection program established by the commission and sections 643.300 to 643.355 shall not be construed to be a new program as described in section 23.253, RSMo, and the decentralized emissions inspection program shall not be subject to the sunset mandate prescribed by sections 23.250 to 23.298, RSMo.

10. No later than July 1, 2007, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of sections 643.300 to 643.355.

11. No later than July 1, 2007, the air conservation commission shall promulgate rules for the implementation 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 under 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, 2006, shall be invalid and void.

12. Prior to September 1, 2007, the department of natural resources shall actively promote participation in the decentralized emissions inspection program among qualified motor vehicle dealers, service stations, and other individuals. After the implementation of the decentralized emission inspection program, the department shall monitor participation in such program. In determining whether there are a sufficient number of individuals conducting motor vehicle emission inspections under the decentralized program, the department shall attempt to ensure, through promotional efforts, that no more than twenty percent of all persons residing in the affected nonattainment area reside farther than five miles from the nearest inspection station.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer; provided that, if such vehicle is inspected and approved prior to sale or transfer, such vehicle shall not be subject to another emissions inspection for ninety days after the date of sale or transfer of such vehicle. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle. The department of revenue shall require evidence of the safety and emission inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.390, RSMo, and sections 643.300 to 643.355. The director of revenue may verify that a successful safety and emissions inspection was completed via electronic means.

2. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles manufactured prior to 1996;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

(7) Historic motor vehicles registered pursuant to section 301.131, RSMo;

(8) School buses;

(9) Heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds;

(10) New motor vehicles that have not been previously titled and registered, for the four-year period following their model year of manufacture, provided the odometer reading for such motor vehicles are under forty thousand miles [at their first required biennial safety inspection conducted under sections 307.350 to 307.390, RSMo] **two years after such motor vehicles were initially registered**; otherwise such motor vehicles shall be subject to the emissions inspection requirements of subsection 1 of this section [during the same period that the biennial safety inspection is conducted]; and

(11) Motor vehicles that are driven fewer than twelve thousand miles between biennial safety inspections.

3. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established pursuant to sections 643.300 to 643.355.

4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose,

in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380, RSMo.”; and

Further amend said bill, Page 59, Section 301.3152, Line 10, by inserting after all of said line the following:

“Section B. The repeal and reenactment of sections 301.147, 301.190, 307.350, 643.303, and 643.315 of this act shall become effective on January 1, 2010.”; and

Further amend the title and enacting clause accordingly.

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

Senator Stouffer moved that **SS** for **SB 58**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SB 58**, as amended, was declared perfected and ordered printed.

## COMMUNICATIONS

Senator Wilson submitted the following:

March 11, 2009

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building  
Room 325  
Jefferson City, MO 65101

Dear Madame Secretary:

I respectfully request that Senate Bill 549 be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45 and that it be returned to the Senate Health, Mental Health, Seniors and Families from which it was reported for action in accordance with

the rules of the Senate.

Sincerely,

/s/ Yvonne S. Wilson

Sen. Yvonne S. Wilson

9th District

### **INTRODUCTIONS OF GUESTS**

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Todd Bailey, Clayton.

Senator Shoemyer introduced to the Senate, Debbie Catlett and her daughter, Madi Tucker, Hannibal.

Senator Shoemyer introduced to the Senate, Debbie Sears and students from Scotland County School, Memphis.

Senator Shoemyer introduced to the Senate, Coaches Matt Smith, Quentin Hamner, Scott James, Tony McKee, Isaiah Allen, Adam Hardin and members of the Clark County High School Indians, 2008 Class 2A State Football Champions.

Senator Green introduced to the Senate, members of the Hazelwood East High School Class 5A State Football Champions, St. Louis County.

Senator Lembke introduced to the Senate, Troy and Cindy Jones and their sons, Michael and Jacob, St. Louis; and Michael and Jacob were made honorary pages.

Senator Green introduced to the Senate, Superintendent Chris Wright, Principal Daryle Strong, Coach Richard M. Nixon and members of the Hazelwood Central High School Class 6A State Football Champions, St. Louis County.

Senator Justus introduced to the Senate, Jeff Williams and his family, Kansas City.

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

### **SENATE CALENDAR**

THIRTY-SEVENTH DAY—THURSDAY, MARCH 12, 2009

### **FORMAL CALENDAR**

#### **SECOND READING OF SENATE BILLS**

SJR 14-Wilson  
SJR 15-Cunningham  
SJR 16-Lager

SJR 17-Lembke  
SJR 18-Cunningham

#### **HOUSE BILLS ON SECOND READING**

HCS for HB 96

HB 744-Icet

HB 287-Day, et al  
 HB 86-Sutherland  
 HCS for HB 242  
 HB 65-Wilson (119), et al  
 HCS for HB 580  
 HCS for HB 82  
 HCS for HB 310  
 HCS for HB 459

HCS for HB 111  
 HB 289-Wallace  
 HB 682-Swinger, et al  
 HCS for HB 286  
 HCS for HBs 46 & 434  
 HB 678-Wasson  
 HCS for HB 359  
 HB 239-Jones (89), et al

### THIRD READING OF SENATE BILLS

SCS for SB 265-Mayer, et al  
 (In Fiscal Oversight)  
 SB 235-Cunningham  
 SCS for SB 44-Pearce

SCS for SB 202-Schaefer  
 SCS for SB 231-Cunningham  
 SCS for SB 176-Stouffer

### SENATE BILLS FOR PERFECTION

SB 236-Lembke  
 SB 264-Mayer  
 SB 291-Shields  
 SB 130-McKenna, et al, with SCS

SB 167-Rupp, with SCS  
 SBs 65 & 43-Rupp, et al, with SCS  
 SB 188-Dempsey, et al, with SCS  
 SB 272-Lager

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
 (Griesheimer) (In Fiscal Oversight)

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 5-Griesheimer, with SCS, SS for SCS &  
 SA 2 (pending)  
 SB 7-Griesheimer, with SS (pending)  
 SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer  
 SBs 45, 212, 136, 278, 279, 285 &  
 288-Pearce, with SCS, SS for SCS &  
 SA 1 (pending)

SB 57-Stouffer, with SCS  
 SB 72-Stouffer, with SCS  
 SB 89-Stouffer, with SCS, SA 1 & SSA 1  
 for SA 1 (pending)  
 SB 174-Griesheimer and Goodman, with  
 SCS, SS#2 for SCS & SA 2 (pending)  
 SCS for SB 189-Shields  
 SB 216-Scott, with SCS  
 SBs 223 & 226-Goodman, with SCS (pending)

SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS, SS#3 for SCS &  
SA 1 (pending)

SB 284-Lembke, et al

CONSENT CALENDAR

Senate Bills

Reported 3/4

SB 66-Scott  
SB 196-Shoemyer  
SB 122-Griesheimer  
SB 294-Barnitz  
SB 262-Bartle

SB 224-Goodman  
SB 232-Cunningham  
SB 134-Dempsey, with SCS  
SB 127-Rupp, with SCS

Reported 3/11

SB 513-Dempsey  
SB 396-Justus  
SB 421-Pearce  
SB 435-Lembke  
SB 296-Scott  
SB 276-Barnitz  
SB 337-Rupp  
SB 67-Scott  
SB 509-Scott, with SCS  
SB 378-Nodler  
SB 468-Justus, with SCS  
SB 338-Rupp, with SCS  
SB 318-Lembke, with SCS  
SB 398-Barnitz  
SB 357-Purgason

SB 485-Pearce  
SB 480-Shoemyer  
SB 394-Ridgeway, with SCS  
SB 464-Stouffer  
SB 447-Pearce  
SB 399-Justus  
SB 387-Barnitz  
SB 386-Lager  
SB 377-Rupp  
SB 354-Dempsey  
SB 266-Mayer  
SB 258-Schaefer, with SCS  
SB 253-Justus, with SCS  
SB 123-Griesheimer, with SCS  
SB 526-Clemens

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)

SCR 11-Bartle, et al  
SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp

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