

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

SENATE BILL NO. 470

96TH GENERAL ASSEMBLY

2012

4430S.12T

AN ACT

To repeal sections 142.932, 144.030, 260.392, 301.010, 301.140, 301.147, 302.185, 302.341, 302.700, 303.200, 304.022, 304.120, 304.180, 304.190, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, and to enact in lieu thereof thirty-one new sections relating to transportation, with penalty provisions, an effective date for a certain section, and contingent effective dates for certain sections.

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

Section A. Sections 142.932, 144.030, 260.392, 301.010, 301.140, 301.147, 302.185, 302.341, 302.700, 303.200, 304.022, 304.120, 304.180 304.190, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 142.932, 144.030, 260.392, 301.010, 301.140, 301.147, 301.580, 302.185, 302.188, 302.341, 302.700, 302.768, 303.200, 304.022, 304.033, 304.120, 304.180 304.190, 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054, 390.061, 390.116, and 390.280, to read as follows:

142.932. 1. No person shall operate or maintain a motor vehicle on any public highway in this state with motor fuel contained in the fuel supply tank for the motor vehicle that contains dye as provided pursuant to this chapter.

2. This section does not apply to:

(1) Persons operating motor vehicles that have received fuel into their fuel tanks outside of this state in a jurisdiction that permits introduction of dyed

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

7 motor fuel of that color and type into the motor fuel tank of highway vehicles; [or]

8 (2) Uses of dyed fuel on the highway which are lawful under the Internal
9 Revenue Code and regulations thereunder and as set forth in this chapter unless
10 otherwise prohibited by this chapter; or

11 **(3) Persons operating motor vehicles during a state of emergency**
12 **declaration by the governor, when such motor vehicles are engaged in**
13 **public safety matters or in restoration of utility services attributable**
14 **to the state of emergency. This exception shall apply to public utility**
15 **and rural electric cooperative motor vehicles and the motor vehicles of**
16 **persons contracting with such entities for the purpose of restoring**
17 **utility service attributable to the state of emergency.**

18 3. No person shall sell or hold for sale dyed diesel fuel or dyed kerosene
19 for any use that the person knows or has reason to know is a taxable use of the
20 diesel fuel.

21 4. No person shall use or hold for use any dyed diesel fuel for a taxable
22 use when the person knew or had reason to know that the diesel fuel was so dyed.

23 5. No person shall willfully, with intent to evade tax, alter or attempt to
24 alter the strength or composition of any dye or marker in any dyed diesel fuel or
25 dyed kerosene.

26 6. Any person who knowingly violates or knowingly aids and abets
27 another to violate the provisions of this section with the intent to evade the tax
28 levied by this chapter shall be guilty of a class A misdemeanor.

29 7. Any person or business entity, each officer, employee, or agent of the
30 entity who willfully participates in any act in violation of this section shall be
31 jointly and severally liable with the entity for the tax and penalty which shall be
32 the same as imposed pursuant to 26 U.S.C., Section 6715 or its successor section.

144.030. 1. There is hereby specifically exempted from the provisions of
2 sections 144.010 to 144.525 and from the computation of the tax levied, assessed
3 or payable pursuant to sections 144.010 to 144.525 such retail sales as may be
4 made in commerce between this state and any other state of the United States,
5 or between this state and any foreign country, and any retail sale which the state
6 of Missouri is prohibited from taxing pursuant to the Constitution or laws of the
7 United States of America, and such retail sales of tangible personal property
8 which the general assembly of the state of Missouri is prohibited from taxing or
9 further taxing by the constitution of this state.

10 2. There are also specifically exempted from the provisions of the local

11 sales tax law as defined in section 32.085, section 238.235, and sections 144.010
12 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied,
13 assessed or payable pursuant to the local sales tax law as defined in section
14 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

15 (1) Motor fuel or special fuel subject to an excise tax of this state, unless
16 all or part of such excise tax is refunded pursuant to section 142.824; or upon the
17 sale at retail of fuel to be consumed in manufacturing or creating gas, power,
18 steam, electrical current or in furnishing water to be sold ultimately at retail; or
19 feed for livestock or poultry; or grain to be converted into foodstuffs which are to
20 be sold ultimately in processed form at retail; or seed, limestone or fertilizer
21 which is to be used for seeding, liming or fertilizing crops which when harvested
22 will be sold at retail or will be fed to livestock or poultry to be sold ultimately in
23 processed form at retail; economic poisons registered pursuant to the provisions
24 of the Missouri pesticide registration law (sections 281.220 to 281.310) which are
25 to be used in connection with the growth or production of crops, fruit trees or
26 orchards applied before, during, or after planting, the crop of which when
27 harvested will be sold at retail or will be converted into foodstuffs which are to
28 be sold ultimately in processed form at retail;

29 (2) Materials, manufactured goods, machinery and parts which when used
30 in manufacturing, processing, compounding, mining, producing or fabricating
31 become a component part or ingredient of the new personal property resulting
32 from such manufacturing, processing, compounding, mining, producing or
33 fabricating and which new personal property is intended to be sold ultimately for
34 final use or consumption; and materials, including without limitation, gases and
35 manufactured goods, including without limitation slagging materials and
36 firebrick, which are ultimately consumed in the manufacturing process by
37 blending, reacting or interacting with or by becoming, in whole or in part,
38 component parts or ingredients of steel products intended to be sold ultimately
39 for final use or consumption;

40 (3) Materials, replacement parts and equipment purchased for use directly
41 upon, and for the repair and maintenance or manufacture of, motor vehicles,
42 watercraft, railroad rolling stock or aircraft engaged as common carriers of
43 persons or property;

44 (4) **Motor vehicles registered in excess of fifty-four thousand**
45 **pounds, and the trailers pulled by such motor vehicles, that are**
46 **actually used in the normal course of business to haul property on the**

47 **public highways of the state, and that are capable of hauling loads**
48 **commensurate with the motor vehicle's registered weight; and the**
49 **materials, replacement parts, and equipment purchased for use directly**
50 **upon, and for the repair and maintenance or manufacture of such**
51 **vehicles. For purposes of this subsection "motor vehicle" and "public**
52 **highway" shall have the meaning as ascribed in section 390.020;**

53 (5) Replacement machinery, equipment, and parts and the materials and
54 supplies solely required for the installation or construction of such replacement
55 machinery, equipment, and parts, used directly in manufacturing, mining,
56 fabricating or producing a product which is intended to be sold ultimately for
57 final use or consumption; and machinery and equipment, and the materials and
58 supplies required solely for the operation, installation or construction of such
59 machinery and equipment, purchased and used to establish new, or to replace or
60 expand existing, material recovery processing plants in this state. For the
61 purposes of this subdivision, a "material recovery processing plant" means a
62 facility that has as its primary purpose the recovery of materials into a useable
63 product or a different form which is used in producing a new product and shall
64 include a facility or equipment which are used exclusively for the collection of
65 recovered materials for delivery to a material recovery processing plant but shall
66 not include motor vehicles used on highways. For purposes of this section, the
67 terms motor vehicle and highway shall have the same meaning pursuant to
68 section 301.010. Material recovery is not the reuse of materials within a
69 manufacturing process or the use of a product previously recovered. The material
70 recovery processing plant shall qualify under the provisions of this section
71 regardless of ownership of the material being recovered;

72 [(5)] (6) Machinery and equipment, and parts and the materials and
73 supplies solely required for the installation or construction of such machinery and
74 equipment, purchased and used to establish new or to expand existing
75 manufacturing, mining or fabricating plants in the state if such machinery and
76 equipment is used directly in manufacturing, mining or fabricating a product
77 which is intended to be sold ultimately for final use or consumption;

78 [(6)] (7) Tangible personal property which is used exclusively in the
79 manufacturing, processing, modification or assembling of products sold to the
80 United States government or to any agency of the United States government;

81 [(7)] (8) Animals or poultry used for breeding or feeding purposes, or
82 captive wildlife;

83 [(8)] (9) Newsprint, ink, computers, photosensitive paper and film, toner,
84 printing plates and other machinery, equipment, replacement parts and supplies
85 used in producing newspapers published for dissemination of news to the general
86 public;

87 [(9)] (10) The rentals of films, records or any type of sound or picture
88 transcriptions for public commercial display;

89 [(10)] (11) Pumping machinery and equipment used to propel products
90 delivered by pipelines engaged as common carriers;

91 [(11)] (12) Railroad rolling stock for use in transporting persons or
92 property in interstate commerce and motor vehicles licensed for a gross weight
93 of twenty-four thousand pounds or more or trailers used by common carriers, as
94 defined in section 390.020, in the transportation of persons or property;

95 [(12)] (13) Electrical energy used in the actual primary manufacture,
96 processing, compounding, mining or producing of a product, or electrical energy
97 used in the actual secondary processing or fabricating of the product, or a
98 material recovery processing plant as defined in subdivision (4) of this subsection,
99 in facilities owned or leased by the taxpayer, if the total cost of electrical energy
100 so used exceeds ten percent of the total cost of production, either primary or
101 secondary, exclusive of the cost of electrical energy so used or if the raw materials
102 used in such processing contain at least twenty-five percent recovered materials
103 as defined in section 260.200. There shall be a rebuttable presumption that the
104 raw materials used in the primary manufacture of automobiles contain at least
105 twenty-five percent recovered materials. For purposes of this subdivision,
106 "processing" means any mode of treatment, act or series of acts performed upon
107 materials to transform and reduce them to a different state or thing, including
108 treatment necessary to maintain or preserve such processing by the producer at
109 the production facility;

110 [(13)] (14) Anodes which are used or consumed in manufacturing,
111 processing, compounding, mining, producing or fabricating and which have a
112 useful life of less than one year;

113 [(14)] (15) Machinery, equipment, appliances and devices purchased or
114 leased and used solely for the purpose of preventing, abating or monitoring air
115 pollution, and materials and supplies solely required for the installation,
116 construction or reconstruction of such machinery, equipment, appliances and
117 devices;

118 [(15)] (16) Machinery, equipment, appliances and devices purchased or

119 leased and used solely for the purpose of preventing, abating or monitoring water
120 pollution, and materials and supplies solely required for the installation,
121 construction or reconstruction of such machinery, equipment, appliances and
122 devices;

123 [(16)] (17) Tangible personal property purchased by a rural water
124 district;

125 [(17)] (18) All amounts paid or charged for admission or participation or
126 other fees paid by or other charges to individuals in or for any place of
127 amusement, entertainment or recreation, games or athletic events, including
128 museums, fairs, zoos and planetariums, owned or operated by a municipality or
129 other political subdivision where all the proceeds derived therefrom benefit the
130 municipality or other political subdivision and do not inure to any private person,
131 firm, or corporation;

132 [(18)] (19) All sales of insulin and prosthetic or orthopedic devices as
133 defined on January 1, 1980, by the federal Medicare program pursuant to Title
134 XVIII of the Social Security Act of 1965, including the items specified in Section
135 1862(a)(12) of that act, and also specifically including hearing aids and hearing
136 aid supplies and all sales of drugs which may be legally dispensed by a licensed
137 pharmacist only upon a lawful prescription of a practitioner licensed to
138 administer those items, including samples and materials used to manufacture
139 samples which may be dispensed by a practitioner authorized to dispense such
140 samples and all sales or rental of medical oxygen, home respiratory equipment
141 and accessories, hospital beds and accessories and ambulatory aids, all sales or
142 rental of manual and powered wheelchairs, stairway lifts, Braille writers,
143 electronic Braille equipment and, if purchased or rented by or on behalf of a
144 person with one or more physical or mental disabilities to enable them to function
145 more independently, all sales or rental of scooters, reading machines, electronic
146 print enlargers and magnifiers, electronic alternative and augmentative
147 communication devices, and items used solely to modify motor vehicles to permit
148 the use of such motor vehicles by individuals with disabilities or sales of
149 over-the-counter or nonprescription drugs to individuals with disabilities, and
150 drugs required by the Food and Drug Administration to meet the over-the-counter
151 drug product labeling requirements in 21 CFR 201.66, or its successor, as
152 prescribed by a health care practitioner licensed to prescribe;

153 [(19)] (20) All sales made by or to religious and charitable organizations
154 and institutions in their religious, charitable or educational functions and

155 activities and all sales made by or to all elementary and secondary schools
156 operated at public expense in their educational functions and activities;

157 [(20)] **(21)** All sales of aircraft to common carriers for storage or for use
158 in interstate commerce and all sales made by or to not-for-profit civic, social,
159 service or fraternal organizations, including fraternal organizations which have
160 been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of
161 the 1986 Internal Revenue Code, as amended, in their civic or charitable
162 functions and activities and all sales made to eleemosynary and penal institutions
163 and industries of the state, and all sales made to any private not-for-profit
164 institution of higher education not otherwise excluded pursuant to subdivision
165 (19) of this subsection or any institution of higher education supported by public
166 funds, and all sales made to a state relief agency in the exercise of relief functions
167 and activities;

168 [(21)] **(22)** All ticket sales made by benevolent, scientific and educational
169 associations which are formed to foster, encourage, and promote progress and
170 improvement in the science of agriculture and in the raising and breeding of
171 animals, and by nonprofit summer theater organizations if such organizations are
172 exempt from federal tax pursuant to the provisions of the Internal Revenue Code
173 and all admission charges and entry fees to the Missouri state fair or any fair
174 conducted by a county agricultural and mechanical society organized and
175 operated pursuant to sections 262.290 to 262.530;

176 [(22)] **(23)** All sales made to any private not-for-profit elementary or
177 secondary school, all sales of feed additives, medications or vaccines administered
178 to livestock or poultry in the production of food or fiber, all sales of pesticides
179 used in the production of crops, livestock or poultry for food or fiber, all sales of
180 bedding used in the production of livestock or poultry for food or fiber, all sales
181 of propane or natural gas, electricity or diesel fuel used exclusively for drying
182 agricultural crops, natural gas used in the primary manufacture or processing of
183 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity
184 used by an eligible new generation cooperative or an eligible new generation
185 processing entity as defined in section 348.432, and all sales of farm machinery
186 and equipment, other than airplanes, motor vehicles and trailers, and any freight
187 charges on any exempt item. As used in this subdivision, the term "feed
188 additives" means tangible personal property which, when mixed with feed for
189 livestock or poultry, is to be used in the feeding of livestock or poultry. As used
190 in this subdivision, the term "pesticides" includes adjuvants such as crop oils,

191 surfactants, wetting agents and other assorted pesticide carriers used to improve
192 or enhance the effect of a pesticide and the foam used to mark the application of
193 pesticides and herbicides for the production of crops, livestock or poultry. As
194 used in this subdivision, the term "farm machinery and equipment" means new
195 or used farm tractors and such other new or used farm machinery and equipment
196 and repair or replacement parts thereon and any accessories for and upgrades to
197 such farm machinery and equipment, rotary mowers used exclusively for
198 agricultural purposes, and supplies and lubricants used exclusively, solely, and
199 directly for producing crops, raising and feeding livestock, fish, poultry,
200 pheasants, chukar, quail, or for producing milk for ultimate sale at retail,
201 including field drain tile, and one-half of each purchaser's purchase of diesel fuel
202 therefor which is:

203 (a) Used exclusively for agricultural purposes;

204 (b) Used on land owned or leased for the purpose of producing farm
205 products; and

206 (c) Used directly in producing farm products to be sold ultimately in
207 processed form or otherwise at retail or in producing farm products to be fed to
208 livestock or poultry to be sold ultimately in processed form at retail;

209 [(23)] (24) Except as otherwise provided in section 144.032, all sales of
210 metered water service, electricity, electrical current, natural, artificial or propane
211 gas, wood, coal or home heating oil for domestic use and in any city not within a
212 county, all sales of metered or unmetered water service for domestic use:

213 (a) "Domestic use" means that portion of metered water service,
214 electricity, electrical current, natural, artificial or propane gas, wood, coal or
215 home heating oil, and in any city not within a county, metered or unmetered
216 water service, which an individual occupant of a residential premises uses for
217 nonbusiness, noncommercial or nonindustrial purposes. Utility service through
218 a single or master meter for residential apartments or condominiums, including
219 service for common areas and facilities and vacant units, shall be deemed to be
220 for domestic use. Each seller shall establish and maintain a system whereby
221 individual purchases are determined as exempt or nonexempt;

222 (b) Regulated utility sellers shall determine whether individual purchases
223 are exempt or nonexempt based upon the seller's utility service rate
224 classifications as contained in tariffs on file with and approved by the Missouri
225 public service commission. Sales and purchases made pursuant to the rate
226 classification "residential" and sales to and purchases made by or on behalf of the

227 occupants of residential apartments or condominiums through a single or master
228 meter, including service for common areas and facilities and vacant units, shall
229 be considered as sales made for domestic use and such sales shall be exempt from
230 sales tax. Sellers shall charge sales tax upon the entire amount of purchases
231 classified as nondomestic use. The seller's utility service rate classification and
232 the provision of service thereunder shall be conclusive as to whether or not the
233 utility must charge sales tax;

234 (c) Each person making domestic use purchases of services or property
235 and who uses any portion of the services or property so purchased for a
236 nondomestic use shall, by the fifteenth day of the fourth month following the year
237 of purchase, and without assessment, notice or demand, file a return and pay
238 sales tax on that portion of nondomestic purchases. Each person making
239 nondomestic purchases of services or property and who uses any portion of the
240 services or property so purchased for domestic use, and each person making
241 domestic purchases on behalf of occupants of residential apartments or
242 condominiums through a single or master meter, including service for common
243 areas and facilities and vacant units, under a nonresidential utility service rate
244 classification may, between the first day of the first month and the fifteenth day
245 of the fourth month following the year of purchase, apply for credit or refund to
246 the director of revenue and the director shall give credit or make refund for taxes
247 paid on the domestic use portion of the purchase. The person making such
248 purchases on behalf of occupants of residential apartments or condominiums shall
249 have standing to apply to the director of revenue for such credit or refund;

250 [(24)] **(25)** All sales of handicraft items made by the seller or the seller's
251 spouse if the seller or the seller's spouse is at least sixty-five years of age, and if
252 the total gross proceeds from such sales do not constitute a majority of the annual
253 gross income of the seller;

254 [(25)] **(26)** Excise taxes, collected on sales at retail, imposed by Sections
255 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United
256 States Code. The director of revenue shall promulgate rules pursuant to chapter
257 536 to eliminate all state and local sales taxes on such excise taxes;

258 [(26)] **(27)** Sales of fuel consumed or used in the operation of ships,
259 barges, or waterborne vessels which are used primarily in or for the
260 transportation of property or cargo, or the conveyance of persons for hire, on
261 navigable rivers bordering on or located in part in this state, if such fuel is
262 delivered by the seller to the purchaser's barge, ship, or waterborne vessel while

263 it is afloat upon such river;

264 [(27)] **(28)** All sales made to an interstate compact agency created
265 pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the
266 exercise of the functions and activities of such agency as provided pursuant to the
267 compact;

268 [(28)] **(29)** Computers, computer software and computer security systems
269 purchased for use by architectural or engineering firms headquartered in this
270 state. For the purposes of this subdivision, "headquartered in this state" means
271 the office for the administrative management of at least four integrated facilities
272 operated by the taxpayer is located in the state of Missouri;

273 [(29)] **(30)** All livestock sales when either the seller is engaged in the
274 growing, producing or feeding of such livestock, or the seller is engaged in the
275 business of buying and selling, bartering or leasing of such livestock;

276 [(30)] **(31)** All sales of barges which are to be used primarily in the
277 transportation of property or cargo on interstate waterways;

278 [(31)] **(32)** Electrical energy or gas, whether natural, artificial or
279 propane, water, or other utilities which are ultimately consumed in connection
280 with the manufacturing of cellular glass products or in any material recovery
281 processing plant as defined in subdivision (4) of this subsection;

282 [(32)] **(33)** Notwithstanding other provisions of law to the contrary, all
283 sales of pesticides or herbicides used in the production of crops, aquaculture,
284 livestock or poultry;

285 [(33)] **(34)** Tangible personal property and utilities purchased for use or
286 consumption directly or exclusively in the research and development of
287 agricultural/biotechnology and plant genomics products and prescription
288 pharmaceuticals consumed by humans or animals;

289 [(34)] **(35)** All sales of grain bins for storage of grain for resale;

290 [(35)] **(36)** All sales of feed which are developed for and used in the
291 feeding of pets owned by a commercial breeder when such sales are made to a
292 commercial breeder, as defined in section 273.325, and licensed pursuant to
293 sections 273.325 to 273.357;

294 [(36)] **(37)** All purchases by a contractor on behalf of an entity located in
295 another state, provided that the entity is authorized to issue a certificate of
296 exemption for purchases to a contractor under the provisions of that state's
297 laws. For purposes of this subdivision, the term "certificate of exemption" shall
298 mean any document evidencing that the entity is exempt from sales and use taxes

299 on purchases pursuant to the laws of the state in which the entity is located. Any
300 contractor making purchases on behalf of such entity shall maintain a copy of the
301 entity's exemption certificate as evidence of the exemption. If the exemption
302 certificate issued by the exempt entity to the contractor is later determined by the
303 director of revenue to be invalid for any reason and the contractor has accepted
304 the certificate in good faith, neither the contractor or the exempt entity shall be
305 liable for the payment of any taxes, interest and penalty due as the result of use
306 of the invalid exemption certificate. Materials shall be exempt from all state and
307 local sales and use taxes when purchased by a contractor for the purpose of
308 fabricating tangible personal property which is used in fulfilling a contract for the
309 purpose of constructing, repairing or remodeling facilities for the following:

310 (a) An exempt entity located in this state, if the entity is one of those
311 entities able to issue project exemption certificates in accordance with the
312 provisions of section 144.062; or

313 (b) An exempt entity located outside the state if the exempt entity is
314 authorized to issue an exemption certificate to contractors in accordance with the
315 provisions of that state's law and the applicable provisions of this section;

316 [(37)] **(38)** All sales or other transfers of tangible personal property to a
317 lessor who leases the property under a lease of one year or longer executed or in
318 effect at the time of the sale or other transfer to an interstate compact agency
319 created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

320 [(38)] **(39)** Sales of tickets to any collegiate athletic championship event
321 that is held in a facility owned or operated by a governmental authority or
322 commission, a quasi-governmental agency, a state university or college or by the
323 state or any political subdivision thereof, including a municipality, and that is
324 played on a neutral site and may reasonably be played at a site located outside
325 the state of Missouri. For purposes of this subdivision, "neutral site" means any
326 site that is not located on the campus of a conference member institution
327 participating in the event;

328 [(39)] **(40)** All purchases by a sports complex authority created under
329 section 64.920, and all sales of utilities by such authority at the authority's cost
330 that are consumed in connection with the operation of a sports complex leased to
331 a professional sports team;

332 [(40)] **(41)** Beginning January 1, 2009, but not after January 1, 2015,
333 materials, replacement parts, and equipment purchased for use directly upon, and
334 for the modification, replacement, repair, and maintenance of aircraft, aircraft

335 power plants, and aircraft accessories;

336 [(41)] **(42)** Sales of sporting clays, wobble, skeet, and trap targets to any
337 shooting range or similar places of business for use in the normal course of
338 business and money received by a shooting range or similar places of business
339 from patrons and held by a shooting range or similar place of business for
340 redistribution to patrons at the conclusion of a shooting event.

 260.392. 1. As used in sections 260.392 to 260.399, the following terms
2 mean:

3 (1) "Cask", all the components and systems associated with the container
4 in which spent fuel, high-level radioactive waste, highway route controlled
5 quantity, or transuranic radioactive waste are stored;

6 (2) "High-level radioactive waste", the highly radioactive material
7 resulting from the reprocessing of spent nuclear fuel including liquid waste
8 produced directly in reprocessing and any solid material derived from such liquid
9 waste that contains fission products in sufficient concentrations, and other highly
10 radioactive material that the United States Nuclear Regulatory Commission has
11 determined to be high-level radioactive waste requiring permanent isolation;

12 (3) "Highway route controlled quantity", as defined in 49 CFR Part
13 173.403, as amended, a quantity of radioactive material within a single
14 package. Highway route controlled quantity shipments of thirty miles or less
15 within the state are exempt from the provisions of this section;

16 (4) "Low-level radioactive waste", any radioactive waste not classified as
17 high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel
18 by the United States Nuclear Regulatory Commission, consistent with existing
19 law. Shipment of all sealed sources meeting the definition of low-level radioactive
20 waste, shipments of low-level radioactive waste that are within a radius of no
21 more than fifty miles from the point of origin, and all naturally occurring
22 radioactive material given written approval for landfill disposal by the Missouri
23 department of natural resources under 10 CSR 80-3.010 are exempt from the
24 provisions of this section. Any low-level radioactive waste that has a radioactive
25 half-life equal to or less than one hundred twenty days is exempt from the
26 provisions of this section;

27 (5) "Shipper", the generator, owner, or company contracting for
28 transportation by truck or rail of the spent fuel, high-level radioactive waste,
29 highway route controlled quantity shipments, transuranic radioactive waste, or
30 low-level radioactive waste;

31 (6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear
32 reactor following irradiation, the constituent elements of which have not been
33 separated by reprocessing;

34 (7) "State-funded institutions of higher education", any campus of any
35 university within the state of Missouri that receives state funding and has a
36 nuclear research reactor;

37 (8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as
38 amended, as waste containing more than one hundred nanocuries of
39 alpha-emitting transuranic isotopes with half-lives greater than twenty years, per
40 gram of waste. For the purposes of this section, transuranic waste shall not
41 include:

42 (a) High-level radioactive wastes;

43 (b) Any waste determined by the Environmental Protection Agency with
44 the concurrence of the Environmental Protection Agency administrator that does
45 not need the degree of isolation required by this section; or

46 (c) Any waste that the United States Nuclear Regulatory Commission has
47 approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61,
48 as amended.

49 2. Any shipper that ships high-level radioactive waste, transuranic
50 radioactive waste, highway route controlled quantity shipments, spent nuclear
51 fuel, or low-level radioactive waste through or within the state shall be subject
52 to the fees established in this subsection, provided that no state-funded
53 institution of higher education that ships nuclear waste shall pay any such
54 fee. These higher education institutions shall reimburse the Missouri state
55 highway patrol directly for all costs related to shipment escorts. The fees for all
56 other shipments shall be:

57 (1) One thousand eight hundred dollars for each [cask
58 transported] **truck transporting** through or within the state [by truck of]
59 high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or
60 highway route controlled quantity shipments. All [casks] **truck shipments** of
61 high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel,
62 or highway route controlled quantity shipments [transported by truck] are subject
63 to a surcharge of twenty-five dollars per mile for every mile over two hundred
64 miles traveled within the state;

65 (2) One thousand three hundred dollars for the first cask and one hundred
66 twenty-five dollars for each additional cask for each rail shipment through or

67 within the state of high-level radioactive waste, transuranic radioactive waste,
68 or spent nuclear fuel;

69 (3) One hundred twenty-five dollars for each truck or train transporting
70 low-level radioactive waste through or within the state. The department of
71 natural resources may accept an annual shipment fee as negotiated with a
72 shipper or accept payment per shipment.

73 3. All revenue generated from the fees established in subsection 2 of this
74 section shall be deposited into the environmental radiation monitoring fund
75 established in section 260.750 and shall be used by the department of natural
76 resources to achieve the following objectives and for purposes related to the
77 shipment of high-level radioactive waste, transuranic radioactive waste, highway
78 route controlled quantity shipments, spent nuclear fuel, or low-level radioactive
79 waste, including, but not limited to:

80 (1) Inspections, escorts, and security for waste shipment and planning;

81 (2) Coordination of emergency response capability;

82 (3) Education and training of state, county, and local emergency
83 responders;

84 (4) Purchase and maintenance of necessary equipment and supplies for
85 state, county, and local emergency responders through grants or other funding
86 mechanisms;

87 (5) Emergency responses to any transportation incident involving the
88 high-level radioactive waste, transuranic radioactive waste, highway route
89 controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;

90 (6) Oversight of any environmental remediation necessary resulting from
91 an incident involving a shipment of high-level radioactive waste, transuranic
92 radioactive waste, highway route controlled quantity shipments, spent nuclear
93 fuel, or low-level radioactive waste. Reimbursement for oversight of any such
94 incident shall not reduce or eliminate the liability of any party responsible for the
95 incident; such party may be liable for full reimbursement to the state or payment
96 of any other costs associated with the cleanup of contamination related to a
97 transportation incident;

98 (7) Administrative costs attributable to the state agencies which are
99 incurred through their involvement as it relates to the shipment of high-level
100 radioactive waste, transuranic radioactive waste, highway route controlled
101 quantity shipments, spent nuclear fuel, or low-level radioactive waste through or
102 within the state.

103 4. Nothing in this section shall preclude any other state agency from
104 receiving reimbursement from the department of natural resources and the
105 environmental radiation monitoring fund for services rendered that achieve the
106 objectives and comply with the provisions of this section.

107 5. Any unencumbered balance in the environmental radiation monitoring
108 fund that exceeds three hundred thousand dollars in any given fiscal year shall
109 be returned to shippers on a pro rata basis, based on the shipper's contribution
110 into the environmental radiation monitoring fund for that fiscal year.

111 6. The department of natural resources, in coordination with the
112 department of health and senior services and the department of public safety,
113 may promulgate rules necessary to carry out the provisions of this section. Any
114 rule or portion of a rule, as that term is defined in section 536.010, that is created
115 under the authority delegated in this section shall become effective only if it
116 complies with and is subject to all of the provisions of chapter 536 and, if
117 applicable, section 536.028. This section and chapter 536 are nonseverable and
118 if any of the powers vested with the general assembly pursuant to chapter 536 to
119 review, to delay the effective date, or to disapprove and annul a rule are
120 subsequently held unconstitutional, then the grant of rulemaking authority and
121 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

122 7. All funds deposited in the environmental radiation monitoring fund
123 through fees established in subsection 2 of this section shall be utilized, subject
124 to appropriation by the general assembly, for the administration and enforcement
125 of this section by the department of natural resources. All interest earned by the
126 moneys in the fund shall accrue to the fund.

127 8. All fees shall be paid to the department of natural resources prior to
128 shipment.

129 9. Notice of any shipment of high-level radioactive waste, transuranic
130 radioactive waste, highway route controlled quantity shipments, or spent nuclear
131 fuel through or within the state shall be provided by the shipper to the governor's
132 designee for advanced notification, as described in 10 CFR Parts 71 and 73, as
133 amended, prior to such shipment entering the state. Notice of any shipment of
134 low-level radioactive waste through or within the state shall be provided by the
135 shipper to the Missouri department of natural resources before such shipment
136 enters the state.

137 10. Any shipper who fails to pay a fee assessed under this section, or fails
138 to provide notice of a shipment, shall be liable in a civil action for an amount not

139 to exceed ten times the amount assessed and not paid. The action shall be
140 brought by the attorney general at the request of the department of natural
141 resources. If the action involves a facility domiciled in the state, the action shall
142 be brought in the circuit court of the county in which the facility is located. If the
143 action does not involve a facility domiciled in the state, the action shall be
144 brought in the circuit court of Cole County.

145 11. Beginning on December 31, 2009, and every two years thereafter, the
146 department of natural resources shall prepare and submit a report on activities
147 of the environmental radiation monitoring fund to the general assembly. This
148 report shall include information on fee income received and expenditures made
149 by the state to enforce and administer the provisions of this section.

150 12. The provisions of this section shall not apply to high-level radioactive
151 waste, transuranic radioactive waste, highway route controlled quantity
152 shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the
153 federal government for military or national defense purposes.

154 13. Under section 23.253 of the Missouri sunset act:

155 (1) The provisions of the new program authorized under this section shall
156 automatically sunset six years after August 28, 2009, unless reauthorized by an
157 act of the general assembly; and

158 (2) If such program is reauthorized, the program authorized under this
159 section shall automatically sunset twelve years after the effective date of the
160 reauthorization of this section; and

161 (3) This section shall terminate on September first of the calendar year
162 immediately following the calendar year in which the program authorized under
163 this section is sunset.

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

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used
4 exclusively for off-highway use which is fifty inches or less in width, with an
5 unladen dry weight of one thousand five hundred pounds or less, traveling on
6 three, four or more nonhighway tires, with a seat designed to be straddled by the
7 operator, or with a seat designed to carry more than one person, and handlebars
8 for steering control;

9 (2) "Automobile transporter", any vehicle combination designed and used
10 specifically for the transport of assembled motor vehicles;

11 (3) "Axle load", the total load transmitted to the road by all wheels whose

12 centers are included between two parallel transverse vertical planes forty inches
13 apart, extending across the full width of the vehicle;

14 (4) "Boat transporter", any vehicle combination designed and used
15 specifically to transport assembled boats and boat hulls;

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

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

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

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

27 (9) "Dealer", any person, firm, corporation, association, agent or subagent
28 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
29 trailers;

30 (10) "Director" or "director of revenue", the director of the department of
31 revenue;

32 (11) "Driveaway operation":

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

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

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

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

53 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

54 (14) "Fleet", any group of ten or more motor vehicles owned by the same
55 owner;

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

57 (16) "Fullmount", a vehicle mounted completely on the frame of either the
58 first or last vehicle in a saddlemount combination;

59 (17) "Gross weight", the weight of vehicle and/or vehicle combination
60 without load, plus the weight of any load thereon;

61 (18) "Hail-damaged vehicle", any vehicle, the body of which has become
62 dented as the result of the impact of hail;

63 (19) "Highway", any public thoroughfare for vehicles, including state
64 roads, county roads and public streets, avenues, boulevards, parkways or alleys
65 in any municipality;

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

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

71 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon
72 the highways and has no resale value except as a source of parts or scrap, and
73 shall not be titled or registered;

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

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

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

84 maintenance purposes; or

85 (b) An area that extends not more than a radius of fifty miles from its
86 home base of operations when transporting its owner's machinery, equipment, or
87 auxiliary supplies to or from projects not involving soil and water
88 conservation. Nothing in this subdivision shall be construed to prevent any motor
89 vehicle from being registered as a commercial motor vehicle or local commercial
90 motor vehicle;

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

99 (26) "Local log truck", a commercial motor vehicle which is registered
100 pursuant to this chapter to operate as a motor vehicle on the public highways of
101 this state, used exclusively in this state, used to transport harvested forest
102 products, operated solely at a forested site and in an area extending not more
103 than a one hundred-mile radius from such site, carries a load with dimensions not
104 in excess of twenty-five cubic yards per two axles with dual wheels, and when
105 operated on the national system of interstate and defense highways described in
106 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed
107 the weight limits of section 304.180, does not have more than four axles, and does
108 not pull a trailer which has more than two axles. Harvesting equipment which
109 is used specifically for cutting, felling, trimming, delimiting, debarking, chipping,
110 skidding, loading, unloading, and stacking may be transported on a local log
111 truck. A local log truck may not exceed the limits required by law, however, if
112 the truck does exceed such limits as determined by the inspecting officer, then
113 notwithstanding any other provisions of law to the contrary, such truck shall be
114 subject to the weight limits required by such sections as licensed for eighty
115 thousand pounds;

116 (27) "Local log truck tractor", a commercial motor vehicle which is
117 registered under this chapter to operate as a motor vehicle on the public
118 highways of this state, used exclusively in this state, used to transport harvested
119 forest products, operated solely at a forested site and in an area extending not

120 more than a one hundred-mile radius from such site, operates with a weight not
121 exceeding twenty-two thousand four hundred pounds on one axle or with a weight
122 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and
123 when operated on the national system of interstate and defense highways
124 described in Title 23, Section 103(e) of the United States Code, such vehicle does
125 not exceed the weight limits contained in section 304.180, and does not have more
126 than three axles and does not pull a trailer which has more than two
127 axles. Violations of axle weight limitations shall be subject to the load limit
128 penalty as described for in sections 304.180 to 304.220;

129 (28) "Local transit bus", a bus whose operations are confined wholly
130 within a municipal corporation, or wholly within a municipal corporation and a
131 commercial zone, as defined in section 390.020, adjacent thereto, forming a part
132 of a public transportation system within such municipal corporation and such
133 municipal corporation and adjacent commercial zone;

134 (29) "Log truck", a vehicle which is not a local log truck or local log truck
135 tractor and is used exclusively to transport harvested forest products to and from
136 forested sites which is registered pursuant to this chapter to operate as a motor
137 vehicle on the public highways of this state for the transportation of harvested
138 forest products;

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

142 (31) "Manufacturer", any person, firm, corporation or association engaged
143 in the business of manufacturing or assembling motor vehicles, trailers or vessels
144 for sale;

145 (32) "Mobile scrap processor", a business located in Missouri or any other
146 state that comes onto a salvage site and crushes motor vehicles and parts for
147 transportation to a shredder or scrap metal operator for recycling;

148 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957,
149 which receives a new, rebuilt or used engine, and which used the number
150 stamped on the original engine as the vehicle identification number;

151 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively
152 upon tracks, except farm tractors;

153 (35) "Motor vehicle primarily for business use", any vehicle other than a
154 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor
155 vehicle licensed for over twelve thousand pounds;

- 156 (a) Offered for hire or lease; or
- 157 (b) The owner of which also owns ten or more such motor vehicles;
- 158 (36) "Motorcycle", a motor vehicle operated on two wheels;
- 159 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having
- 160 an automatic transmission and a motor with a cylinder capacity of not more than
- 161 fifty cubic centimeters, which produces less than three gross brake horsepower,
- 162 and is capable of propelling the device at a maximum speed of not more than
- 163 thirty miles per hour on level ground;
- 164 (38) "Motortricycle", a motor vehicle operated on three wheels, including
- 165 a motorcycle while operated with any conveyance, temporary or otherwise,
- 166 requiring the use of a third wheel. A motortricycle shall not be included in the
- 167 definition of all-terrain vehicle;
- 168 (39) "Municipality", any city, town or village, whether incorporated or not;
- 169 (40) "Nonresident", a resident of a state or country other than the state
- 170 of Missouri;
- 171 (41) "Non-USA-std motor vehicle", a motor vehicle not originally
- 172 manufactured in compliance with United States emissions or safety standards;
- 173 (42) "Operator", any person who operates or drives a motor vehicle;
- 174 (43) "Owner", any person, firm, corporation or association, who holds the
- 175 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
- 176 the conditional sale or lease thereof with the right of purchase upon performance
- 177 of the conditions stated in the agreement and with an immediate right of
- 178 possession vested in the conditional vendee or lessee, or in the event a mortgagor
- 179 of a vehicle is entitled to possession, then such conditional vendee or lessee or
- 180 mortgagor shall be deemed the owner for the purpose of this law;
- 181 (44) "Public garage", a place of business where motor vehicles are housed,
- 182 stored, repaired, reconstructed or repainted for persons other than the owners or
- 183 operators of such place of business;
- 184 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned
- 185 by the rebuilder, but does not include certificated common or contract carriers of
- 186 persons or property;
- 187 (46) "Reconstructed motor vehicle", a vehicle that is altered from its
- 188 original construction by the addition or substitution of two or more new or used
- 189 major component parts, excluding motor vehicles made from all new parts, and
- 190 new multistage manufactured vehicles;
- 191 (47) "Recreational motor vehicle", any motor vehicle designed, constructed

192 or substantially modified so that it may be used and is used for the purposes of
193 temporary housing quarters, including therein sleeping and eating facilities
194 which are either permanently attached to the motor vehicle or attached to a unit
195 which is securely attached to the motor vehicle. Nothing herein shall prevent any
196 motor vehicle from being registered as a commercial motor vehicle if the motor
197 vehicle could otherwise be so registered;

198 (48) "Recreational off-highway vehicle", any motorized vehicle
199 manufactured and used exclusively for off-highway use which is [sixty] **sixty-**
200 **four** inches or less in width, with an unladen dry weight of [one] **two** thousand
201 [eight hundred fifty] pounds or less, traveling on four or more nonhighway tires,
202 with a nonstraddle seat, and steering wheel, which may have access to ATV
203 trails;

204 (49) "Rollback or car carrier", any vehicle specifically designed to
205 transport wrecked, disabled or otherwise inoperable vehicles, when the
206 transportation is directly connected to a wrecker or towing service;

207 (50) "Saddlemount combination", a combination of vehicles in which a
208 truck or truck tractor tows one or more trucks or truck tractors, each connected
209 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
210 is a mechanism that connects the front axle of the towed vehicle to the frame or
211 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
212 connection. When two vehicles are towed in this manner the combination is
213 called a "double saddlemount combination". When three vehicles are towed in
214 this manner, the combination is called a "triple saddlemount combination";

215 (51) "Salvage dealer and dismantler", a business that dismantles used
216 motor vehicles for the sale of the parts thereof, and buys and sells used motor
217 vehicle parts and accessories;

218 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:
219 (a) Was damaged during a year that is no more than six years after the
220 manufacturer's model year designation for such vehicle to the extent that the
221 total cost of repairs to rebuild or reconstruct the vehicle to its condition
222 immediately before it was damaged for legal operation on the roads or highways
223 exceeds eighty percent of the fair market value of the vehicle immediately
224 preceding the time it was damaged;

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

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

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

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

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

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

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

247 (53) "School bus", any motor vehicle used solely to transport students to
248 or from school or to transport students to or from any place for educational
249 purposes;

250 (54) "Shuttle bus", a motor vehicle used or maintained by any person,
251 firm, or corporation as an incidental service to transport patrons or customers of
252 the regular business of such person, firm, or corporation to and from the place of
253 business of the person, firm, or corporation providing the service at no fee or
254 charge. Shuttle buses shall not be registered as buses or as commercial motor
255 vehicles;

256 (55) "Special mobile equipment", every self-propelled vehicle not designed
257 or used primarily for the transportation of persons or property and incidentally
258 operated or moved over the highways, including farm equipment, implements of
259 husbandry, road construction or maintenance machinery, ditch-digging apparatus,
260 stone crushers, air compressors, power shovels, cranes, graders, rollers,
261 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,
262 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
263 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag

264 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This
265 enumeration shall be deemed partial and shall not operate to exclude other such
266 vehicles which are within the general terms of this section;

267 (56) "Specially constructed motor vehicle", a motor vehicle which shall not
268 have been originally constructed under a distinctive name, make, model or type
269 by a manufacturer of motor vehicles. The term specially constructed motor
270 vehicle includes kit vehicles;

271 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the
272 fifth wheel is located on a drop frame located behind and below the rearmost axle
273 of the power unit;

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

277 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor
278 vehicle designed for drawing other vehicles, but not for the carriage of any load
279 when operating independently. When attached to a semitrailer, it supports a part
280 of the weight thereof;

281 (60) "Trailer", any vehicle without motive power designed for carrying
282 property or passengers on its own structure and for being drawn by a
283 self-propelled vehicle, except those running exclusively on tracks, including a
284 semitrailer or vehicle of the trailer type so designed and used in conjunction with
285 a self-propelled vehicle that a considerable part of its own weight rests upon and
286 is carried by the towing vehicle. The term "trailer" shall not include cotton
287 trailers as defined in subdivision (8) of this section and shall not include
288 manufactured homes as defined in section 700.010;

289 (61) "Truck", a motor vehicle designed, used, or maintained for the
290 transportation of property;

291 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
292 which the two trailing units are connected with a B-train assembly which is a
293 rigid frame extension attached to the rear frame of a first semitrailer which
294 allows for a fifth-wheel connection point for the second semitrailer and has one
295 less articulation point than the conventional A-dolly connected truck-tractor
296 semitrailer-trailer combination;

297 (63) "Truck-trailer boat transporter combination", a boat transporter
298 combination consisting of a straight truck towing a trailer using typically a ball
299 and socket connection with the trailer axle located substantially at the trailer

300 center of gravity rather than the rear of the trailer but so as to maintain a
301 downward force on the trailer tongue;

302 (64) "Used parts dealer", a business that buys and sells used motor vehicle
303 parts or accessories, but not including a business that sells only new,
304 remanufactured or rebuilt parts. "Business" does not include isolated sales at a
305 swap meet of less than three days;

306 (65) "Utility vehicle", any motorized vehicle manufactured and used
307 exclusively for off-highway use which is sixty-three inches or less in width, with
308 an unladen dry weight of one thousand eight hundred fifty pounds or less,
309 traveling on four or six wheels, to be used primarily for landscaping, lawn care,
310 or maintenance purposes;

311 (66) "Vanpool", any van or other motor vehicle used or maintained by any
312 person, group, firm, corporation, association, city, county or state agency, or any
313 member thereof, for the transportation of not less than eight nor more than
314 forty-eight employees, per motor vehicle, to and from their place of employment;
315 however, a vanpool shall not be included in the definition of the term bus or
316 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,
317 nor shall a vanpool driver be deemed a chauffeur as that term is defined by
318 section 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements,
319 recreational, personal, or maintenance uses constitute an unlicensed use of the
320 motor vehicle, unless used for monetary profit other than for use in a ride-sharing
321 arrangement;

322 (67) "Vehicle", any mechanical device on wheels, designed primarily for
323 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
324 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
325 or cotton trailers or motorized wheelchairs operated by handicapped persons;

326 (68) "Wrecker" or "tow truck", any emergency commercial vehicle
327 equipped, designed and used to assist or render aid and transport or tow disabled
328 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
329 point of storage or repair, including towing a replacement vehicle to replace a
330 disabled or wrecked vehicle;

331 (69) "Wrecker or towing service", the act of transporting, towing or
332 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
333 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
334 the operator directly or indirectly receives compensation or other personal gain.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer,

2 the certificate of registration and the right to use the number plates shall expire
3 and the number plates shall be removed by the owner at the time of the transfer
4 of possession, and it shall be unlawful for any person other than the person to
5 whom such number plates were originally issued to have the same in his or her
6 possession whether in use or not, unless such possession is solely for charitable
7 purposes; except that the buyer of a motor vehicle or trailer who trades in a motor
8 vehicle or trailer may attach the license plates from the traded-in motor vehicle
9 or trailer to the newly purchased motor vehicle or trailer. The operation of a
10 motor vehicle with such transferred plates shall be lawful for no more than thirty
11 days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall
12 include any single motor vehicle or trailer sold by the buyer of the newly
13 purchased vehicle or trailer, as long as the license plates for the trade-in motor
14 vehicle or trailer are still valid.

15 2. In the case of a transfer of ownership the original owner may register
16 another motor vehicle under the same number, upon the payment of a fee of two
17 dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a
18 passenger-carrying commercial motor vehicle) seating capacity, not in excess of
19 that originally registered. When such motor vehicle is of greater horsepower,
20 gross weight or (in the case of a passenger-carrying commercial motor vehicle)
21 seating capacity, for which a greater fee is prescribed, applicant shall pay a
22 transfer fee of two dollars and a pro rata portion for the difference in fees. When
23 such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying
24 commercial motor vehicle) seating capacity, for which a lesser fee is prescribed,
25 applicant shall not be entitled to a refund.

26 3. License plates may be transferred from a motor vehicle which will no
27 longer be operated to a newly purchased motor vehicle by the owner of such
28 vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased
29 vehicle is of horsepower, gross weight or (in the case of a passenger-carrying
30 commercial motor vehicle) seating capacity, not in excess of that of the vehicle
31 which will no longer be operated. When the newly purchased motor vehicle is of
32 greater horsepower, gross weight or (in the case of a passenger-carrying
33 commercial motor vehicle) seating capacity, for which a greater fee is prescribed,
34 the applicant shall pay a transfer fee of two dollars and a pro rata portion of the
35 difference in fees. When the newly purchased vehicle is of less horsepower, gross
36 weight or (in the case of a passenger-carrying commercial motor vehicle) seating
37 capacity, for which a lesser fee is prescribed, the applicant shall not be entitled

38 to a refund.

39 4. [Upon the sale of a motor vehicle or trailer by a dealer, a buyer who
40 has made application for registration, by mail or otherwise, may operate the same
41 for a period of thirty days after taking possession thereof, if during such period
42 the motor vehicle or trailer shall have attached thereto, in the manner required
43 by section 301.130, number plates issued to the dealer. Upon application and
44 presentation of proof of financial responsibility as required under subsection 5 of
45 this section and satisfactory evidence that the buyer has applied for registration,
46 a dealer may furnish such number plates to the buyer for such temporary use. In
47 such event, the dealer shall require the buyer to deposit the sum of ten dollars
48 and fifty cents to be returned to the buyer upon return of the number plates as
49 a guarantee that said buyer will return to the dealer such number plates within
50 thirty days. The director shall issue a temporary permit authorizing the
51 operation of a motor vehicle or trailer by a buyer for not more than thirty days
52 of the date of purchase.

53 **5.] The director of the department of revenue shall have**
54 **authority to produce or allow others to produce a weather resistant,**
55 **nontearing temporary permit authorizing the operation of a motor**
56 **vehicle or trailer by a buyer for not more than thirty days from the**
57 **date of purchase.** The temporary permit [shall be made available by the
58 director of revenue and] **authorized under this section** may be purchased by
59 **the purchaser of a motor vehicle or trailer** from the **central office of the**
60 **department of revenue or from an authorized agent of the department of**
61 **revenue** upon proof of purchase of a motor vehicle or trailer for which the buyer
62 has no registration plate available for transfer and upon proof of financial
63 responsibility, or from a **motor vehicle** dealer upon purchase of a motor vehicle
64 or trailer for which the buyer has no registration plate available for transfer, **or**
65 **from a motor vehicle dealer upon purchase of a motor vehicle or trailer**
66 **for which the buyer has registered and is awaiting receipt of**
67 **registration plates.** The director [shall] **of the department of revenue or**
68 **a producer authorized by the director of the department of revenue**
69 **may** make temporary permits available to registered dealers in this state [or],
70 authorized agents of the department of revenue [in sets of ten permits] **or the**
71 **department of revenue.** The [fee for the temporary permit shall be seven
72 dollars and fifty cents for each permit or plate issued] **price paid by a motor**
73 **vehicle dealer, an authorized agent of the department of revenue or the**

74 **department of revenue for a temporary permit shall not exceed five**
75 **dollars for each permit. The director of the department of revenue**
76 **shall direct motor vehicle dealers and authorized agents to obtain**
77 **temporary permits from an authorized producer. Amounts received by**
78 **the director of the department of revenue for temporary permits shall**
79 **constitute state revenue; however, amounts received by an authorized**
80 **producer other than the director of the department of revenue shall not**
81 **constitute state revenue and any amounts received by motor vehicle**
82 **dealers or authorized agents for temporary permits purchased from a**
83 **producer other than the director of the department of revenue shall not**
84 **constitute state revenue. In no event shall revenues from the general**
85 **revenue fund or any other state fund be utilized to compensate motor**
86 **vehicle dealers or other producers for their role in producing**
87 **temporary permits as authorized under this section. Amounts that do**
88 **not constitute state revenue under this section shall also not constitute**
89 **fees for registration or certificates of title to be collected by the**
90 **director of the department of revenue under section 301.190. No motor**
91 **vehicle dealer [or], authorized agent or the department of revenue shall**
92 **charge more than [seven dollars and fifty cents] five dollars for each permit**
93 **issued. The permit shall be valid for a period of thirty days from the date of**
94 **purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle**
95 **or trailer by a motor vehicle dealer for which the purchaser obtains a permit**
96 **as set out above. No permit shall be issued for a vehicle under this section unless**
97 **the buyer shows proof of financial responsibility. Each temporary permit**
98 **issued shall be securely fastened to the back or rear of the motor**
99 **vehicle in a manner and place on the motor vehicle consistent with**
100 **registration plates so that all parts and qualities of the temporary**
101 **permit thereof shall be plainly and clearly visible, reasonably clean and**
102 **are not impaired in any way.**

103 **[6.] 5. The permit shall be issued on a form prescribed by the director of**
104 **the department of revenue and issued only for the applicant's [use in the]**
105 **temporary operation of the motor vehicle or trailer purchased to enable the**
106 **applicant to [legally] temporarily operate the motor vehicle while proper title**
107 **and registration [plate] plates are being obtained, or while awaiting receipt**
108 **of registration plates, and shall be displayed on no other motor**
109 **vehicle. Temporary permits issued pursuant to this section shall not be**

110 transferable or renewable and shall not be valid upon issuance of proper
111 registration plates for the motor vehicle or trailer. The director **of the**
112 **department of revenue** shall determine the size [and], **material, design,**
113 numbering configuration, construction, and color of the permit. **The director**
114 **of the department of revenue, at his or her discretion, shall have the**
115 **authority to reissue, and thereby extend the use of, a temporary permit**
116 **previously and legally issued for a motor vehicle or trailer while proper**
117 **title and registration are being obtained.**

118 [7. The dealer or authorized agent shall insert the date of issuance and
119 expiration date, year, make, and manufacturer's number of vehicle on the permit
120 when issued to the buyer. The dealer shall also insert such dealer's number on
121 the permit.]

122 **6. Every motor vehicle** dealer that issues [a] temporary [permit]
123 **permits** shall keep, for inspection [of] **by** proper officers, [a correct] **an**
124 **accurate** record of each permit issued by recording the permit [or plate] number,
125 **the motor vehicle dealer's number,** buyer's name and address, **the motor**
126 **vehicle's** year, make, **and** manufacturer's vehicle identification number [on
127 which the permit is to be used], and the **permit's** date of issuance **and**
128 **expiration date. Upon the issuance of a temporary permit by either the**
129 **central office of the department of revenue, a motor vehicle dealer or**
130 **an authorized agent of the department of revenue, the director of the**
131 **department of revenue shall make the information associated with the**
132 **issued temporary permit immediately available to the law enforcement**
133 **community of the state of Missouri.**

134 [8.] **7.** Upon the transfer of ownership of any currently registered motor
135 vehicle wherein the owner cannot transfer the license plates due to a change of
136 **motor** vehicle category, the owner may surrender the license plates issued to the
137 motor vehicle and receive credit for any unused portion of the original
138 registration fee against the registration fee of another motor vehicle. Such credit
139 shall be granted based upon the date the license plates are surrendered. No
140 refunds shall be made on the unused portion of any license plates surrendered for
141 such credit.

142 **8. The provisions of subsections 4, 5, and 6 of this section shall**
143 **expire July 1, 2019.**

144 **9. An additional temporary license plate produced in a manner**
145 **and of materials determined by the director to be the most cost**

146 **effective means of production with a configuration that matches an**
147 **existing or newly issued plate may be purchased by a motor vehicle**
148 **owner to be placed in the interior of the vehicle's rear window such**
149 **that the driver's view out of the rear window is not obstructed and the**
150 **plate configuration is clearly visible from the outside of the vehicle to**
151 **serve as the visible plate when a bicycle rack or other item obstructs**
152 **the view of the actual plate. Such temporary plate is only authorized**
153 **for use when the matching actual plate is affixed to the vehicle in the**
154 **manner prescribed in subsection 5 of section 301.130. The fee charged**
155 **for the temporary plate shall be equal to the fee charged for a**
156 **temporary permit issued under subsection 4 of this**
157 **section. Replacement temporary plates authorized in this subsection**
158 **may be issued as needed upon the payment of a fee equal to the fee**
159 **charged for a temporary permit under subsection 4 of this section. The**
160 **newly produced third plate may only be used on the vehicle with the**
161 **matching plate, and the additional plate shall be clearly recognizable**
162 **as a third plate and only used for the purpose specified in this**
163 **subsection.**

164 **10. The director of the department of revenue may promulgate**
165 **all necessary rules and regulations for the administration of this**
166 **section. Any rule or portion of a rule, as that term is defined in section**
167 **536.010, that is created under the authority delegated in this section**
168 **shall become effective only if it complies with and is subject to all of**
169 **the provisions of chapter 536 and, if applicable, section 536.028. This**
170 **section and chapter 536 are nonseverable and if any of the powers**
171 **vested with the general assembly pursuant to chapter 536 to review, to**
172 **delay the effective date, or to disapprove and annul a rule are**
173 **subsequently held unconstitutional, then the grant of rulemaking**
174 **authority and any rule proposed or adopted after August 28, 2012, shall**
175 **be invalid and void.**

301.147. 1. Notwithstanding the provisions of section 301.020 to the
2 contrary, beginning July 1, 2000, the director of revenue may provide owners of
3 motor vehicles, other than commercial motor vehicles licensed in excess of
4 [twelve] **fifty-four** thousand pounds gross weight, the option of biennially
5 registering motor vehicles. Any vehicle manufactured as an even-numbered
6 model year vehicle shall be renewed each even-numbered calendar year and any
7 such vehicle manufactured as an odd-numbered model year vehicle shall be

8 renewed each odd-numbered calendar year, subject to the following requirements:

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

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

18 2. The director of revenue may prescribe rules and regulations for the
19 effective administration of this section. The director is authorized to adopt those
20 rules that are reasonable and necessary to accomplish the limited duties
21 specifically delegated within this section. Any rule or portion of a rule, as that
22 term is defined in section 536.010, that is promulgated pursuant to the authority
23 delegated in this section shall become effective only if it has been promulgated
24 pursuant to the provisions of chapter 536. This section and chapter 536 are
25 nonseverable and if any of the powers vested with the general assembly pursuant
26 to chapter 536 to review, to delay the effective date or to disapprove and annul
27 a rule are subsequently held unconstitutional, then the grant of rulemaking
28 authority and any rule proposed or adopted after July 1, 2000, shall be invalid
29 and void.

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

**301.580. 1. The department of revenue may issue special event
2 motor vehicle auction licenses under the provisions of this section. For
3 purposes of this section, a "special event motor vehicle auction" is a
4 motor vehicle auction which:**

5 (1) **Ninety percent of the vehicles being auctioned are at least
6 ten years old or older;**

7 (2) **The licensee shall auction no more than three percent of the
8 total number of vehicles presented for auction which are owned and
9 titled in the name of the licensee or its owners; and**

10 **(3) The duration is no more than three consecutive calendar days**
11 **and is held no more than three times in a calendar year by a licensee.**

12 **2. A special event motor vehicle auction shall be considered a**
13 **public motor vehicle auction for purposes of sections 301.559 and**
14 **301.564.**

15 **3. Special event motor vehicle auction licensees shall be exempt**
16 **from the requirements of section 301.560, with the exception of**
17 **subdivision (4) of subsection 1 of section 301.560.**

18 **4. An application for a special event motor vehicle auction**
19 **license must be received by the department at least ninety days prior**
20 **to the beginning of the special event auction.**

21 **5. Applicants for a special motor vehicle auction are limited to**
22 **no more than three special event auctions in any calendar year. A**
23 **separate application is required for each special event motor vehicle**
24 **auction.**

25 **6. At least ninety percent of the vehicles being auctioned at a**
26 **special event motor vehicle auction shall be ten years old or older. The**
27 **licensee shall, within ten days of the conclusion of a special event**
28 **motor vehicle auction, submit a report in the form approved by the**
29 **director to the department that includes the make, model, year, and**
30 **vehicle identification number of each vehicle included in the**
31 **auction. Every vehicle included in the special event auction shall be**
32 **listed, including those vehicles that were auctioned and sold and those**
33 **vehicles that were auctioned but did not sell. Violation of this**
34 **subsection is a class A misdemeanor.**

35 **7. The applicant for the special event motor vehicle auction shall**
36 **be responsible for ensuring that a sales tax license or special event**
37 **sales tax license is obtained for the event if one is required.**

38 **8. The fee for a special event motor vehicle auction license shall**
39 **be one thousand dollars. For every vehicle auctioned in violation of**
40 **subsection 6 of this section, an administrative fee of five hundred**
41 **dollars shall be paid to the department. Such fees shall be deposited**
42 **in like manner as other license fees of this section.**

43 **9. In addition to the causes set forth in section 301.562, the**
44 **department may promulgate rules that establish additional causes to**
45 **refuse to issue or to revoke a special event license.**

46 **10. A special motor vehicle auction shall last no more than three**

47 consecutive days.

48 11. The applicant for a special event motor vehicle auction shall
49 be registered to conduct business in this state.

50 12. Every applicant for a special event motor vehicle auction
51 license shall furnish with the application a corporate surety bond or an
52 irrevocable letter of credit as defined in section 400.5-102 issued by any
53 state or federal financial institution in the penal sum of one hundred
54 thousand dollars on a form approved by the department. The bond or
55 irrevocable letter of credit shall be conditioned upon the applicant
56 complying with the provisions of the statutes applicable to a special
57 event auction license holder and the bond shall be an indemnity for any
58 loss sustained by reason of the acts of the person bonded when such
59 acts constitute grounds for the revocation or denial of a special event
60 auction license. The bond shall be executed in the name of the state of
61 Missouri for the benefit of all aggrieved parties or the irrevocable
62 letter of credit shall name the state of Missouri as the beneficiary. The
63 aggregate liability of the surety or financial institution to the aggrieved
64 parties shall not exceed the amount of the bond or irrevocable letter of
65 credit. The proceeds of the bond or irrevocable letter of credit shall be
66 paid upon receipt by the department of a final judgment from a
67 Missouri court of competent jurisdiction against the principal and in
68 favor of an aggrieved party.

69 13. No dealer, driveaway, auction, or wholesale plates, or
70 temporary permit booklets, shall be issued in conjunction with a
71 special event motor vehicle auction license.

72 14. Any person or entity who sells a vehicle at a special event
73 motor vehicle auction shall provide, to the buyer, current contact
74 information including, but not limited to, name, address, and telephone
75 number.

76 15. Any rule or portion of a rule, as that term is defined in
77 section 536.010, that is created under the authority delegated in this
78 section shall become effective only if it complies with and is subject to
79 all of the provisions of chapter 536 and, if applicable, section
80 536.028. This section and chapter 536 are nonseverable and if any of
81 the powers vested with the general assembly pursuant to chapter 536
82 to review, to delay the effective date, or to disapprove and annul a rule
83 are subsequently held unconstitutional, then the grant of rulemaking

84 **authority and any rule proposed or adopted after August 28, 2012, shall**
85 **be invalid and void.**

302.185. In the event that a license issued under sections 302.010 to
2 302.780 shall be lost or destroyed **or when a veteran seeks a veteran**
3 **designation under section 302.188 prior to the expiration of a license,**
4 but not where [the] a license has been suspended, taken up, revoked,
5 disqualified, or deposited in lieu of bail, hereinafter provided, the person to whom
6 the license as was issued may obtain a duplicate license upon furnishing proper
7 identification and satisfactory proof to the director or his authorized license
8 agents that the license has been lost or destroyed, and upon payment of a fee of
9 fifteen dollars for a duplicate license if the person transports persons or property
10 as classified in section 302.015, and a fee of seven dollars and fifty cents for all
11 other duplicate classifications of license.

302.188. 1. A person may apply to the department of revenue to
2 **obtain a veteran designation on a driver's license or identification card**
3 **issued under this chapter by providing:**

4 (1) **A United States Department of Defense discharge document,**
5 **otherwise known as a DD Form 214, that shows a discharge status of**
6 **"honorable" or "general under honorable conditions" that establishes the**
7 **person's service in the armed forces of the United States; and**

8 (2) **Payment of the fee for the driver's license or identification**
9 **card authorized under this chapter.**

10 2. **If the person is seeking a duplicate driver's license with the**
11 **veteran designation and his or her driver's license has not expired, the**
12 **fee shall be as provided under section 302.185.**

13 3. **The department of revenue may determine the appropriate**
14 **placement of the veteran designation on the driver's licenses and**
15 **identification cards authorized under this section and may promulgate**
16 **the necessary rules for administration of this section.**

17 4. **Any rule or portion of a rule, as that term is defined in section**
18 **536.010, that is created under the authority delegated in this section**
19 **shall become effective only if it complies with and is subject to all of**
20 **the provisions of chapter 536 and, if applicable, section 536.028. This**
21 **section and chapter 536 are nonseverable and if any of the powers**
22 **vested with the general assembly pursuant to chapter 536 to review, to**
23 **delay the effective date, or to disapprove and annul a rule are**
24 **subsequently held unconstitutional, then the grant of rulemaking**

25 **authority and any rule proposed or adopted after August 28, 2012, shall**
26 **be invalid and void.**

302.341. 1. If a Missouri resident charged with a moving traffic violation
2 of this state or any county or municipality of this state fails to dispose of the
3 charges of which the resident is accused through authorized prepayment of fine
4 and court costs and fails to appear on the return date or at any subsequent date
5 to which the case has been continued, or without good cause fails to pay any fine
6 or court costs assessed against the resident for any such violation within the
7 period of time specified or in such installments as approved by the court or as
8 otherwise provided by law, any court having jurisdiction over the charges shall
9 within ten days of the failure to comply inform the defendant by ordinary mail
10 at the last address shown on the court records that the court will order the
11 director of revenue to suspend the defendant's driving privileges if the charges
12 are not disposed of and fully paid within thirty days from the date of
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
14 and fully pay any applicable fines and court costs, the court shall notify the
15 director of revenue of such failure and of the pending charges against the
16 defendant. Upon receipt of this notification, the director shall suspend the
17 license of the driver, effective immediately, and provide notice of the suspension
18 to the driver at the last address for the driver shown on the records of the
19 department of revenue. Such suspension shall remain in effect until the court
20 with the subject pending charge requests setting aside the noncompliance
21 suspension pending final disposition, or satisfactory evidence of disposition of
22 pending charges and payment of fine and court costs, if applicable, is furnished
23 to the director by the individual. Upon proof of disposition of charges and
24 payment of fine and court costs, if applicable, and payment of the reinstatement
25 fee as set forth in section 302.304, the director shall return the license and
26 remove the suspension from the individual's driving record **if the individual**
27 **was not operating a commercial motor vehicle or a commercial driver's**
28 **license holder at the time of the offense.** The filing of financial
29 responsibility with the bureau of safety responsibility, department of revenue,
30 shall not be required as a condition of reinstatement of a driver's license
31 suspended solely under the provisions of this section.

32 2. If any city, town or village receives more than thirty-five percent of its
33 annual general operating revenue from fines and court costs for traffic violations
34 occurring on state highways, all revenues from such violations in excess of

35 thirty-five percent of the annual general operating revenue of the city, town or
36 village shall be sent to the director of the department of revenue and shall be
37 distributed annually to the schools of the county in the same manner that
38 proceeds of all penalties, forfeitures and fines collected for any breach of the
39 penal laws of the state are distributed. For the purpose of this section the words
40 "state highways" shall mean any state or federal highway, including any such
41 highway continuing through the boundaries of a city, town or village with a
42 designated street name other than the state highway number. The director of the
43 department of revenue shall set forth by rule a procedure whereby excess
44 revenues as set forth above shall be sent to the department of revenue. If any
45 city, town, or village disputes a determination that it has received excess
46 revenues required to be sent to the department of revenue, such city, town, or
47 village may submit to an annual audit by the state auditor under the authority
48 of article IV, section 13 of the Missouri Constitution. Any rule or portion of a
49 rule, as that term is defined in section 536.010, that is created under the
50 authority delegated in this section shall become effective only if it complies with
51 and is subject to all of the provisions of chapter 536 and, if applicable, section
52 536.028. This section and chapter 536 are nonseverable and if any of the powers
53 vested with the general assembly under chapter 536 to review, to delay the
54 effective date, or to disapprove and annul a rule are subsequently held
55 unconstitutional, then the grant of rulemaking authority and any rule proposed
56 or adopted after August 28, 2009, shall be invalid and void.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and
4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one
8 hundred milliliters of blood or the number of grams of alcohol per two hundred
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters
10 of urine;

11 (3) **"CDLIS driver record", the electronic record of the individual**
12 **commercial driver's status and history stored by the state of record as**
13 **part of the Commercial Driver's License Information System (CDLIS)**
14 **established under 49 U.S.C. Section 31309, et seq.;**

15 **(4) "CDLIS motor vehicle record (CDLIS MVR)", a report**
16 **generated from the CDLIS driver record which meets the requirements**
17 **for access to CDLIS information and is provided by states to users**
18 **authorized in 49 CFR Part 384, subject to the provisions of the Driver**
19 **Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;**

20 **(5) "Commercial driver's instruction permit", a permit issued pursuant to**
21 **section 302.720;**

22 **[(4)] (6) "Commercial driver's license", a license issued by this state to**
23 **an individual which authorizes the individual to operate a commercial motor**
24 **vehicle;**

25 **[(5)] (7) "Commercial driver's license downgrade", occurs when:**

26 **(a) A driver changes the self-certification to interstate, but**
27 **operates exclusively in transportation or operation excepted from 49**
28 **CFR Part 391, as provided in 49 CFR Part 390.3(f), 391.2, 391.68, or**
29 **398.3;**

30 **(b) A driver changes the self-certification to intrastate only, if**
31 **the driver qualifies under the state's physical qualification**
32 **requirements for intrastate only;**

33 **(c) A driver changes the self-certification to intrastate, but**
34 **operating exclusively in transportation or operations excepted from all**
35 **or part of the state driver qualification requirements; or**

36 **(d) The state removes the commercial driver's license privilege**
37 **from the driver's license;**

38 **(8) "Commercial driver's license information system (CDLIS)", the**
39 **information system established pursuant to the Commercial Motor Vehicle Safety**
40 **Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating**
41 **information related to the licensing and identification of commercial motor vehicle**
42 **drivers;**

43 **[(6)] (9) "Commercial motor vehicle", a motor vehicle designed or used to**
44 **transport passengers or property:**

45 **(a) If the vehicle has a gross combination weight rating of twenty-six**
46 **thousand one or more pounds inclusive of a towed unit which has a gross vehicle**
47 **weight rating of ten thousand one pounds or more;**

48 **(b) If the vehicle has a gross vehicle weight rating of twenty-six thousand**
49 **one or more pounds or such lesser rating as determined by federal regulation;**

50 **(c) If the vehicle is designed to transport sixteen or more passengers,**

51 including the driver; or

52 (d) If the vehicle is transporting hazardous materials and is required to
53 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801,
54 et seq.);

55 [(7)] (10) "Controlled substance", any substance so classified under
56 Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes
57 all substances listed in schedules I through V of 21 CFR part 1308, as they may
58 be revised from time to time;

59 [(8)] (11) "Conviction", an unvacated adjudication of guilt, including
60 pleas of guilt and nolo contendere, or a determination that a person has violated
61 or failed to comply with the law in a court of original jurisdiction or an authorized
62 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
63 to secure the person's appearance in court, the payment of a fine or court cost, or
64 violation of a condition of release without bail, regardless of whether the penalty
65 is rebated, suspended or prorated, including an offense for failure to appear or
66 pay;

67 [(9)] (12) "Director", the director of revenue or his authorized
68 representative;

69 [(10)] (13) "Disqualification", any of the following three actions:

70 (a) The suspension, revocation, or cancellation of a commercial driver's
71 license;

72 (b) Any withdrawal of a person's privileges to drive a commercial motor
73 vehicle by a state, **Canada, or Mexico** as the result of a violation of federal,
74 state, county, municipal, or local law relating to motor vehicle traffic control or
75 violations committed through the operation of motor vehicles, other than parking,
76 vehicle weight, or vehicle defect violations;

77 (c) A determination by the Federal Motor Carrier Safety Administration
78 that a person is not qualified to operate a commercial motor vehicle under 49
79 CFR Part 383.52 or Part 391;

80 [(11)] (14) "Drive", to drive, operate or be in physical control of a
81 commercial motor vehicle;

82 [(12)] (15) "Driver", any person who drives, operates, or is in physical
83 control of a motor vehicle, or who is required to hold a commercial driver's
84 license;

85 (16) "Driver applicant", an individual who applies to obtain,
86 transfer, upgrade, or renew a commercial driver's license in this state;

87 [(13)] (17) "Driving under the influence of alcohol", the commission of
88 any one or more of the following acts:

89 (a) Driving a commercial motor vehicle with the alcohol concentration of
90 four one-hundredths of a percent or more as prescribed by the secretary or such
91 other alcohol concentration as may be later determined by the secretary by
92 regulation;

93 (b) Driving a commercial or noncommercial motor vehicle while
94 intoxicated in violation of any federal or state law, or in violation of a county or
95 municipal ordinance;

96 (c) Driving a commercial or noncommercial motor vehicle with excessive
97 blood alcohol content in violation of any federal or state law, or in violation of a
98 county or municipal ordinance;

99 (d) Refusing to submit to a chemical test in violation of section 577.041,
100 section 302.750, any federal or state law, or a county or municipal ordinance; or

101 (e) Having any state, county or municipal alcohol-related enforcement
102 contact, as defined in subsection 3 of section 302.525; provided that any
103 suspension or revocation pursuant to section 302.505, committed in a
104 noncommercial motor vehicle by an individual twenty-one years of age or older
105 shall have been committed by the person with an alcohol concentration of at least
106 eight-hundredths of one percent or more, or in the case of an individual who is
107 less than twenty-one years of age, shall have been committed by the person with
108 an alcohol concentration of at least two-hundredths of one percent or more, and
109 if committed in a commercial motor vehicle, a concentration of four-hundredths
110 of one percent or more;

111 [(14)] (18) "Driving under the influence of a controlled substance", the
112 commission of any one or more of the following acts in a commercial or
113 noncommercial motor vehicle:

114 (a) Driving a commercial or noncommercial motor vehicle while under the
115 influence of any substance so classified under Section 102(6) of the Controlled
116 Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I
117 through V of 21 CFR Part 1308, as they may be revised from time to time;

118 (b) Driving a commercial or noncommercial motor vehicle while in a
119 drugged condition in violation of any federal or state law or in violation of a
120 county or municipal ordinance; or

121 (c) Refusing to submit to a chemical test in violation of section 577.041,
122 section 302.750, any federal or state law, or a county or municipal ordinance;

123 [(15)] (19) "Employer", any person, including the United States, a state,
124 or a political subdivision of a state, who owns or leases a commercial motor
125 vehicle or assigns a driver to operate such a vehicle;

126 (20) "Endorsement", an authorization on an individual's
127 commercial driver's license permitting the individual to operate certain
128 types of commercial motor vehicles;

129 [(16)] (21) "Farm vehicle", a commercial motor vehicle controlled and
130 operated by a farmer used exclusively for the transportation of agricultural
131 products, farm machinery, farm supplies, or a combination of these, within one
132 hundred fifty miles of the farm, other than one which requires placarding for
133 hazardous materials as defined in this section, or used in the operation of a
134 common or contract motor carrier, except that a farm vehicle shall not be a
135 commercial motor vehicle when the total combined gross weight rating does not
136 exceed twenty-six thousand one pounds when transporting fertilizers as defined
137 in subdivision [(21)] (27) of this subsection;

138 [(17)] (22) "Fatality", the death of a person as a result of a motor vehicle
139 accident;

140 [(18)] (23) "Felony", any offense under state or federal law that is
141 punishable by death or imprisonment for a term exceeding one year;

142 (24) "Foreign", outside the fifty states of the United States and
143 the District of Columbia;

144 [(19)] (25) "Gross combination weight rating" or "GCWR", the value
145 specified by the manufacturer as the loaded weight of a combination (articulated)
146 vehicle. In the absence of a value specified by the manufacturer, GCWR will be
147 determined by adding the GVWR of the power unit and the total weight of the
148 towed unit and any load thereon;

149 [(20)] (26) "Gross vehicle weight rating" or "GVWR", the value specified
150 by the manufacturer as the loaded weight of a single vehicle;

151 [(21)] (27) "Hazardous materials", any material that has been designated
152 as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart
153 F of CFR Part 172 or any quantity of a material listed as a select agent or toxin
154 in 42 CFR Part 73. Fertilizers, including but not limited to ammonium nitrate,
155 phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel,
156 shall not be considered hazardous materials when transported by a farm vehicle
157 provided all other provisions of this definition are followed;

158 [(22)] (28) "Imminent hazard", the existence of a condition that presents

159 a substantial likelihood that death, serious illness, severe personal injury, or a
160 substantial endangerment to health, property, or the environment may occur
161 before the reasonably foreseeable completion date of a formal proceeding begins
162 to lessen the risk of that death, illness, injury, or endangerment;

163 [(23)] **(29)** "Issuance", the initial licensure, license transfers, license
164 renewals, and license upgrades;

165 **(30)** "Medical examiner", a person who is licensed, certified, or
166 registered, in accordance with applicable state laws and regulations,
167 to perform physical examinations. The term includes, but is not limited
168 to, doctors of medicine, doctors of osteopathy, physician assistants,
169 advanced practice nurses, and doctors of chiropractic;

170 **(31)** "Medical variance", when a driver has received one of the
171 following that allows the driver to be issued a medical certificate:

172 **(a)** An exemption letter permitting operation of a commercial
173 motor vehicle under 49 CFR Part 381, Subpart C or 49 CFR Part 391.64;

174 **(b)** A skill performance evaluation certificate permitting
175 operation of a commercial motor vehicle under 49 CFR Part 391.49;

176 [(24)] **(32)** "Motor vehicle", any self-propelled vehicle not operated
177 exclusively upon tracks;

178 [(25)] **(33)** "Noncommercial motor vehicle", a motor vehicle or
179 combination of motor vehicles not defined by the term "commercial motor vehicle"
180 in this section;

181 [(26)] **(34)** "Out of service", a temporary prohibition against the operation
182 of a commercial motor vehicle by a particular driver, or the operation of a
183 particular commercial motor vehicle, or the operation of a particular motor
184 carrier;

185 [(27)] **(35)** "Out-of-service order", a declaration by [the Federal Highway
186 Administration, or any] **an** authorized enforcement officer of a federal, state,
187 [Commonwealth of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that
188 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of
189 service **under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or 396.9, or**
190 **comparable laws, or the North American Standard Out-of-Service**
191 **Criteria;**

192 [(28)] **(36)** "School bus", a commercial motor vehicle used to transport
193 preprimary, primary, or secondary school students from home to school, from
194 school to home, or to and from school-sponsored events. School bus does not

195 include a bus used as a common carrier as defined by the Secretary;

196 [(29)] (37) "Secretary", the Secretary of Transportation of the United
197 States;

198 [(30)] (38) "Serious traffic violation", driving a commercial motor vehicle
199 in such a manner that the driver receives a conviction for the following offenses
200 or driving a noncommercial motor vehicle when the driver receives a conviction
201 for the following offenses and the conviction results in the suspension or
202 revocation of the driver's license or noncommercial motor vehicle driving
203 privilege:

204 (a) Excessive speeding, as defined by the Secretary by regulation;

205 (b) Careless, reckless or imprudent driving which includes, but shall not
206 be limited to, any violation of section 304.016, any violation of section 304.010,
207 or any other violation of federal or state law, or any county or municipal
208 ordinance while driving a commercial motor vehicle in a willful or wanton
209 disregard for the safety of persons or property, or improper or erratic traffic lane
210 changes, or following the vehicle ahead too closely, but shall not include careless
211 and imprudent driving by excessive speed;

212 (c) A violation of any federal or state law or county or municipal ordinance
213 regulating the operation of motor vehicles arising out of an accident or collision
214 which resulted in death to any person, other than a parking violation;

215 (d) Driving a commercial motor vehicle without obtaining a commercial
216 driver's license in violation of any federal or state or county or municipal
217 ordinance;

218 (e) Driving a commercial motor vehicle without a commercial driver's
219 license in the driver's possession in violation of any federal or state or county or
220 municipal ordinance. Any individual who provides proof to the court which has
221 jurisdiction over the issued citation that the individual held a valid commercial
222 driver's license on the date that the citation was issued shall not be guilty of this
223 offense;

224 (f) Driving a commercial motor vehicle without the proper commercial
225 driver's license class or endorsement for the specific vehicle group being operated
226 or for the passengers or type of cargo being transported in violation of any federal
227 or state law or county or municipal ordinance; or

228 (g) Any other violation of a federal or state law or county or municipal
229 ordinance regulating the operation of motor vehicles, other than a parking
230 violation, as prescribed by the secretary by regulation;

231 [(31)] (39) "State", a state[, territory or possession] of the United States[,
232 the District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any
233 province of Canada];

234 [(32)] (40) "United States", the fifty states and the District of Columbia.

**302.768. 1. Any applicant for a commercial driver's license or
2 commercial driver's instruction permit shall comply with the Federal
3 Motor Carrier Safety Administration application requirements of 49
4 CFR Part 383.71 by certifying to one of the following applicable
5 statements relating to federal and state driver qualification rules:**

6 (1) **Nonexcepted interstate: Certifies the applicant is a driver
7 operating or expecting to operate in interstate or foreign commerce, or
8 is otherwise subject to and meets requirements of 49 CFR Part 391 and
9 is required to obtain a medical examiner's certificate as defined in 49
10 CFR Part 391.45;**

11 (2) **Excepted interstate: Certifies the applicant is a driver
12 operating or expecting to operate entirely in interstate commerce that
13 is not subject to Part 391 and is subject to Missouri driver
14 qualifications and not required to obtain a medical examiner's
15 certificate;**

16 (3) **Nonexcepted intrastate: Certifies the applicant is a driver
17 operating only in intrastate commerce and is subject to Missouri driver
18 qualifications;**

19 (4) **Excepted intrastate: Certifies the applicant operates or
20 expects to operate only in intrastate commerce, and engaging only in
21 operations excepted from all parts of the Missouri driver qualification
22 requirements.**

23 **2. Any applicant who cannot meet certification requirements
24 under one of the categories defined in subsection 1 of this section shall
25 be denied issuance of a commercial driver's license or commercial
26 driver's instruction permit.**

27 **3. An applicant certifying to operation in nonexcepted interstate
28 or nonexcepted intrastate commerce shall provide the state with an
29 original or copy of a current medical examiners certificate or a medical
30 examiners certificate accompanied by a medical variance or
31 waiver. The state shall retain the original or copy of the
32 documentation of physical qualification for a minimum of three years
33 beyond the date the certificate was issued.**

34 4. Applicants certifying to operation in nonexcepted interstate
35 commerce or nonexcepted intrastate commerce shall provide an
36 updated medical certificate or variance documents to maintain a
37 certified status during the term of the commercial driver's license or
38 commercial driver's instruction permit in order to retain commercial
39 privileges.

40 5. The director shall post the medical examiners certificate of
41 information, medical variance if applicable, the applicant's self-
42 certification and certification status to the Missouri driver record
43 within ten calendar days and such information will become part of the
44 CDLIS driver record.

45 6. Applicants certifying to operation in nonexcepted interstate
46 commerce or nonexcepted intrastate commerce who fail to provide or
47 maintain a current medical examiners certificate, or if the state has
48 received notice of a medical variance or waiver expiring or being
49 rescinded, the state shall, within ten calendar days, update the driver's
50 medical certification status to "not certified". The state shall notify the
51 driver of the change in certification status and require the driver to
52 annually comply with requirements for a commercial driver's license
53 downgrade within sixty days of the expiration of the applicant
54 certification.

55 7. The department of revenue may, by rule, establish the cost and
56 criteria for submission of updated medical certification status
57 information as required under this section.

58 8. Any person who falsifies any information in an application for
59 or update of medical certification status information for a commercial
60 driver's license shall not be licensed to operate a commercial motor
61 vehicle, or the person's commercial driver's license shall be canceled
62 for a period of one year after the director discovers such falsification.

63 9. The director may promulgate rules and regulations necessary
64 to administer and enforce this section. Any rule or portion of a rule,
65 as that term is defined in section 536.010, that is created under the
66 authority delegated in this section shall become effective only if it
67 complies with and is subject to all of the provisions of chapter 536 and,
68 if applicable, section 536.028. This section and chapter 536 are
69 nonseverable and if any of the powers vested with the general assembly
70 pursuant to chapter 536 to review, to delay the effective date, or to

71 **disapprove and annul a rule are subsequently held unconstitutional,**
72 **then the grant of rulemaking authority and any rule proposed or**
73 **adopted after August 28, 2012, shall be invalid and void.**

303.200. After consultation with insurance companies authorized to issue
2 automobile liability policies in this state, the director of the department of
3 insurance, financial institutions and professional registration shall approve a
4 reasonable plan or plans for the equitable apportionment among such companies
5 of applicants for such policies and for motor vehicle liability policies who are in
6 good faith entitled to but are unable to procure such policies through ordinary
7 methods. When any such plan has been approved, all such insurance companies
8 shall subscribe thereto and participate therein. **Any such plan shall contract**
9 **with an entity or entities to accept and service applicants and policies**
10 **for any company that does not elect to accept and service applicants**
11 **and policies. By October 1 of each year any company that elects to**
12 **accept and service applicants and policies for the next calendar year**
13 **for any such plan shall so notify the plan. Any company that does not**
14 **so notify a plan shall be excused from accepting and servicing**
15 **applicants and policies for the next calendar year for such plan and**
16 **shall pay a fee to the plan or servicing entity for providing such**
17 **services. The fee shall be based on the company's market share on the**
18 **kinds of insurance offered by the plan.** Any applicant for any such policy,
19 any person insured under any such plan, and any insurance company affected,
20 may appeal to the director from any ruling or decision of the manager or
21 committee designated to operate such plan. Any person aggrieved hereunder by
22 any order or act of the director may, within ten days after notice thereof, file a
23 petition in the circuit court of the county of Cole for a review thereof. The court
24 shall summarily hear the petition and may make any appropriate order or decree.

304.022. 1. Upon the immediate approach of an emergency vehicle giving
2 audible signal by siren or while having at least one lighted lamp exhibiting red
3 light visible under normal atmospheric conditions from a distance of five hundred
4 feet to the front of such vehicle or a flashing blue light authorized by section
5 307.175, the driver of every other vehicle shall yield the right-of-way and shall
6 immediately drive to a position parallel to, and as far as possible to the right of,
7 the traveled portion of the highway and thereupon stop and remain in such
8 position until such emergency vehicle has passed, except when otherwise directed
9 by a police or traffic officer.

10 2. Upon approaching a stationary emergency vehicle displaying lighted
11 red or red and blue lights, **or a stationary vehicle owned by the state**
12 **Highways and Transportation Commission and operated by an**
13 **authorized employee of the department of transportation displaying**
14 **lighted amber or amber and white lights**, the driver of every motor vehicle
15 shall:

16 (1) Proceed with caution and yield the right-of-way, if possible with due
17 regard to safety and traffic conditions, by making a lane change into a lane not
18 adjacent to that of the stationary vehicle, if on a roadway having at least four
19 lanes with not less than two lanes proceeding in the same direction as the
20 approaching vehicle; or

21 (2) Proceed with due caution and reduce the speed of the vehicle,
22 maintaining a safe speed for road conditions, if changing lanes would be unsafe
23 or impossible.

24 3. The motorman of every streetcar shall immediately stop such car clear
25 of any intersection and keep it in such position until the emergency vehicle has
26 passed, except as otherwise directed by a police or traffic officer.

27 4. An "emergency vehicle" is a vehicle of any of the following types:

28 (1) A vehicle operated by the state highway patrol, the state water patrol,
29 the Missouri capitol police, a conservation agent, or a state park ranger, those
30 vehicles operated by enforcement personnel of the state Highways and
31 Transportation Commission, police or fire department, sheriff, constable or deputy
32 sheriff, federal law enforcement officer authorized to carry firearms and to make
33 arrests for violations of the laws of the United States, traffic officer or coroner or
34 by a privately owned emergency vehicle company;

35 (2) A vehicle operated as an ambulance or operated commercially for the
36 purpose of transporting emergency medical supplies or organs;

37 (3) Any vehicle qualifying as an emergency vehicle pursuant to section
38 307.175;

39 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public
40 utility or public service corporation while performing emergency service;

41 (5) Any vehicle transporting equipment designed to extricate human
42 beings from the wreckage of a motor vehicle;

43 (6) Any vehicle designated to perform emergency functions for a civil
44 defense or emergency management agency established pursuant to the provisions
45 of chapter 44;

46 (7) Any vehicle operated by an authorized employee of the department of
47 corrections who, as part of the employee's official duties, is responding to a riot,
48 disturbance, hostage incident, escape or other critical situation where there is the
49 threat of serious physical injury or death, responding to mutual aid call from
50 another criminal justice agency, or in accompanying an ambulance which is
51 transporting an offender to a medical facility;

52 (8) Any vehicle designated to perform hazardous substance emergency
53 functions established pursuant to the provisions of sections 260.500 to 260.550;

54 **(9) Any vehicle owned by the state Highways and Transportation**
55 **Commission and operated by an authorized employee of the department**
56 **of transportation that is marked as a department of transportation**
57 **emergency response or motorist assistance vehicle.**

58 5. (1) The driver of any vehicle referred to in subsection 4 of this section
59 shall not sound the siren thereon or have the front red lights or blue lights on
60 except when such vehicle is responding to an emergency call or when in pursuit
61 of an actual or suspected law violator, or when responding to, but not upon
62 returning from, a fire.

63 (2) The driver of an emergency vehicle may:

64 (a) Park or stand irrespective of the provisions of sections 304.014 to
65 304.025;

66 (b) Proceed past a red or stop signal or stop sign, but only after slowing
67 down as may be necessary for safe operation;

68 (c) Exceed the prima facie speed limit so long as the driver does not
69 endanger life or property;

70 (d) Disregard regulations governing direction of movement or turning in
71 specified directions.

72 (3) The exemptions granted to an emergency vehicle pursuant to
73 subdivision (2) of this subsection shall apply only when the driver of any such
74 vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle
75 as may be reasonably necessary, and when the vehicle is equipped with at least
76 one lighted lamp displaying a red light or blue light visible under normal
77 atmospheric conditions from a distance of five hundred feet to the front of such
78 vehicle.

79 6. No person shall purchase an emergency light as described in this
80 section without furnishing the seller of such light an affidavit stating that the
81 light will be used exclusively for emergency vehicle purposes.

82 7. Violation of this section shall be deemed a class A misdemeanor.

304.033. 1. No person shall operate a recreational off-highway
2 vehicle, as defined in section 301.010, upon the highways of this state,
3 except as follows:

4 (1) Recreational off-highway vehicles owned and operated by a
5 governmental entity for official use;

6 (2) Recreational off-highway vehicles operated for agricultural
7 purposes or industrial on-premises purposes;

8 (3) Recreational off-highway vehicles operated within three miles
9 of the operator's primary residence. The provisions of this subdivision
10 shall not authorize the operation of a recreational off-highway vehicle
11 in a municipality unless such operation is authorized by such
12 municipality as provided for in subdivision (5) of this subsection;

13 (4) Recreational off-highway vehicles operated by handicapped
14 persons for short distances occasionally only on the state's secondary
15 roads;

16 (5) Governing bodies of cities may issue special permits to
17 licensed drivers for special uses of recreational off-highway vehicles on
18 highways within the city limits. Fees of fifteen dollars may be collected
19 and retained by cities for such permits;

20 (6) Governing bodies of counties may issue special permits to
21 licensed drivers for special uses of recreational off-highway vehicles on
22 county roads within the county. Fees of fifteen dollars may be collected
23 and retained by the counties for such permits.

24 2. No person shall operate a recreational off-highway vehicle
25 within any stream or river in this state, except that recreational
26 off-highway vehicles may be operated within waterways which flow
27 within the boundaries of land which a recreational off-highway vehicle
28 operator owns, or for agricultural purposes within the boundaries of
29 land which a recreational off-highway vehicle operator owns or has
30 permission to be upon, or for the purpose of fording such stream or
31 river of this state at such road crossings as are customary or part of the
32 highway system. All law enforcement officials or peace officers of this
33 state and its political subdivisions or department of conservation
34 agents or department of natural resources park rangers shall enforce
35 the provisions of this subsection within the geographic area of their
36 jurisdiction.

37 **3. A person operating a recreational off-highway vehicle on a**
38 **highway pursuant to an exception covered in this section shall have a**
39 **valid operator's or chauffeur's license, except that a handicapped**
40 **person operating such vehicle pursuant to subdivision (4) of subsection**
41 **1 of this section, but shall not be required to have passed an**
42 **examination for the operation of a motorcycle. An individual shall not**
43 **operate a recreational off-highway vehicle upon a highway in this state**
44 **without displaying a lighted headlamp and a lighted tail lamp. A**
45 **person may not operate a recreational off-highway vehicle upon a**
46 **highway of this state unless such person wears a seat belt. When**
47 **operated on a highway, a recreational off-highway vehicle shall be**
48 **equipped with a roll bar or roll cage construction to reduce the risk of**
injury to an occupant of the vehicle in case of the vehicle's rollover.

304.120. 1. Municipalities, by ordinance, may establish reasonable speed
2 regulations for motor vehicles within the limits of such municipalities. No person
3 who is not a resident of such municipality and who has not been within the limits
4 thereof for a continuous period of more than forty-eight hours, shall be convicted
5 of a violation of such ordinances, unless it is shown by competent evidence that
6 there was posted at the place where the boundary of such municipality joins or
7 crosses any highway a sign displaying in black letters not less than four inches
8 high and one inch wide on a white background the speed fixed by such
9 municipality so that such sign may be clearly seen by operators and drivers from
10 their vehicles upon entering such municipality.

11 2. Municipalities, by ordinance, may:

12 (1) Make additional rules of the road or traffic regulations to meet their
13 needs and traffic conditions;

14 (2) Establish one-way streets and provide for the regulation of vehicles
15 thereon;

16 (3) Require vehicles to stop before crossing certain designated streets and
17 boulevards;

18 (4) Limit the use of certain designated streets and boulevards to
19 passenger vehicles, **except that each municipality shall allow at least one**
20 **route, with lawful traffic movement and access from both directions, to**
21 **be available for use by commercial vehicles to access any roads in the**
22 **state highway system. Under no circumstances shall the provisions of**
23 **this subdivision be construed to authorize a municipality to limit the**

24 **use of all routes in the municipality;**

25 (5) Prohibit the use of certain designated streets to vehicles with metal
26 tires, or solid rubber tires;

27 (6) Regulate the parking of vehicles on streets by the installation of
28 parking meters for limiting the time of parking and exacting a fee therefor or by
29 the adoption of any other regulatory method that is reasonable and practical, and
30 prohibit or control left-hand turns of vehicles;

31 (7) Require the use of signaling devices on all motor vehicles; and

32 (8) Prohibit sound producing warning devices, except horns directed
33 forward.

34 3. No ordinance shall be valid which contains provisions contrary to or in
35 conflict with this chapter, except as herein provided.

36 4. No ordinance shall impose liability on the owner-lessor of a motor
37 vehicle when the vehicle is being permissively used by a lessee and is illegally
38 parked or operated if the registered owner-lessor of such vehicle furnishes the
39 name, address and operator's license number of the person renting or leasing the
40 vehicle at the time the violation occurred to the proper municipal authority
41 within three working days from the time of receipt of written request for such
42 information. Any registered owner-lessor who fails or refuses to provide such
43 information within the period required by this subsection shall be liable for the
44 imposition of any fine established by municipal ordinance for the
45 violation. Provided, however, if a leased motor vehicle is illegally parked due to
46 a defect in such vehicle, which renders it inoperable, not caused by the fault or
47 neglect of the lessee, then the lessor shall be liable on any violation for illegal
48 parking of such vehicle.

49 **5. No ordinance shall deny the use of commercial vehicles on all**
50 **routes within the municipality. For purposes of this section, the term**
51 **"route" shall mean any state road, county road, or public street, avenue,**
52 **boulevard, or parkway.**

304.180. 1. No vehicle or combination of vehicles shall be moved or
2 operated on any highway in this state having a greater weight than twenty
3 thousand pounds on one axle, no combination of vehicles operated by transporters
4 of general freight over regular routes as defined in section 390.020 shall be moved
5 or operated on any highway of this state having a greater weight than the vehicle
6 manufacturer's rating on a steering axle with the maximum weight not to exceed
7 twelve thousand pounds on a steering axle, and no vehicle shall be moved or

8 operated on any state highway of this state having a greater weight than
 9 thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall
 10 mean a group of two or more axles, arranged one behind another, the distance
 11 between the extremes of which is more than forty inches and not more than
 12 ninety-six inches apart.

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

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

21 Distance in feet
 22 between the extremes
 23 of any group of two or
 24 more consecutive axles,
 25 measured to the nearest
 26 foot, except where
 27 indicated otherwise

Maximum load in pounds

feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		

42	16	40,000	48,000	52,500	58,000	
43	17	40,000	48,500	53,500	58,500	
44	18	40,000	49,500	54,000	59,000	
45	19	40,000	50,000	54,500	60,000	
46	20	40,000	51,000	55,500	60,500	66,000
47	21	40,000	51,500	56,000	61,000	66,500
48	22	40,000	52,500	56,500	61,500	67,000
49	23	40,000	53,000	57,500	62,500	68,000
50	24	40,000	54,000	58,000	63,000	68,500
51	25	40,000	54,500	58,500	63,500	69,000
52	26	40,000	55,500	59,500	64,000	69,500
53	27	40,000	56,000	60,000	65,000	70,000
54	28	40,000	57,000	60,500	65,500	71,000
55	29	40,000	57,500	61,500	66,000	71,500
56	30	40,000	58,500	62,000	66,500	72,000
57	31	40,000	59,000	62,500	67,500	72,500
58	32	40,000	60,000	63,500	68,000	73,000
59	33	40,000	60,000	64,000	68,500	74,000
60	34	40,000	60,000	64,500	69,000	74,500
61	35	40,000	60,000	65,500	70,000	75,000
62	36		60,000	66,000	70,500	75,500
63	37		60,000	66,500	71,000	76,000
64	38		60,000	67,500	72,000	77,000
65	39		60,000	68,000	72,500	77,500
66	40		60,000	68,500	73,000	78,000
67	41		60,000	69,500	73,500	78,500
68	42		60,000	70,000	74,000	79,000
69	43		60,000	70,500	75,000	80,000
70	44		60,000	71,500	75,500	80,000
71	45		60,000	72,000	76,000	80,000
72	46		60,000	72,500	76,500	80,000
73	47		60,000	73,500	77,500	80,000

74	48	60,000	74,000	78,000	80,000
75	49	60,000	74,500	78,500	80,000
76	50	60,000	75,500	79,000	80,000
77	51	60,000	76,000	80,000	80,000
78	52	60,000	76,500	80,000	80,000
79	53	60,000	77,500	80,000	80,000
80	54	60,000	78,000	80,000	80,000
81	55	60,000	78,500	80,000	80,000
82	56	60,000	79,500	80,000	80,000
83	57	60,000	80,000	80,000	80,000

84 Notwithstanding the above table, two consecutive sets of tandem axles may carry
 85 a gross load of thirty-four thousand pounds each if the overall distance between
 86 the first and last axles of such consecutive sets of tandem axles is thirty-six feet
 87 or more.

88 4. Whenever the state highways and transportation commission finds that
 89 any state highway bridge in the state is in such a condition that use of such
 90 bridge by vehicles of the weights specified in subsection 3 of this section will
 91 endanger the bridge, or the users of the bridge, the commission may establish
 92 maximum weight limits and speed limits for vehicles using such bridge. The
 93 governing body of any city or county may grant authority by act or ordinance to
 94 the state highways and transportation commission to enact the limitations
 95 established in this section on those roadways within the purview of such city or
 96 county. Notice of the weight limits and speed limits established by the
 97 commission shall be given by posting signs at a conspicuous place at each end of
 98 any such bridge.

99 5. Nothing in this section shall be construed as permitting lawful axle
 100 loads, tandem axle loads or gross loads in excess of those permitted under the
 101 provisions of Section 127 of Title 23 of the United States Code.

102 6. Notwithstanding the weight limitations contained in this section, any
 103 vehicle or combination of vehicles operating on highways other than the interstate
 104 highway system may exceed single axle, tandem axle and gross weight limitations
 105 in an amount not to exceed two thousand pounds. However, total gross weight
 106 shall not exceed eighty thousand pounds, except as provided in [subsection 9]
 107 **subsections 9 and 10** of this section.

108 7. Notwithstanding any provision of this section to the contrary, the

109 department of transportation shall issue a single-use special permit, or upon
110 request of the owner of the truck or equipment, shall issue an annual permit, for
111 the transporting of any concrete pump truck or well-drillers' equipment. The
112 department of transportation shall set fees for the issuance of permits pursuant
113 to this subsection. Notwithstanding the provisions of section 301.133, concrete
114 pump trucks or well-drillers' equipment may be operated on state-maintained
115 roads and highways at any time on any day.

116 8. Notwithstanding the provision of this section to the contrary, the
117 maximum gross vehicle limit and axle weight limit for any vehicle or combination
118 of vehicles equipped with an idle reduction technology may be increased by a
119 quantity necessary to compensate for the additional weight of the idle reduction
120 system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the
121 additional weight increase allowed by this subsection be greater than four
122 hundred pounds. Upon request by an appropriate law enforcement officer, the
123 vehicle operator shall provide proof that the idle reduction technology is fully
124 functional at all times and that the gross weight increase is not used for any
125 purpose other than for the use of idle reduction technology.

126 9. Notwithstanding subsection 3 of this section or any other provision of
127 law to the contrary, the total gross weight of any vehicle or combination of
128 vehicles hauling livestock may be as much as, but shall not exceed, eighty-five
129 thousand five hundred pounds while operating on U.S. Highway 36 from St.
130 Joseph to U.S. Highway [65, and] **63**, on U.S. Highway 65 from the Iowa state
131 line to U.S. Highway 36, **and on U.S. Highway 63 from the Iowa state line**
132 **to U.S. Highway 36, and on U.S. Highway 63 from U.S. Highway 36 to**
133 **Missouri Route 17. The provisions of this subsection shall not apply to**
134 **vehicles operated on the Dwight D. Eisenhower System of Interstate**
135 **and Defense Highways.**

136 10. **Notwithstanding any provision of this section or any other**
137 **law to the contrary, the total gross weight of any vehicle or**
138 **combination of vehicles hauling milk from a farm to a processing**
139 **facility may be as much as, but shall not exceed, eighty-five thousand**
140 **five hundred pounds while operating on highways other than the**
141 **interstate highway system. The provisions of this subsection shall not**
142 **apply to vehicles operated on the Dwight D. Eisenhower System of**
143 **Interstate and Defense Highways.**

304.190. 1. No motor vehicle, unladen or with load, operating exclusively

2 within the corporate limits of cities containing seventy-five thousand inhabitants
3 or more or within two miles of the corporate limits of the city or within the
4 commercial zone of the city shall exceed fifteen feet in height.

5 2. No motor vehicle operating exclusively within any said area shall have
6 a greater weight than twenty-two thousand four hundred pounds on one axle.

7 3. The "commercial zone" of the city is defined to mean that area within
8 the city together with the territory extending one mile beyond the corporate limits
9 of the city and one mile additional for each fifty thousand population or portion
10 thereof provided, however[,]:

11 (1) The commercial zone surrounding a city not within a county shall
12 extend twenty-five miles beyond the corporate limits of any such city not located
13 within a county and shall also extend throughout any county with a charter form
14 of government which adjoins that city and throughout any county with a charter
15 form of government and with more than two hundred fifty thousand but fewer
16 than three hundred fifty thousand inhabitants that is adjacent to such county
17 adjoining such city; [further, provided, however,]

18 (2) The commercial zone of a city with a population of at least four
19 hundred thousand inhabitants but not more than four hundred fifty thousand
20 inhabitants shall extend twelve miles beyond the corporate limits of any such
21 city; except that this zone shall extend from the southern border of such city's
22 limits, beginning with the western-most freeway, following said freeway south to
23 the first intersection with a multilane undivided highway, where the zone shall
24 extend south along said freeway to include a city of the fourth classification with
25 more than eight thousand nine hundred but less than nine thousand inhabitants,
26 and shall extend north from the intersection of said freeway and multilane
27 undivided highway along the multilane undivided highway to the city limits of
28 a city with a population of at least four hundred thousand inhabitants but not
29 more than four hundred fifty thousand inhabitants, and shall extend east from
30 the city limits of a special charter city with more than two hundred seventy-five
31 but fewer than three hundred seventy-five inhabitants along state route 210 and
32 northwest from the intersection of state route 210 and state route 10 to include
33 the boundaries of any city of the third classification with more than ten thousand
34 eight hundred but fewer than ten thousand nine hundred inhabitants and located
35 in more than one county[; further provided, however,]. **The commercial zone**
36 **described in this subdivision shall be extended to also include the**
37 **stretch of state route 45 from its intersection with Interstate 29**

38 **extending northwest to the city limits of any village with more than**
39 **forty but fewer than fifty inhabitants and located in any county of the**
40 **first classification with more than eighty-three thousand but fewer than**
41 **ninety-two thousand inhabitants and with a city of the fourth**
42 **classification with more than four thousand five hundred but fewer**
43 **than five thousand inhabitants as the county seat;**

44 **(3)** The commercial zone of a city of the third classification with more
45 than nine thousand six hundred fifty but fewer than nine thousand eight hundred
46 inhabitants shall extend south from the city limits along U.S. Highway 61 to the
47 intersection of state route OO in a county of the third classification without a
48 township form of government and with more than seventeen thousand eight
49 hundred but fewer than seventeen thousand nine hundred inhabitants.

50 **4.** In no case shall the commercial zone of a city be reduced due to a loss
51 of population. The provisions of this section shall not apply to motor vehicles
52 operating on the interstate highways in the area beyond two miles of a corporate
53 limit of the city unless the United States Department of Transportation increases
54 the allowable weight limits on the interstate highway system within commercial
55 zones. In such case, the mileage limits established in this section shall be
56 automatically increased only in the commercial zones to conform with those
57 authorized by the United States Department of Transportation.

58 **[4.] 5.** Nothing in this section shall prevent a city, county, or
59 municipality, by ordinance, from designating the routes over which such vehicles
60 may be operated.

61 **[5.] 6.** No motor vehicle engaged in interstate commerce, whether
62 unladen or with load, whose operations in the state of Missouri are limited
63 exclusively to the commercial zone of a first class home rule municipality located
64 in a county with a population between eighty thousand and ninety-five thousand
65 inhabitants which has a portion of its corporate limits contiguous with a portion
66 of the boundary between the states of Missouri and Kansas, shall have a greater
67 weight than twenty-two thousand four hundred pounds on one axle, nor shall
68 exceed fifteen feet in height.

387.040. 1. No motor carrier subject to the provisions of this chapter shall
2 engage or participate in the transportation of passengers [or household goods],
3 between points within this state, until its schedules of rates, fares and charges
4 shall have been filed **with the state Highways and Transportation**
5 **Commission** and published in accordance with the provisions of this

6 chapter. Any motor carrier, which shall undertake to perform any service or
7 furnish any product or commodity unless or until the rates, tolls, fares, charges,
8 classifications and rules and regulations relating thereto, applicable to such
9 service, product or commodity, have been filed with the Highways and
10 Transportation Commission and published in accordance with the provisions of
11 this chapter, shall be subject to forfeiture to the state pursuant to the provisions
12 of sections 390.156 to 390.176.

13 2. [Notwithstanding subsection 1 of this section, a motor carrier shall not
14 be required to file its schedules of rates, fares, and charges for shipments of
15 household goods that are transported wholly or exclusively within a commercial
16 zone as defined in 390.020 or within a commercial zone established by the
17 Highways and Transportation Commission pursuant to the provisions of
18 subdivision (4) of section 390.041.] **Notwithstanding any provision of this
19 chapter or chapter 390 to the contrary, a motor carrier transporting
20 household goods in intrastate commerce shall not be required to file its
21 schedule of rates, fares, and charges with the state Highways and
22 Transportation Commission. In lieu of filing its schedules of rates,
23 fares, charges, rules, or tolls with the state Highways and
24 Transportation Commission, a motor carrier transporting household
25 goods in intrastate commerce shall maintain and publish its schedules
26 of rates, fares, charges, rules, and tolls in every station or office as
27 described in subsection 3 of section 387.050 and such rates shall be
28 available for inspection by the state Highways and Transportation
29 Commission, shippers, and the public upon request. Any motor carrier
30 transporting household goods in intrastate commerce that fails to
31 comply with the provisions of this subsection shall be subject to
32 forfeiture to the state pursuant to the provisions of sections 390.156 to
33 390.176.**

387.050. 1. Every motor carrier shall file with the [division of motor
2 carrier and railroad safety] **state Highways and Transportation
3 Commission** and shall print and keep open to public inspection schedules
4 showing the rates, fares and charges for the transportation of passengers and
5 household goods within this state between each point upon its route and all other
6 points thereon and between each point upon its route and all points upon every
7 route leased, operated or controlled by it and between each point on its route or
8 upon any route leased, operated or controlled by it and all points upon the route

9 of any other motor carrier, whenever a through route and joint rate shall have
10 been established or ordered between any two such points. If no joint rate over a
11 through route has been established, the several carriers in such through route
12 shall file, print and keep open to public inspection, as aforesaid, the separately
13 established rates, fares and charges applied to the through
14 transportation. **Beginning August 28, 2012, motor carriers shall not be**
15 **required to file their schedules showing the rates, fares, rules, and**
16 **charges for the transportation of household goods within this state but**
17 **shall print and keep open for public inspection such schedules in**
18 **accordance with this section and section 387.040.**

19 2. The schedules printed as aforesaid shall plainly state the places
20 between which household goods and passengers will be carried, and shall also
21 contain the classification of passengers or household goods in force, and shall also
22 state separately all terminal charges, storage charges, icing charges and all other
23 charges which the [division] **state Highways and Transportation**
24 **Commission** may require to be stated, all privileges or facilities granted or
25 allowed, and any rules or regulations which may in any way change, affect or
26 determine any part or the aggregate of such aforesaid rates, fares and charges,
27 or the value of the service rendered to the passenger, shipper or consignee.

28 3. Such schedules shall be plainly printed in large type, and a copy
29 thereof shall be kept by every such carrier readily accessible to and for convenient
30 inspection by the public in every station or office of such carrier where passengers
31 or household goods are respectively received for transportation, when such station
32 or office is in charge of an agent, and in every station or office of such carrier
33 where passenger tickets for transportation or tickets covering bills of lading or
34 receipts for household goods are issued. All or any of such schedules kept as
35 aforesaid shall be immediately produced by such carrier for inspection upon the
36 demand of any person.

37 4. A notice printed in bold type and stating that such schedules are on file
38 with the agent and open to inspection by any person and that the agent will
39 assist any such person to determine from such schedules any transportation rates
40 or fares or rules or regulations which are in force shall be kept posted by the
41 carrier in two public and conspicuous places in every such station or office.

42 5. The form of every such schedule shall be prescribed by the [division]
43 **state Highways and Transportation Commission.**

44 6. The [division] **state Highways and Transportation Commission**

45 shall have power, from time to time, in its discretion, to determine and prescribe
46 by order such changes in the form of such schedules as may be found expedient,
47 and to modify the requirements of this section in respect to publishing, posting
48 and filing of schedules either in particular instances or by general order
49 applicable to special or peculiar circumstances or conditions.

387.080. 1. The names of the several carriers which are parties to any
2 joint tariff shall be specified therein, and each of the parties thereto, other than
3 the one filing the same, shall file with the [division of motor carrier and railroad
4 safety] **state Highways and Transportation Commission** such evidence of
5 concurrence therein or acceptance thereof as may be required or approved by the
6 [division] **state Highways and Transportation Commission**; and where such
7 evidence of concurrence or acceptance is filed, it shall not be necessary for the
8 carriers filing the same also to file copies of the tariffs in which they are named
9 as parties. **The provisions of this subsection shall not apply to motor**
10 **carriers of household goods. Carriers of household goods participating**
11 **in through routes or interline service shall publish joint tariffs and**
12 **evidence of concurrence or acceptance thereof or individual tariffs for**
13 **each participating carrier in accordance with sections 387.040 and**
14 **387.050.**

15 2. Every motor carrier shall file with the [division] **state Highways and**
16 **Transportation Commission** sworn copies of every contract, agreement or
17 arrangement with any other motor carrier or motor carriers relating in any way
18 to the transportation of passengers [or property].

19 3. **Motor carriers of household goods are prohibited from**
20 **participation in any joint tariff pursuant to the provisions of this**
21 **chapter, except that this subsection shall not prohibit joint tariffs**
22 **relating to joint rates for household goods transportation over any**
23 **through routes or by interline service performed by two or more**
24 **separate motor carriers.**

387.110. [1.] No motor carrier shall make or give any undue or
2 unreasonable preference or advantage to any person or corporation or to any
3 locality or to any particular description of traffic in any respect whatsoever, or
4 subject any particular person or corporation or locality or any particular
5 description of traffic, to any undue or unreasonable prejudice or disadvantage in
6 any respect whatsoever.

7 [2. Notwithstanding any other provision of law to the contrary, no

8 common carrier of household goods shall use any schedule of rates or charges, or
9 both, for the transportation of household goods within this state which divides
10 this state into territorial rate areas. Any schedule of rates or charges, or both,
11 which divides, or attempts to divide, this state into territorial rate areas is
12 unjust, unreasonable, and invalid.]

**387.137. The state Highways and Transportation Commission
2 shall establish consumer protection requirements for motor carriers
3 transporting household goods in intrastate commerce and establish a
4 system for filing, logging, and responding to consumer complaints.**

**387.139. 1. The division of motor carrier services shall keep an
2 information file about each complaint filed with it regarding the
3 movement of household goods in intrastate commerce. The division of
4 motor carrier service's information file shall be kept current and
5 contain a record for each complaint of:**

- 6 (1) All persons contacted in relation to the complaint;
- 7 (2) A summary of findings in response to the complaint;
- 8 (3) An explanation of the reason for a complaint that is
9 dismissed; and
- 10 (4) Any other relevant information.

11 **2. If a written complaint is filed with the division that is within
12 the division's jurisdiction, the division, at least as frequently as
13 quarterly and until final disposition of the complaint, shall notify the
14 complainant of the status of the complaint unless the notice would
15 jeopardize an ongoing investigation.**

16 **3. The state Highways and Transportation Commission shall
17 adopt by rule a form to standardize information concerning complaints
18 made to the division of motor carriers regarding the transportation of
19 household goods. The commission shall prescribe by rule information
20 to be provided to a person when the person files a complaint with the
21 division of motor carrier services.**

22 **4. The state Highways and Transportation Commission shall
23 promulgate rules and regulations for the implementation and
24 administration of this section. Any rule or portion of a rule, as that
25 term is defined in section 536.010 that is created under the authority
26 delegated in this section shall become effective only if it complies with
27 and is subject to all of the provisions of chapter 536, and, if applicable,
28 section 536.028. This section and chapter 536 are nonseverable and if**

29 **any of the powers vested with the general assembly pursuant to chapter**
30 **536, to review, to delay the effective date, or to disapprove and annul**
31 **a rule are subsequently held unconstitutional, then the grant of**
32 **rulemaking authority and any rule proposed or adopted after August**
33 **28, 2012, shall be invalid and void.**

387.207. 1. All rates, tolls, charges, schedules and joint rates fixed by the
2 **[division] state Highways and Transportation Commission** with reference
3 to the transportation of passengers **[or household goods]** by motor carrier shall
4 be in force and shall be prima facie lawful, and all regulations, practices and
5 services prescribed by the **[division] commission** shall be in force and shall be
6 prima facie lawful and reasonable until found otherwise in a suit brought for that
7 purpose pursuant to the provisions of this chapter.

8 **2. All rates, tolls, charges, schedules, and joint rates published**
9 **in accordance with subsection 3 of section 387.050 with reference to the**
10 **transportation of household goods by motor carrier shall be in force**
11 **and shall be prima facie lawful, and all regulations, practices and**
12 **services prescribed by the state Highways and Transportation**
13 **Commission shall be in force and shall be prima facie lawful and**
14 **reasonable until found otherwise in a suit brought for that purpose**
15 **under the provisions of this chapter.**

387.355. On August 28, 2012, all rate orders issued by the state
2 **Highways and Transportation Commission or its predecessors affecting**
3 **the transportation of household goods by common carriers in intrastate**
4 **commerce, pursuant to the authority of any of the provisions in this**
5 **chapter or chapter 390, shall be vacated and set aside, but only to the**
6 **extent that those rate orders require or prescribe any minimum rates,**
7 **maximum rates, or minimum-and-maximum rates for the transportation**
8 **of household goods by common carriers in intrastate commerce. This**
9 **section shall not vacate or set aside any other requirements or**
10 **provisions contained in those rate orders.**

390.051. 1. Except as otherwise provided in section 390.030, no person
2 shall engage in the business of a common carrier **of household goods or**
3 **passengers** in intrastate commerce on any public highway in this state unless
4 there is in force with respect to such carrier a certificate issued by the **[division]**
5 **state Highways and Transportation Commission** authorizing such
6 operations.

7 2. Application for a certificate shall be made in writing to the [division]
8 **state Highways and Transportation Commission** and shall contain such
9 information as the [division] **state Highways and Transportation**
10 **Commission** shall, by rule, require and shall include:

11 (1) Full information concerning the ownership, financial [condition]
12 **status** of applicant **through the submission of documentation describing**
13 **assets, liabilities, and capital**, equipment to be used and a statement listing
14 the physical equipment of applicant and the reasonable value thereof;

15 (2) The complete route or routes over which the applicant desires to
16 operate, or territory to be served; **except that the state Highways and**
17 **Transportation Commission shall not restrict any certificate or permit**
18 **authorizing the transportation of household goods or passengers with**
19 **reference to any route or routes; except that the state Highways and**
20 **Transportation Commission shall restrict the applicant's registration**
21 **against the transportation of any hazardous material as designated in**
22 **Title 49, Code of Federal Regulations, if the state Highways and**
23 **Transportation Commission finds that the applicant has not shown it**
24 **is qualified to safely transport that hazardous material in compliance**
25 **with all registration, liability insurance, and safety requirements**
26 **applicable to the transportation of that hazardous material pursuant**
27 **to Title 49, Code of Federal Regulations;**

28 (3) The proposed rates, schedule or schedules, or timetable of the
29 applicant.

30 3. [Except as provided for in subsection 4 of this section, if the division]
31 **If the state Highways and Transportation Commission** finds that an
32 applicant seeking to transport [general and specialized commodities in truckload
33 lots, agricultural commodities in bulk in dump trucks] **household goods**, or
34 passengers [in charter service] is fit, willing and able to properly perform the
35 service proposed and to conform to the provisions of this chapter and the
36 requirements, rules and regulations of the [division] **state Highways and**
37 **Transportation Commission** established thereunder, a certificate therefor
38 shall be issued.

39 4. [If the division finds that an applicant seeking to transport:

40 (1) General and specialized commodities in less-than-truckload lots;

41 (2) Commodities in bulk in dump trucks, other than agricultural
42 commodities in bulk in dump trucks, as defined in section 390.020;

43 (3) Mobile homes;
44 (4) Household goods;
45 (5) Passengers other than in charter service;
46 (6) Gasoline, fuel oil or liquefied petroleum gas;
47 (7) Boats; is fit, willing and able to properly perform the service proposed,
48 and to conform to the provisions of this chapter and the requirement, rules and
49 regulations of the division, and that the service proposed will serve a useful
50 present or future public purpose, a certificate therefor specifying the service
51 authorized shall be issued, unless the division finds on the basis of evidence
52 presented by persons objecting to the issuance of a certificate that the
53 transportation to be authorized by the certificate will be inconsistent with the
54 public convenience and necessity.

55 5. In making findings under subsection 4 of this section, the division shall
56 consider the testimony of the applicant, the proposed users of the service
57 contemplated by the applicant, and any other relevant testimony or evidence, and
58 the division shall consider, and to the extent applicable, make findings on at least
59 the following:

60 (1) The transportation policy of section 390.011; and
61 (2) The criteria set forth in this subsection. In cases where persons object
62 to the issuance of a certificate, the diversion of revenue or traffic from existing
63 carriers shall be considered.

64 6.] The [division] **state Highways and Transportation Commission**
65 shall streamline and simplify to the maximum extent practicable the process for
66 issuance of certificates to which the provisions of this section apply. **The state**
67 **Highways and Transportation Commission is authorized to enter into**
68 **interagency agreements with any entity created and operating under**
69 **the provisions of section 67.1800 to 67.1822 to deal with any public**
70 **safety issues that may arise as a result of the provisions of this section.**

71 [7.] 5. The [division] **state Highways and Transportation**
72 **Commission** shall dismiss on its motion any application for substantially the
73 same common [or contract] authority that has been previously denied within six
74 months of filing the subsequent application.

390.054. Beginning August 28, 2012, and continuing thereafter, no
2 **certificate or permit to transport household goods in intrastate**
3 **commerce shall be issued or renewed unless the applicant demonstrates**
4 **that the applicant has workers' compensation insurance coverage that**

5 **complies with chapter 287, for all employees. If any household goods**
6 **carrier subject to the provisions of this chapter or chapter 387 is found**
7 **by the division of workers' compensation to be out of compliance with**
8 **chapter 287, the division shall report such fact to the state Highways**
9 **and Transportation Commission. The commission shall suspend the**
10 **household goods carrier's certificate or permit pursuant to section**
11 **390.106 until such time the carrier demonstrates that it has procured**
12 **workers' compensation insurance coverage that complies with chapter**
13 **287.**

390.061. 1. Except as otherwise provided in section 390.030, no person
2 shall engage in the business of a contract carrier **of household goods or**
3 **passengers** in intrastate commerce on any public highway in this state unless
4 there is in force with respect to such carrier a permit issued by the [division of
5 motor carrier and railroad safety] **state Highways and Transportation**
6 **Commission** authorizing such operations.

7 2. Applications for such permits shall be made to the [division] **state**
8 **Highways and Transportation Commission** in writing and shall contain such
9 information as the [division] **state Highways and Transportation**
10 **Commission** shall, by rule, require and shall include:

11 (1) Full information concerning the ownership, financial [condition]
12 **status** of applicant **through the submission of documentation describing**
13 **assets, liabilities, and capital**, equipment to be used and a statement listing
14 the physical equipment of applicant and the reasonable value thereof;

15 (2) The complete route or routes over which the applicant desires to
16 operate, or territory to be served; **except that the state Highways and**
17 **Transportation Commission shall not restrict any certificate or permit**
18 **authorizing the transportation of household goods or passengers with**
19 **reference to any route or routes; except that the state Highways and**
20 **Transportation Commission shall restrict the applicant's registration**
21 **against the transportation of any hazardous material as designated in**
22 **Title 49, Code of Federal Regulations, if the state Highways and**
23 **Transportation Commission finds that the applicant has not shown it**
24 **is qualified to safely transport that hazardous material in compliance**
25 **with all registration, liability insurance, and safety requirements**
26 **applicable to the transportation of that hazardous material pursuant**
27 **to Title 49, Code of Federal Regulations.**

28 3. If the [division] **state Highways and Transportation Commission**
29 shall find that the applicant is seeking to transport [general and specialized
30 commodities in truckload lots, agricultural commodities in bulk,] **household**
31 **goods**, or passengers [in charter service], and is fit, willing and able to properly
32 perform the service proposed and to conform to the provisions of this chapter and
33 the requirements, rules and regulations of the [division] **state Highways and**
34 **Transportation Commission** thereunder, a permit therefor shall be issued.

35 4. [If the division finds that an applicant seeking to transport
36 commodities or passengers as described in subsection 4 of section 390.051 is fit,
37 willing and able to properly perform the service proposed, and to conform to the
38 provisions of this chapter and the requirements, rules and regulations of the
39 division, and that the service proposed will serve a useful present or future
40 purpose, a permit therefor specifying the service authorized shall be issued,
41 unless the division finds on the basis of evidence presented by persons objecting
42 to the issuance of a permit that the transportation to be authorized by the permit
43 will be inconsistent with the public convenience and necessity.

44 5.] Any permit issued under this section shall specify the service to be
45 rendered, the contracting parties, and the [points or] area to be served.

46 [6.] 5. The [division] **state Highways and Transportation**
47 **Commission** will not have jurisdiction over contract rates. A copy of the original
48 contract must be filed with the [division] **state Highways and Transportation**
49 **Commission** prior to issuance of a permit. In the event the applicant chooses
50 not to disclose contract rates in the application, the contract shall contain in lieu
51 of rates a specific provision which incorporates by reference a schedule of rates,
52 in writing, to be effective between carrier and shipper. Current contracts and
53 rate schedules must be maintained by the carrier and contracting shippers. A
54 contract permit, authorizing the transportation of [commodities] **household**
55 **goods** or passengers [other than as described in subsection 4 of section 390.051],
56 may be amended to include additional contracting parties by the filing of said
57 contracts with the [division] **state Highways and Transportation**
58 **Commission** and acknowledgment by the [division] **state Highways and**
59 **Transportation Commission**.

60 6. The **state Highways and Transportation Commission** is
61 **authorized to enter into interagency agreements with any entity**
62 **created and operating under the provisions of section 67.1800 to 67.1822**
63 **to deal with any public safety issues that may arise as a result of the**

64 provisions of this section.

390.116. 1. Common carriers of [property] **household goods** may
2 establish reasonable through routes **or interline service** and joint rates,
3 charges and classifications with other such carriers or with common carriers by
4 railroad or express; and common carriers of passengers may establish reasonable
5 through routes and joint rates, fares or charges with other such carriers or with
6 common carriers by railroad. In case of such joint rates, fares, charges or
7 classifications, it shall be the duty of the **participating** carriers[, parties
8 thereto,] to establish just and reasonable regulations and practices in connection
9 therewith, and just, reasonable and equitable divisions thereof as between the
10 carriers participating therein which shall not unduly prefer or prejudice any of
11 such participating carriers **and shall not result in any rate, fare, charge,**
12 **classification, regulation, or practice that is unjust or unreasonable to**
13 **the shipper or receiver of the household goods. Carriers of household**
14 **goods participating in through routes or interline service shall publish**
15 **joint tariffs and evidence of concurrence or acceptance thereof, in**
16 **accordance with section 387.080, or individual tariffs for each**
17 **participating carrier, which shall set forth the joint or individual rates,**
18 **fares, charges, classifications, regulations, practices, and division of**
19 **rates applicable to such through routes or interline service, all in**
20 **accordance with the applicable provisions in chapter 387.**

21 2. The [division] **state Highways and Transportation Commission**
22 may, whenever deemed by it to be necessary or desirable in the public interest,
23 after hearing, upon complaint or upon its own motion, order the establishment
24 of just and reasonable through routes and joint rates, fares, charges, regulations
25 or practices, applicable to the transportation of passengers [or property] by
26 common carriers.

390.280. 1. Certificates or permits, or both, which were issued before
2 January 1, 1995, and which authorized a person to transport any property in
3 intrastate commerce by motor vehicle as a common carrier or contract carrier, or
4 both, are void, except that to the extent such certificates or permits, or portions
5 thereof, authorized a person to transport household goods over irregular routes
6 or passengers in intrastate commerce, or any property or passengers in interstate
7 commerce, those certificates or permits, or portions thereof, are exempt from the
8 provisions of this subsection.

9 2. Persons who owned certificates or permits, or both, that were in active

10 status with the division on December 31, 1994, and persons to whom the division
11 issued certificates and permits after December 31, 1994, pursuant to emergency
12 rules adopted by the division, are deemed to be qualified as registered property
13 carriers, unless the person's certificate or permit has been suspended, revoked or
14 transferred to another person as provided by law. A person deemed qualified
15 pursuant to this subsection is not required to file an application pursuant to
16 section 390.290 to continue providing intrastate transportation as a registered
17 property carrier, but rather, upon such person's compliance with the licensing and
18 insurance requirements of the division the person is deemed to have a property
19 carrier registration in force as required pursuant to section 390.270, authorizing
20 the person to transport property except household goods in intrastate commerce
21 on the public highways, unless the person's property carrier registration is
22 suspended, revoked or transferred to another person as provided by law. Within
23 a reasonable time after August 28, 1996, the division shall issue property carrier
24 registrations to all persons who are deemed to be qualified as registered property
25 carriers and deemed to have property carrier registrations in force pursuant to
26 this subsection.

27 3. Notwithstanding any provision of this section to the contrary, this
28 section shall not be construed as authorizing any person to transport any
29 hazardous material as designated in Title 49, Code of Federal Regulations, except
30 hazardous materials which that person was expressly authorized to transport in
31 intrastate commerce within this state on August 28, 1996. A person may file an
32 application for property carrier registration pursuant to section 390.290 to
33 transport additional hazardous materials. Nothing in this section shall be
34 construed to conflict with chapter 260, or of relieving an applicant of any duty to
35 obtain a license pursuant to chapter 260.

36 **4. Notwithstanding any provision of the law, any geographic**
37 **restriction or provision limiting the carrier's scope of authority to**
38 **particular routes within this state contained in a certificate or permit,**
39 **or both, authorizing the transportation of household goods in intrastate**
40 **commerce, which was issued prior to August 28, 2012, and any similar**
41 **provision contained in a carrier's tariff schedule filed prior to such**
42 **date, shall be deemed void. In lieu of the geographic restrictions**
43 **expressed in such certificates, permits, or tariff schedules, a motor**
44 **carrier shall be authorized to provide intrastate transportation of**
45 **household goods between all points and destinations within the state**

46 **until such time the certificates, permits, and tariff schedules are**
47 **reissued or amended to reflect the motor carrier's statewide operating**
48 **authority. Nothing contained in the provisions of sections 390.051 to**
49 **390.116 shall be construed to exempt or to alter the obligation of**
50 **compliance by carriers transporting passengers point-to-point within**
51 **the jurisdiction described in 67.1802 from the provisions of sections**
52 **67.1800 to 67.1822.**

Section B. The repeal and reenactment of section 302.700 and the
2 enactment of section 302.768 of this act shall become effective on the date the
3 director of the department of revenue begins accepting commercial driver license
4 medical certifications under sections 302.700 and 302.768, or on May 1, 2013,
5 whichever occurs first. If the director of revenue begins accepting commercial
6 driver license medical certifications under sections 302.700 and 302.768 prior to
7 May 1, 2013, the director of the department of revenue shall notify the revisor of
8 statutes of such fact.

Section C. The repeal and reenactment of section 301.140 of this act shall
2 become effective on the date the department of revenue or a producer authorized
3 by the director of the department of revenue begins producing temporary permits
4 described in subsection 4 of such section, or on July 1, 2013, whichever occurs
5 first. If the director of revenue or a producer authorized by the director of the
6 department of revenue begins producing temporary permits prior to July 1, 2013,
7 the director of the department of revenue shall notify the revisor of statutes of
8 such fact.

Section D. The repeal and reenactment of section 301.147 shall become
2 effective July 1, 2015.

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