

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

# SENATE BILL NO. 480

96TH GENERAL ASSEMBLY  
2012

4472S.13T

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## AN ACT

To repeal sections 67.548, 67.1421, 67.1561, 70.441, 144.030, 260.392, 301.010, 301.449, 301.3150, 301.3161, 302.060, 302.304, 302.309, 302.341, 302.525, 302.700, 303.200, 304.120, 306.532, and 577.023, RSMo, and to enact in lieu thereof twenty-nine new sections relating to transportation, with penalty provisions and a contingent effective date for certain sections and an effective date for certain sections.

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

Section A. Sections 67.548, 67.1421, 67.1561, 70.441, 144.030, 260.392, 2 301.010, 301.449, 301.3150, 301.3161, 302.060, 302.304, 302.309, 302.341, 3 302.525, 302.700, 303.200, 304.120, 306.532, and 577.023, RSMo, are repealed and 4 twenty-nine new sections enacted in lieu thereof, to be known as sections 67.548, 5 67.1421, 67.1422, 67.1561, 70.441, 144.030, 227.509, 227.510, 227.513, 260.392, 6 301.010, 301.449, 301.3150, 301.3161, 301.4036, 301.4040, 302.060, 302.304, 7 302.309, 302.341, 302.525, 302.700, 302.768, 303.200, 304.033, 304.120, 306.532, 8 577.023, and 1, to read as follows:

67.548. 1. In any first or second class county not having a charter form 2 of government, which contains all or any part of a city with a population of 3 greater than four hundred thousand inhabitants, in which the voters have 4 approved a sales tax as provided by section 67.547, the county commission may: 5 (1) Reduce or eliminate the county general fund levy, the special road and 6 bridge levy, or the park levy; [and]

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

7           (2) Grant county [sales tax] revenues to cities, towns and villages and to  
8 special road districts organized pursuant to chapter 233;

9           **(3) Enter into agreements with cities, towns, villages, and special**  
10 **road districts organized under chapter 233 for the purpose of working**  
11 **cooperatively on the roads and bridges located within the county,**  
12 **including the distribution of funds to such entities in addition to those**  
13 **funds described in subsection 2 of this section.**

14           2. [If the county commission reduces a special road and bridge tax levy  
15 pursuant to this section which results in a reduction of revenue available to a  
16 city, town or village or to a special road district organized pursuant to chapter  
17 233, the commission shall in that year in which the reduction of revenue occurs  
18 set aside and place to the credit of each such entity sales tax revenues in an  
19 amount at least equal to that which each such entity would have otherwise been  
20 entitled from the special road and bridge tax levy, had it not been for such  
21 reduction. In subsequent years, each such entity shall receive from the county  
22 an amount of sales tax revenue equal to the amount of special road and bridge  
23 tax revenue that each such entity would have received in that year, but for the  
24 reduction in the special road and bridge tax. The county shall transfer such sales  
25 tax revenue to each such entity in twelve equal monthly installments during each  
26 year in which such entity is entitled to receive such sales tax revenue] **In any**  
27 **county in which the voters have approved a sales tax as provided by**  
28 **section 67.547, each city, town, village, and special road district**  
29 **organized under chapter 233 shall continue to receive its share of the**  
30 **county's special road and bridge levy, if any, that is annually**  
31 **considered by the county commission. In the event that the annual**  
32 **special road and bridge levy is not set at a level of at least fourteen**  
33 **cents on each one hundred dollars assessed valuation, the county**  
34 **commission shall allocate additional funds from any available county**  
35 **source to the cities, towns, villages, and special road districts located**  
36 **within the county in an amount that will, when combined with the**  
37 **revenues received from the special road and bridge levy, distribute**  
38 **funds to such entities in an amount that is at least equal to the funding**  
39 **level of fourteen cents on each one hundred dollars assessed**  
40 **valuation. Additionally, any city, town, or village which contains at**  
41 **least fifty percent of a special road district organized under chapter**  
42 **233 shall be entitled to receive the road district's portion of any funds**

43 **not paid through the special road and bridge levy. Any funds paid**  
44 **under this subsection shall be paid as if the funds were paid under the**  
45 **county's special road and bridge levy.**

67.1421. 1. Upon receipt of a proper petition filed with its municipal  
2 clerk, the governing body of the municipality in which the proposed district is  
3 located shall hold a public hearing in accordance with section 67.1431 and may  
4 adopt an ordinance to establish the proposed district.

5 2. A petition is proper if, based on the tax records of the county clerk, or  
6 the collector of revenue if the district is located in a city not within a county, as  
7 of the time of filing the petition with the municipal clerk, it meets the following  
8 requirements:

9 (1) It has been signed by property owners collectively owning more than  
10 fifty percent by assessed value of the real property within the boundaries of the  
11 proposed district;

12 (2) It has been signed by more than fifty percent per capita of all owners  
13 of real property within the boundaries of the proposed district; and

14 (3) It contains the following information:

15 (a) The legal description of the proposed district, including a map  
16 illustrating the district boundaries;

17 (b) The name of the proposed district;

18 (c) A notice that the signatures of the signers may not be withdrawn later  
19 than seven days after the petition is filed with the municipal clerk;

20 (d) A five-year plan stating a description of the purposes of the proposed  
21 district, the services it will provide, the improvements it will make and an  
22 estimate of costs of these services and improvements to be incurred;

23 (e) A statement as to whether the district will be a political subdivision  
24 or a not-for-profit corporation and if it is to be a not-for-profit corporation, the  
25 name of the not-for-profit corporation;

26 (f) If the district is to be a political subdivision, a statement as to whether  
27 the district will be governed by a board elected by the district or whether the  
28 board will be appointed by the municipality, and, if the board is to be elected by  
29 the district, the names and terms of the initial board may be stated;

30 (g) If the district is to be a political subdivision, the number of directors  
31 to serve on the board;

32 (h) The total assessed value of all real property within the proposed  
33 district;

34 (i) A statement as to whether the petitioners are seeking a determination  
35 that the proposed district, or any legally described portion thereof, is a blighted  
36 area;

37 (j) The proposed length of time for the existence of the district;

38 (k) The maximum rates of real property taxes, and, business license taxes  
39 in the county seat of a county of the first classification without a charter form of  
40 government containing a population of at least two hundred thousand, that may  
41 be submitted to the qualified voters for approval;

42 (l) The maximum rates of special assessments and respective methods of  
43 assessment that may be proposed by petition;

44 (m) The limitations, if any, on the borrowing capacity of the district;

45 (n) The limitations, if any, on the revenue generation of the district;

46 (o) Other limitations, if any, on the powers of the district;

47 (p) A request that the district be established; and

48 (q) Any other items the petitioners deem appropriate; [and]

49 (4) The signature block for each real property owner signing the petition  
50 shall be in substantially the following form and contain the following information:

51 Name of owner: . . . . .

52 Owner's telephone number and mailing address: . . . . .

53 If signer is different from owner:

54 Name of signer: . . . . .

55 State basis of legal authority to sign: . . . . .

56 Signer's telephone number and mailing address: . . . . .

57 If the owner is an individual, state if owner is single or married: . . . . .

58 . . . . .

59 If owner is not an individual, state what type of entity: . . .

60 Map and parcel number and assessed value of each tract of real property within  
61 the proposed district owned: . . . . .

62 By executing this petition, the undersigned represents and warrants that he or  
63 she is authorized to execute this petition on behalf of the property owner named  
64 immediately above. . . . .

65 Signature of person signing for owner Date

66 STATE OF MISSOURI)

67 ) ss.

68 COUNTY OF . . . . . )

69 Before me personally appeared . . . . ., to me personally known

70 to be the individual described in and who executed the foregoing instrument.

71 WITNESS my hand and official seal this . . . . . day of . . . . .  
72 (month), . . . . (year).

73 . . . . .

74 Notary Public

75 My Commission Expires: . . . . . ; and

76 **(5) Alternatively, the governing body of any home rule city with**  
77 **more than four hundred thousand inhabitants and located in more than**  
78 **one county may file a petition to initiate the process to establish a**  
79 **district in the portion of the city located in any county of the first**  
80 **classification with more than two hundred thousand but fewer than two**  
81 **hundred sixty thousand inhabitants containing the information**  
82 **required in subdivision (3) of this subsection; provided that the only**  
83 **funding methods for the services and improvements will be a real**  
84 **property tax.**

85 3. Upon receipt of a petition the municipal clerk shall, within a reasonable  
86 time not to exceed ninety days after receipt of the petition, review and determine  
87 whether the petition substantially complies with the requirements of subsection  
88 2 of this section. In the event the municipal clerk receives a petition which does  
89 not meet the requirements of subsection 2 of this section, the municipal clerk  
90 shall, within a reasonable time, return the petition to the submitting party by  
91 hand delivery, first class mail, postage prepaid or other efficient means of return  
92 and shall specify which requirements have not been met.

93 4. After the close of the public hearing required pursuant to subsection  
94 1 of this section, the governing body of the municipality may adopt an ordinance  
95 approving the petition and establishing a district as set forth in the petition and  
96 may determine, if requested in the petition, whether the district, or any legally  
97 described portion thereof, constitutes a blighted area. **If the petition was filed**  
98 **by the governing body of a municipality pursuant to subdivision (5) of**  
99 **subsection 2 of this section, after the close of the public hearing**  
100 **required pursuant to subsection 1 of this section, the petition may be**  
101 **approved by the governing body and an election shall be called**  
102 **pursuant to section 67.1422.**

103 5. Amendments to a petition may be made which do not change the  
104 proposed boundaries of the proposed district if an amended petition meeting the  
105 requirements of subsection 2 of this section is filed with the municipal clerk at

106 the following times and the following requirements have been met:

107 (1) At any time prior to the close of the public hearing required pursuant  
108 to subsection 1 of this section; provided that, notice of the contents of the  
109 amended petition is given at the public hearing;

110 (2) At any time after the public hearing and prior to the adoption of an  
111 ordinance establishing the proposed district; provided that, notice of the  
112 amendments to the petition is given by publishing the notice in a newspaper of  
113 general circulation within the municipality and by sending the notice via  
114 registered certified United States mail with a return receipt attached to the  
115 address of record of each owner of record of real property within the boundaries  
116 of the proposed district per the tax records of the county clerk, or the collector of  
117 revenue if the district is located in a city not within a county. Such notice shall  
118 be published and mailed not less than ten days prior to the adoption of the  
119 ordinance establishing the district;

120 (3) At any time after the adoption of any ordinance establishing the  
121 district a public hearing on the amended petition is held and notice of the public  
122 hearing is given in the manner provided in section 67.1431 and the governing  
123 body of the municipality in which the district is located adopts an ordinance  
124 approving the amended petition after the public hearing is held.

125 6. Upon the creation of a district, the municipal clerk shall report in  
126 writing the creation of such district to the Missouri department of economic  
127 development.

**67.1422. 1. Notwithstanding sections 67.1531, 67.1545, and  
2 67.1551, if the petition was filed pursuant to subdivision (5) of  
3 subsection 2 of section 67.1421, by a governing body of the city, the  
4 governing body may adopt an ordinance approving the petition and  
5 submit a ballot to the qualified voters of the district; the question shall  
6 be in substantially the following form:**

7 **Shall the community improvement district, to be known as the  
8 "..... Community Improvement District" approved by the  
9 ..... (insert governing body) be established for the purpose  
10 of (here summarize the proposed improvements and services) and be  
11 authorized to impose a real property tax upon (all real property) within  
12 the district at a rate of not more than ten cents per hundred dollars  
13 assessed valuation for a period of ten years from the date on which  
14 such tax is first imposed for the purpose of providing revenue for**

15 ..... (insert general description of purpose) in the district?

16  YES  NO

17 If you are in favor of the question, place an "X" in the box opposite  
18 "YES". If you are opposed to the question, place an "X" in the box  
19 opposite "NO".

20 The governing body of the city shall not submit the question to the  
21 qualified voters of the district on more than one occasion.

22 2. A district levying a real property tax pursuant to this section  
23 may repeal or amend such real property tax or lower the tax rate of  
24 such tax if such repeal, amendment or lower rate will not impair the  
25 district's ability to repay any liabilities which it has incurred, money  
26 which it has borrowed or obligations that it has issued to finance any  
27 improvements or services rendered within the district.

28 3. An election conducted under this section may be conducted in  
29 accordance with the provisions of chapter 115, or by mail-in ballot.

67.1561. No lawsuit to set aside a district established, or a special  
2 assessment or a tax levied under sections 67.1401 to 67.1571 or to otherwise  
3 question the validity of the proceedings related thereto shall be brought after the  
4 expiration of ninety days from the effective date of the ordinance establishing  
5 such district in question or the election establishing a district pursuant to  
6 section 67.1422 or the effective date of the resolution levying such special  
7 assessment or tax in question or the effective date of a merger of two districts  
8 under section 67.1485.

70.441. 1. As used in this section, the following terms have the following  
2 meanings:

3 (1) "Agency", the bi-state development agency created by compact under  
4 section 70.370;

5 (2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or  
6 train, locomotive, or other vehicle used or held for use by the agency as a means  
7 of transportation of passengers;

8 (3) "Facilities" includes all property and equipment, including, without  
9 limitation, rights-of-way and related trackage, rails, signals, power, fuel,  
10 communication and ventilation systems, power plants, stations, terminals,  
11 signage, storage yards, depots, repair and maintenance shops, yards, offices,  
12 parking lots and other real estate or personal property used or held for or  
13 incidental to the operation, rehabilitation or improvement of any public mass

14 transportation system of the agency;

15 (4) "Person", any individual, firm, copartnership, corporation, association  
16 or company; and

17 (5) "Sound production device" includes, but is not limited to, any radio  
18 receiver, phonograph, television receiver, musical instrument, tape recorder,  
19 cassette player, speaker device and any sound amplifier.

20 2. In interpreting or applying this section, the following provisions shall  
21 apply:

22 (1) Any act otherwise prohibited by this section is lawful if specifically  
23 authorized by agreement, permit, license or other writing duly signed by an  
24 authorized officer of the agency or if performed by an officer, employee or  
25 designated agent of the agency acting within the scope of his or her employment  
26 or agency;

27 (2) Rules shall apply with equal force to any person assisting, aiding or  
28 abetting another, including a minor, in any of the acts prohibited by the rules or  
29 assisting, aiding or abetting another in the avoidance of any of the requirements  
30 of the rules; and

31 (3) The singular shall mean and include the plural; the masculine gender  
32 shall mean the feminine and the neuter genders; and vice versa.

33 3. (1) No person shall use or enter upon the light rail conveyances of the  
34 agency without payment of the fare or other lawful charges established by the  
35 agency. Any person on any such conveyance must have properly validated fare  
36 media in his possession. This ticket must be valid to or from the station the  
37 passenger is using, and must have been used for entry for the trip then being  
38 taken;

39 (2) No person shall use any token, pass, badge, ticket, document, transfer,  
40 card or fare media to gain entry to the facilities or conveyances of, or make use  
41 of the services of, the agency, except as provided, authorized or sold by the agency  
42 and in accordance with any restriction on the use thereof imposed by the agency;

43 (3) No person shall enter upon parking lots designated by the agency as  
44 requiring payment to enter, either by electronic gate or parking meters, where the  
45 cost of such parking fee is visibly displayed at each location, without payment of  
46 such fees or other lawful charges established by the agency;

47 (4) Except for employees of the agency acting within the scope of their  
48 employment, no person shall sell, provide, copy, reproduce or produce, or create  
49 any version of any token, pass, badge, ticket, document, transfer, card or any

50 other fare media or otherwise authorize access to or use of the facilities,  
51 conveyances or services of the agency without the written permission of an  
52 authorized representative of the agency;

53 (5) No person shall put or attempt to put any paper, article, instrument  
54 or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other  
55 access authorization or other fare media issued by the agency and valid for the  
56 place, time and manner in which used, into any fare box, pass reader, ticket  
57 vending machine, parking meter, parking gate or other fare collection instrument,  
58 receptacle, device, machine or location;

59 (6) Tokens, tickets, fare cards, badges, passes, transfers or other fare  
60 media that have been forged, counterfeited, imitated, altered or improperly  
61 transferred or that have been used in a manner inconsistent with this section  
62 shall be confiscated;

63 (7) No person may perform any act which would interfere with the  
64 provision of transit service or obstruct the flow of traffic on facilities or  
65 conveyances or which would in any way interfere or tend to interfere with the  
66 safe and efficient operation of the facilities or conveyances of the agency;

67 (8) All persons on or in any facility or conveyance of the agency shall:

68 (a) Comply with all lawful orders and directives of any agency employee  
69 acting within the scope of his employment;

70 (b) Obey any instructions on notices or signs duly posted on any agency  
71 facility or conveyance; and

72 (c) Provide accurate, complete and true information or documents  
73 requested by agency personnel acting within the scope of their employment and  
74 otherwise in accordance with law;

75 (9) No person shall falsely represent himself or herself as an agent,  
76 employee or representative of the agency;

77 (10) No person on or in any facility or conveyance shall:

78 (a) Litter, dump garbage, liquids or other matter, or create a nuisance,  
79 hazard or unsanitary condition, including, but not limited to, spitting and  
80 urinating, except in facilities provided;

81 (b) Drink any alcoholic beverage or possess any opened or unsealed  
82 container of alcoholic beverage, except on premises duly licensed for the sale of  
83 alcoholic beverages, such as bars and restaurants;

84 (c) Enter or remain in any facility or conveyance while his ability to  
85 function safely in the environment of the agency transit system is impaired by the

86 consumption of alcohol or by the taking of any drug;

87 (d) Loiter or stay on any facility of the agency;

88 (e) Consume foods or liquids of any kind, except in those areas specifically  
89 authorized by the agency;

90 (f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe  
91 or torch, except in those areas or locations specifically authorized by the agency;  
92 or

93 (g) Throw or cause to be propelled any stone, projectile or other article at,  
94 from, upon or in a facility or conveyance;

95 (11) No weapon or other instrument intended for use as a weapon may be  
96 carried in or on any facility or conveyance, except for law enforcement  
97 personnel. For the purposes hereof, a weapon shall include, but not be limited  
98 to, a firearm, switchblade knife, sword, or any instrument of any kind known as  
99 blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with  
100 metal, wood impregnated with metal filings or razor blades; except that this  
101 subdivision shall not apply to a rifle or shotgun which is unloaded and carried in  
102 any enclosed case, box or other container which completely conceals the item from  
103 view and identification as a weapon;

104 (12) No explosives, flammable liquids, acids, fireworks or other highly  
105 combustible materials or radioactive materials may be carried on or in any  
106 facility or conveyance, except as authorized by the agency;

107 (13) No person, except as specifically authorized by the agency, shall enter  
108 or attempt to enter into any area not open to the public, including, but not  
109 limited to, motorman's cabs, conductor's cabs, bus operator's seat location,  
110 closed-off areas, mechanical or equipment rooms, concession stands, storage  
111 areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards,  
112 garages, depots or any area marked with a sign restricting access or indicating  
113 a dangerous environment;

114 (14) No person may ride on the roof, the platform between rapid transit  
115 cars, or on any other area outside any rapid transit car or bus or other  
116 conveyance operated by the agency;

117 (15) No person shall extend his hand, arm, leg, head or other part of his  
118 or her person or extend any item, article or other substance outside of the window  
119 or door of a moving rapid transit car, bus or other conveyance operated by the  
120 agency;

121 (16) No person shall enter or leave a rapid transit car, bus or other

122 conveyance operated by the agency except through the entrances and exits  
123 provided for that purpose;

124 (17) No animals may be taken on or into any conveyance or facility except  
125 the following:

126 (a) An animal enclosed in a container, accompanied by the passenger and  
127 carried in a manner which does not annoy other passengers; and

128 (b) Working dogs for law enforcement agencies, agency dogs on duty, dogs  
129 properly harnessed and accompanying blind or hearing-impaired persons to aid  
130 such persons, or dogs accompanying trainers carrying a certificate of  
131 identification issued by a dog school;

132 (18) No vehicle shall be operated carelessly, or negligently, or in disregard  
133 of the rights or safety of others or without due caution and circumspection, or at  
134 a speed in such a manner as to be likely to endanger persons or property on  
135 facilities of the agency. The speed limit on parking lots and access roads shall  
136 be posted as fifteen miles per hour unless otherwise designated.

137 4. (1) Unless a greater penalty is otherwise provided by the laws of the  
138 state, any violation of this section shall constitute a misdemeanor, and any  
139 person committing a violation thereof shall be subject to arrest and, upon  
140 conviction in a court of competent jurisdiction, shall pay a fine in an amount not  
141 less than twenty-five dollars and no greater than two hundred fifty dollars per  
142 violation, in addition to court costs. Any default in the payment of a fine imposed  
143 pursuant to this section without good cause shall result in imprisonment for not  
144 more than thirty days;

145 (2) Unless a greater penalty is provided by the laws of the state, any  
146 person convicted a second or subsequent time for the same offense under this  
147 section shall be guilty of a misdemeanor and sentenced to pay a fine of not less  
148 than fifty dollars nor more than five hundred dollars in addition to court costs,  
149 or to undergo imprisonment for up to sixty days, or both such fine and  
150 imprisonment;

151 (3) Any person failing to pay the proper fare, fee or other charge for use  
152 of the facilities and conveyances of the agency shall be subject to payment of such  
153 charge as part of the judgment against the violator. All proceeds from judgments  
154 for unpaid fares or charges shall be directed to the appropriate agency official;

155 (4) All juvenile offenders violating the provisions of this section shall be  
156 subject to the jurisdiction of the juvenile court as provided in chapter 211;

157 (5) As used in this section, the term "conviction" shall include all pleas of

158 guilty and findings of guilt.

159           **5. Any person who is convicted, pleads guilty, or pleads nolo**  
160 **contendere for failing to pay the proper fare, fee, or other charge for**  
161 **the use of the facilities and conveyances of the bi-state development**  
162 **agency, as described in subdivision (3) of subsection 4 of this section,**  
163 **may, in addition to the unpaid fares or charges and any fines, penalties,**  
164 **or sentences imposed by law, be required to reimburse costs**  
165 **attributable to the enforcement, investigation, and prosecution of such**  
166 **offense by the bi-state development agency. The court shall direct the**  
167 **reimbursement proceeds to the appropriate agency official.**

168           **6. (1) Stalled or disabled vehicles may be removed from the roadways of**  
169 **the agency property by the agency and parked or stored elsewhere at the risk and**  
170 **expense of the owner;**

171           **(2) Motor vehicles which are left unattended or abandoned on the property**  
172 **of the agency for a period of over seventy-two hours may be removed as provided**  
173 **for in section 304.155, except that the removal may be authorized by personnel**  
174 **designated by the agency under section 70.378.**

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.

**227.509. The portion of highway 64/40 between mile markers 10.2  
2 and 12.8 in St. Charles County shall be designated the "Darrell B.  
3 Roegner Memorial Highway." Costs for such designation shall be paid**

4 **by private donations.**

227.510. **The portion of Interstate 29 in Platte County, from the**  
2 **intersection of Missouri 273/371 north to the intersection of Route U/E**  
3 **shall be designated the "Trooper Fred F. Guthrie Jr. Memorial**  
4 **Highway". Costs for such designation shall be paid by private**  
5 **donations.**

227.513. **The portion of Interstate 70 from the Kansas/Missouri**  
2 **state line east to the Missouri/Illinois state line, and the portion of**  
3 **Interstate 44 within the state of Missouri to the Missouri/Oklahoma**  
4 **state line, shall be designated the "Purple Heart Trail". Costs for such**  
5 **designation shall be paid by private donations.**

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 transported] **truck**  
58 **transporting** through or within the state [by truck of] high-level radioactive  
59 waste, transuranic radioactive waste, spent nuclear fuel or highway route  
60 controlled quantity shipments. All [casks] **truck shipments** of high-level  
61 radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway

62 route controlled quantity shipments [transported by truck] are subject to a  
63 surcharge of twenty-five dollars per mile for every mile over two hundred miles  
64 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.

301.449. [Any] **Only a community college or four-year public or private**  
2 institution of higher education, **or a foundation or organization**  
3 **representing the college or institution**, located in the state of Missouri may  
4 **itself authorize or may by the director of revenue be authorized to use**  
5 **the school's** [the use of its] official emblem to be affixed on multiyear  
6 personalized license plates as provided in this section. Any contribution to such  
7 institution derived from this section, except reasonable administrative costs, shall  
8 be used for scholarship endowment or other academically related purposes. Any  
9 vehicle owner may annually apply to the institution for the use of the  
10 emblem. Upon annual application and payment of an emblem use contribution  
11 to the institution, which shall be set by the governing body of the institution at  
12 an amount of at least twenty-five dollars, the institution shall issue to the vehicle  
13 owner, without further charge, an "emblem use authorization statement", which  
14 shall be presented by the vehicle owner to the department of revenue at the time  
15 of registration. Upon presentation of the annual statement and payment of the  
16 fee required for personalized license plates in section 301.144, and other fees and  
17 documents which may be required by law, the department of revenue shall issue  
18 a personalized license plate, which shall bear the seal, emblem or logo of the  
19 institution, to the vehicle owner.

20 The license plate authorized by this section shall use the school colors of the  
21 institution, and those colors shall be constructed upon the license plate using a  
22 process to ensure that the school emblem shall be displayed upon the license  
23 plate in the clearest and most attractive manner possible. Such license plates  
24 shall be made with fully reflective material with a common color scheme and  
25 design, shall be clearly visible at night, and shall be aesthetically attractive, as  
26 prescribed by section 301.130. The license plate authorized by this section shall  
27 be issued with a design approved by both the institution of higher education and  
28 the advisory committee established in section 301.129. A vehicle owner, who was  
29 previously issued a plate with an institutional emblem authorized by this section  
30 and does not provide an emblem use authorization statement at a subsequent  
31 time of registration, shall be issued a new plate which does not bear the  
32 institutional emblem, as otherwise provided by law. The director of revenue shall

33 make necessary rules and regulations for the enforcement of this section, and  
34 shall design all necessary forms including establishing a minimum number of  
35 license plates which can be issued with the authorized emblem of a participating  
36 institution.

301.3150. 1. An organization, other than an organization seeking a  
2 special military license plate **or a collegiate or university plate**, that seeks  
3 authorization to establish a new specialty license plate shall initially petition the  
4 department of revenue by submitting the following:

5 (1) An application in a form prescribed by the director for the particular  
6 specialty license plate being sought, describing the proposed specialty license  
7 plate in general terms and have a sponsor of at least one current member of the  
8 general assembly **in the same legislative session in which the application**  
9 **is reviewed pursuant to subsection 5 of section 21.795, RSMo.** The  
10 application may contain written testimony for support of this specialty plate;

11 (2) Each application submitted pursuant to this section shall be  
12 accompanied by a list of at least two hundred potential applicants who plan to  
13 purchase the specialty plate if the specialty plate is approved pursuant to this  
14 section;

15 (3) An application fee, not to exceed five thousand dollars, to defray the  
16 department's cost for issuing, developing and programming the implementation  
17 of the specialty plate, if authorized; and

18 (4) All moneys received by the department of revenue, for the reviewing  
19 and development of specialty plates shall be deposited in the state treasury to the  
20 credit of the "Department of Revenue Specialty Plate Fund" which is hereby  
21 created. The state treasurer shall be custodian of the fund and shall make  
22 disbursements from the fund requested by the Missouri director of revenue for  
23 personal services, expenses, and equipment required to prepare, review, develop,  
24 and disseminate a new specialty plate and process the two hundred applications  
25 to be submitted once the plate is approved and to refund deposits for the  
26 application of such specialty plate, if the application is not approved by the joint  
27 committee on transportation oversight and for no other purpose.

28 2. At the end of each state fiscal year, the director of revenue shall:

29 (1) Determine the amount of all moneys deposited into the department of  
30 revenue specialty plate fund;

31 (2) Determine the amount of disbursements from the department of  
32 revenue specialty plate fund which were made to produce the specialty plate and

33 process the two hundred applications; and

34 (3) Subtract the amount of disbursements from the income figure referred  
35 to in subdivision (1) of this subsection and deliver this figure to the state  
36 treasurer.

37 3. The state treasurer shall transfer an amount of money equal to the  
38 figure provided by the director of revenue from the department of revenue  
39 specialty plate fund to the state highway department fund. An unexpended  
40 balance in the department of revenue specialty plate fund at the end of the  
41 biennium not exceeding twenty-five thousand dollars shall be exempt from the  
42 provisions of section 33.080 relating to transfer of unexpended balances to the  
43 general revenue fund.

44 4. The documents and fees required pursuant to this section shall be  
45 submitted to the department of revenue by July first prior to the next regular  
46 session of the general assembly to be approved or denied by the joint committee  
47 on transportation oversight during that legislative session.

48 5. The department of revenue shall give notice of any proposed specialty  
49 plate in a manner reasonably calculated to advise the public of such  
50 proposal. Reasonable notice shall include posting the proposal for the specialty  
51 plate on the department's official public website, and making available copies of  
52 the specialty plate application to any representative of the news media or public  
53 upon request and posting the application on a bulletin board or other prominent  
54 public place which is easily accessible to the public and clearly designated for  
55 that purpose at the principal office.

56 6. Adequate notice conforming with all the requirements of subsection 5  
57 of this section shall be given not less than four weeks, exclusive of weekends and  
58 holidays when the facility is closed, after the submission of the application by the  
59 organization to the department of revenue. Written or electronic testimony in  
60 support or opposition of the proposed specialty plate shall be submitted to the  
61 department of revenue by November thirtieth of the year of filing of the original  
62 proposal. All written testimony shall contain the printed name, signature,  
63 address, phone number, and email address, if applicable, of the individual giving  
64 the testimony.

65 7. The department of revenue shall submit for approval all applications  
66 for the development of specialty plates to the joint committee on transportation  
67 oversight during a regular session of the general assembly for approval.

68 8. If the specialty license plate requested by an organization is approved

69 by the joint committee on transportation oversight, the organization shall submit  
70 the proposed art design for the specialty license plate to the department as soon  
71 as practicable, but no later than sixty days after the approval of the specialty  
72 license plate. If the specialty license plate requested by the organization is not  
73 approved by the joint committee on transportation oversight, ninety-seven percent  
74 of the application fee shall be refunded to the requesting organization.

75 9. An emblem-use authorization fee may be charged by the organization  
76 prior to the issuance of an approved specialty plate. The organization's specialty  
77 plate proposal approved by the joint committee on transportation oversight shall  
78 state what fee is required to obtain such statement and if such fee is required  
79 annually or biennially, if the applicant has a two-year registration. An  
80 organization applying for specialty plates shall authorize the use of its official  
81 emblem to be affixed on multiyear personalized license plates within the plate  
82 area prescribed by the director of revenue and as provided in this section. Any  
83 contribution to the organization derived from the emblem-use contribution, except  
84 reasonable administrative costs, shall be used solely for the purposes of the  
85 organization. Any member of the organization or nonmember, if applicable, may  
86 annually apply for the use of the emblem, if applicable.

87 10. The department shall begin production and distribution of each new  
88 specialty license plate within one year after approval of the specialty license plate  
89 by the joint committee on transportation oversight.

90 11. The department shall issue a specialty license plate to the owner who  
91 meets the requirements for issuance of the specialty plate for any motor vehicle  
92 such owner owns, either solely or jointly, other than an apportioned motor vehicle  
93 or a commercial motor vehicle licensed in excess of eighteen thousand pounds  
94 gross weight.

95 12. Each new or renewed application for an approved specialty license  
96 plate shall be made to the department of revenue, accompanied by an additional  
97 fee of fifteen dollars and the appropriate emblem-use authorization statement.

98 13. The appropriate registration fees, fifteen dollar specialty plate fee,  
99 processing fees and documents otherwise required for the issuance of registration  
100 of the motor vehicle as set forth by law must be submitted at the time the  
101 specialty plates are actually issued and renewed or as otherwise provided by  
102 law. However, no additional fee for the personalization of this plate shall be  
103 charged.

104 14. Once a specialty plate design is approved, a request for such plate

105 may be made any time during a registration period. If a request is made for a  
106 specialty license plate to replace a current valid license plate, all documentation,  
107 credits, and fees provided for in this chapter when replacing a current license  
108 plate shall apply.

109 15. A vehicle owner who was previously issued a plate with an  
110 organization emblem authorized by this section, but who does not provide an  
111 emblem-use authorization statement at a subsequent time of registration if  
112 required, shall be issued a new plate which does not bear the organization's  
113 emblem, as otherwise provided by law.

114 16. Specialty license plates shall bear a design approved by the  
115 organization submitting the original application for approval by the joint  
116 committee on transportation oversight. The design shall be within the plate area  
117 prescribed by the director of revenue, and the designated organization's name or  
118 slogan shall be in place of the words "SHOW-ME STATE". Such license plates  
119 shall be made with fully reflective material with a common color scheme, shall be  
120 clearly visible at night, shall have a reflective white background in the area of the  
121 plate configuration, and shall be aesthetically attractive, as prescribed by section  
122 301.130 and as provided in this section.

123 In addition to a design, the specialty license plates shall be in accordance with  
124 criteria and plate design set forth in this chapter.

125 17. The department is authorized to discontinue the issuance and renewal  
126 of a specialty license plate if the organization has stopped providing services and  
127 emblem-use authorization statements are no longer being issued by the  
128 organization. Such organizations shall notify the department immediately to  
129 discontinue the issuance of a specialty plate.

130 18. The organization that requested the specialty license plate shall not  
131 redesign the specialty personalized license plate unless such organization pays  
132 the director in advance all redesigned plate fees. All plate holders of such plates  
133 must pay the replacement fees prescribed in section 301.300 for the replacement  
134 of the existing specialty plate. All other applicable license plate fees in  
135 accordance with this chapter shall be required.

301.3161. 1. **Notwithstanding any other provision of law to the**  
2 **contrary**, any person may apply for special motor vehicle license plates for any  
3 vehicle such person owns, either solely or jointly, other than an apportioned  
4 motor vehicle or a commercial motor vehicle licensed in excess of eighteen  
5 thousand pounds gross weight, after an annual contribution of twenty-five dollars

6 to the Cass County collector of revenue. Any contribution derived from this  
7 section, except reasonable administrative costs, shall be distributed within the  
8 county as follows:

- 9 (1) **[Eighty] Seventy** percent to public safety; **[and]**
- 10 (2) **Fifteen percent to the Cass County Historical Society; and**
- 11 (3) **[Twenty] Fifteen** percent to the Cass County parks and recreation  
12 department.

13 2. Upon annual application and payment of twenty-five dollars **to the**  
14 **Cass County collector of revenue**, the county shall issue to the vehicle owner,  
15 without further charge, an emblem-use authorization statement, which shall be  
16 presented by the owner to the **[department] director** of revenue at the time of  
17 registration of a motor vehicle. Upon presentation of the annual statement,  
18 payment of a fifteen dollar fee in addition to the registration fee and documents  
19 which may be required by law, the department of revenue shall issue to the  
20 vehicle owner a **[personalized license plate which shall bear the words "CASS**  
21 **COUNTY -- THE BURNT DISTRICT"** in the place of the words "SHOW-ME  
22 STATE"] **speciality personalized license plate which shall bear the**  
23 **words "CASS COUNTY -- THE BURNT DISTRICT" at the bottom of the**  
24 **plate in a manner prescribed by the director of revenue. Such license**  
25 **plates shall be yellow beginning at the top with the color fading into**  
26 **orange at the bottom and shall have a black decorative scroll on the left**  
27 **and right side of the plate configuration. The scrolls shall not be more**  
28 **than one inch in width or three and a half inches in height.** Such license  
29 plates shall be made with fully reflective material with a common color scheme  
30 and design, shall be clearly visible at night, and shall be aesthetically attractive,  
31 as prescribed by section 301.130. Notwithstanding the provisions of section  
32 301.144, no additional fee shall be charged for personalization of license plates  
33 under this section.

34 3. **[The director of revenue shall make necessary rules and regulations for**  
35 **the administration of this section, and shall design all necessary forms required**  
36 **by this section. Any rule or portion of a rule, as that term is defined in section**  
37 **536.010, that is created under the authority delegated in this section shall**  
38 **become effective only if it complies with and is subject to all of the provisions of**  
39 **chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**  
40 **nonseverable and if any of the powers vested with the general assembly pursuant**  
41 **to chapter 536 to review, to delay the effective date, or to disapprove and annul**

42 a rule are subsequently held unconstitutional, then the grant of rulemaking  
43 authority and any rule proposed or adopted after August 28, 2011, shall be  
44 invalid and void] **A vehicle owner who was previously issued a plate with  
45 the emblem authorized by this section, but who does not provide an  
46 emblem-use authorization statement at a subsequent time of  
47 registration, shall be issued a new plate which does not bear the Cass  
48 County Burnt District emblem, as otherwise provided by law. The  
49 director of revenue shall make necessary rules and regulations for the  
50 enforcement of this section, and shall design all necessary forms  
51 required by this section.**

52 **4. Prior to the issuance of a specialty personalized plate  
53 authorized under this section, the department of revenue must be in  
54 receipt of an application, as prescribed by the director, which shall be  
55 accompanied by a list of at least two hundred potential applicants who  
56 plan to purchase the specialty personalized plate, the proposed art  
57 design for the specialty license plate, and an application fee, not to  
58 exceed five thousand dollars, to defray the department's cost for  
59 issuing, developing, and programming the implementation of the  
60 specialty plate. Once the plate design is approved, the director of  
61 revenue shall not authorize the manufacture of the material to produce  
62 such specialized license plates with the individual seal, logo, or emblem  
63 until such time as the director has received two hundred applications,  
64 the fifteen dollar specialty plate fee per application, and emblem-use  
65 statements, if applicable, and other required documents or fees for such  
66 plates.**

67 **5. The specialty personalized plate shall not be redesigned unless  
68 the organization pays the director in advance for all redesigned plate  
69 fees for the plate established in this section. If a member chooses to  
70 replace the specialty personalized plate for the new design the member  
71 must pay the replacement fees prescribed in section 301.300 for the  
72 replacement of the existing specialty personalized plate. All other  
73 applicable license plate fees in accordance with this chapter shall be  
74 required.**

**301.4036. 1. Notwithstanding any other provision of law, any  
2 member of the National Wild Turkey Federation, after an annual  
3 payment of an emblem-use fee to the National Wild Turkey Federation,  
4 may receive personalized specialty license plates for any vehicle the**

5 member owns, either solely or jointly, other than an apportioned motor  
6 vehicle or a commercial motor vehicle licensed in excess of eighteen  
7 thousand pounds gross weight. The National Wild Turkey Federation  
8 hereby authorizes the use of its official emblem to be affixed on  
9 multiyear personalized specialty license plates as provided in this  
10 section. Any contribution to the National Wild Turkey Federation  
11 derived from this section, except reasonable administrative costs, shall  
12 be used solely for the purposes of the National Wild Turkey  
13 Federation. Any member of the National Wild Turkey Federation may  
14 annually apply for the use of the emblem.

15 2. Upon annual application and payment of a fifteen dollar  
16 emblem-use contribution to the National Wild Turkey Federation, the  
17 National Wild Turkey Federation shall issue to the vehicle owner,  
18 without further charge, an emblem-use authorization statement, which  
19 shall be presented by the vehicle owner to the director of revenue at  
20 the time of registration. Upon presentation of the annual emblem-use  
21 authorization statement and payment of a fifteen-dollar fee in addition  
22 to the regular registration fees, and presentation of any documents  
23 which may be required by law, the director of revenue shall issue to the  
24 vehicle owner a personalized specialty license plate which shall bear  
25 the emblem of the National Wild Turkey Federation. Such license  
26 plates shall be made with fully reflective material with a common color  
27 scheme and design, shall be clearly visible at night, and shall be  
28 aesthetically attractive, and prescribed by section 301.130. In addition,  
29 upon each set of license plates shall be inscribed, in lieu of the words  
30 "SHOW-ME STATE", the words "National Wild Turkey  
31 Federation". Notwithstanding the provisions of section 301.144, no  
32 additional fee shall be charged for the personalized specialty plates  
33 issued under this section.

34 3. A vehicle owner who was previously issued a plate with the  
35 National Wild Turkey Federation's emblem authorized by this section,  
36 but who does not provide an emblem-use authorization statement at a  
37 subsequent time of registration, shall be issued a new plate which does  
38 not bear the National Wild Turkey Federation's emblem, as otherwise  
39 provided by law. The director of revenue shall make necessary rules  
40 and regulations for the enforcement of this section, and shall design all  
41 necessary forms required by this section.

42           4. Prior to the issuance of a National Wild Turkey Federation  
43 specialty plate authorized under this section, the department of  
44 revenue must be in receipt of an application, as prescribed by the  
45 director, which shall be accompanied by a list of at least two hundred  
46 potential applicants who plan to purchase the specialty plate, the  
47 proposed art design for the specialty license plate, and an application  
48 fee, not to exceed five thousand dollars, to defray the department's cost  
49 for issuing, developing, and programming the implementation of the  
50 specialty plate. Once the plate design is approved, the director of  
51 revenue shall not authorize the manufacture of the material to produce  
52 such personalized specialty license plates with the individual seal, logo,  
53 or emblem until such time as the director has received two hundred  
54 applications, the fifteen dollar specialty plate fee per application, and  
55 emblem-use statements, if applicable, and other required documents or  
56 fees for such plates.

          301.4040. 1. Notwithstanding any other provision of law to the  
2 contrary, any person after an annual payment of an emblem-use fee to  
3 the American Red Cross Trust Fund, may receive specialty personalized  
4 license plates for any vehicle the member owns, either solely or jointly,  
5 other than an apportioned motor vehicle or a commercial motor vehicle  
6 licensed in excess of eighteen thousand pounds gross weight. The  
7 Missouri Chapter of the American Red Cross hereby authorizes the use  
8 of its official emblem to be affixed on specialty license plates within the  
9 plate area prescribed by the director of revenue and as provided in this  
10 section. Any contribution to the American Red Cross derived from this  
11 section, except reasonable administrative costs, shall be used solely for  
12 the purposes of the American Red Cross. Any person may annually  
13 apply for the use of the emblem.

14           2. Upon annual application and payment of a twenty-five dollar  
15 emblem-use contribution to the American Red Cross Trust Fund, the  
16 Missouri Chapter of the American Red Cross shall issue to the vehicle  
17 owner, without further charge, an emblem-use authorization statement,  
18 which shall be presented by the vehicle owner to the director of  
19 revenue at the time of registration. Upon presentation of the annual  
20 emblem-use authorization statement and payment of a twenty-five  
21 dollar fee in addition to the regular registration fees, and presentation  
22 of any documents which may be required by law, the director of

23 revenue shall issue to the vehicle owner a specialty personalized  
24 license plate which shall bear the emblem of the Missouri Chapter of  
25 the American Red Cross, and the words "PROUD SUPPORTER" at the  
26 bottom of the plate, in a manner prescribed by the director of  
27 revenue. Such license plates shall be made with fully reflective  
28 material with a common color scheme and design of the standard  
29 license plate, shall be clearly visible at night, shall have a reflective  
30 white background in the area of the plate configuration, and shall be  
31 aesthetically attractive, as prescribed by section 301.130. Notwithstanding  
32 the provisions of section 301.144, no additional fee shall be charged for  
33 the personalization of license plates issued under this section.

34         3. A vehicle owner who was previously issued a plate with the  
35 Missouri Chapter of the American Red Cross' emblem authorized by  
36 this section, but who does not provide an emblem-use authorization  
37 statement at a subsequent time of registration, shall be issued a new  
38 plate which does not bear the Missouri Chapter of the American Red  
39 Cross' emblem, as otherwise provided by law. The director of revenue  
40 shall make necessary rules and regulations for the enforcement of this  
41 section, and shall design all necessary forms required by this section.

42         4. Prior to the issuance of a Missouri Chapter of the American  
43 Red Cross specialty personalized plate authorized under this section,  
44 the department of revenue must be in receipt of an application, as  
45 prescribed by the director, which shall be accompanied by a list of at  
46 least two hundred potential applicants who plan to purchase the  
47 specialty personalized plate, the proposed art design for the specialty  
48 license plate, and an application fee, not to exceed five thousand  
49 dollars, to defray the department's cost for issuing, developing, and  
50 programming the implementation of the specialty plate. Once the plate  
51 design is approved, the director of revenue shall not authorize the  
52 manufacture of the material to produce such specialized license plates  
53 with the individual seal, logo, or emblem until such time as the director  
54 has received two hundred applications, the fifteen dollar specialty  
55 plate fee per application, and emblem-use statements, if applicable, and  
56 other required documents or fees for such plates.

57         5. The specialty personalized plate shall not be redesigned unless  
58 the organization pays the director in advance for all redesigned plate  
59 fees for the plate established in this section. If a member chooses to

60 **replace the specialty personalized plate for the new design the member**  
61 **must pay the replacement fees prescribed in section 301.300 for the**  
62 **replacement of the existing specialty personalized plate. All other**  
63 **applicable license plate fees in accordance with this chapter shall be**  
64 **required.**

302.060. 1. The director shall not issue any license and shall immediately  
2 deny any driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person  
4 operates a motor vehicle in the transportation of persons or property as classified  
5 in section 302.015;

6 (2) To any person who is under the age of sixteen years, except as  
7 hereinafter provided;

8 (3) To any person whose license has been suspended, during such  
9 suspension, or to any person whose license has been revoked, until the expiration  
10 of one year after such license was revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use  
12 of narcotic drugs;

13 (5) To any person who has previously been adjudged to be incapacitated  
14 and who at the time of application has not been restored to partial capacity;

15 (6) To any person who, when required by this law to take an examination,  
16 has failed to pass such examination;

17 (7) To any person who has an unsatisfied judgment against such person,  
18 as defined in chapter 303, until such judgment has been satisfied or the financial  
19 responsibility of such person, as defined in section 303.120, has been established;

20 (8) To any person whose application shows that the person has been  
21 convicted within one year prior to such application of violating the laws of this  
22 state relating to failure to stop after an accident and to disclose the person's  
23 identity or driving a motor vehicle without the owner's consent;

24 (9) To any person who has been convicted more than twice of violating  
25 state law, or a county or municipal ordinance where the defendant was  
26 represented by or waived the right to an attorney in writing, relating to driving  
27 while intoxicated; except that, after the expiration of ten years from the date of  
28 conviction of the last offense of violating such law or ordinance relating to driving  
29 while intoxicated, a person who was so convicted may petition the circuit court  
30 of the county in which such last conviction was rendered and the court shall  
31 review the person's habits and conduct since such conviction. If the court finds

32 that the petitioner has not been convicted of any offense related to alcohol,  
33 controlled substances or drugs during the preceding ten years and that the  
34 petitioner's habits and conduct show such petitioner to no longer pose a threat to  
35 the public safety of this state, the court may order the director to issue a license  
36 to the petitioner if the petitioner is otherwise qualified pursuant to the provisions  
37 of sections 302.010 to 302.540. No person may obtain a license pursuant to the  
38 provisions of this subdivision through court action more than one time;

39 (10) To any person who has been convicted twice within a five-year period  
40 of violating state law, or a county or municipal ordinance, of driving while  
41 intoxicated, or any other intoxication-related traffic offense as defined in  
42 subdivision (4) of subsection 1 of section 577.023, or who has been convicted of the  
43 crime of involuntary manslaughter while operating a motor vehicle in an  
44 intoxicated condition. The director shall not issue a license to such person for  
45 five years from the date such person was convicted or pled guilty for involuntary  
46 manslaughter while operating a motor vehicle in an intoxicated condition or for  
47 driving while intoxicated or any other intoxication-related traffic offense as  
48 defined in subdivision (4) of subsection 1 of section 577.023 for the second time;

49 (11) To any person who is otherwise disqualified pursuant to the  
50 provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

51 (12) To any person who is under the age of eighteen years, if such person's  
52 parents or legal guardians file a certified document with the department of  
53 revenue stating that the director shall not issue such person a driver's  
54 license. Each document filed by the person's parents or legal guardians shall be  
55 made upon a form furnished by the director and shall include identifying  
56 information of the person for whom the parents or legal guardians are denying  
57 the driver's license. The document shall also contain identifying information of  
58 the person's parents or legal guardians. The document shall be certified by the  
59 parents or legal guardians to be true and correct. This provision shall not apply  
60 to any person who is legally emancipated. The parents or legal guardians may  
61 later file an additional document with the department of revenue which  
62 reinstates the person's ability to receive a driver's license.

63 2. Any person whose license is reinstated under the provisions of  
64 subdivisions (9) and (10) of subsection 1 of this section shall be required to file  
65 proof with the director of revenue that any motor vehicle operated by the person  
66 is equipped with a functioning, certified ignition interlock device as a required  
67 condition of reinstatement. **The ignition interlock device required for**

68 **reinstatement under this subsection and for obtaining a limited driving**  
69 **privilege under paragraph (a) or (b) of subdivision (8) of subsection 3**  
70 **of section 302.309 shall have photo identification technology and global**  
71 **positioning system features.** The ignition interlock device shall further be  
72 required to be maintained on all motor vehicles operated by the person for a  
73 period of not less than six months immediately following the date of  
74 reinstatement. **If the monthly monitoring reports show that the ignition**  
75 **interlock device has registered any confirmed blood alcohol**  
76 **concentration readings above the alcohol setpoint established by the**  
77 **department of transportation or that the person has tampered with or**  
78 **circumvented the ignition interlock device, then the period for which**  
79 **the person must maintain the ignition interlock device following the**  
80 **date of reinstatement shall be extended for an additional six months.**  
81 If the person fails to maintain such proof with the director, the license shall be  
82 suspended for the remainder of the six-month period or until proof as required by  
83 this section is filed with the director. Upon the completion of the six-month  
84 period, the license shall be shown as reinstated, if the person is otherwise  
85 eligible.

302.304. 1. The director shall notify by ordinary mail any operator of the  
2 point value charged against the operator's record when the record shows four or  
3 more points have been accumulated in a twelve-month period.

4 2. In an action to suspend or revoke a license or driving privilege under  
5 this section points shall be accumulated on the date of conviction. No case file  
6 of any conviction for a driving violation for which points may be assessed  
7 pursuant to section 302.302 may be closed until such time as a copy of the record  
8 of such conviction is forwarded to the department of revenue.

9 3. The director shall suspend the license and driving privileges of any  
10 person whose driving record shows the driver has accumulated eight points in  
11 eighteen months.

12 4. The license and driving privilege of any person whose license and  
13 driving privilege have been suspended under the provisions of sections 302.010  
14 to 302.540 except those persons whose license and driving privilege have been  
15 suspended under the provisions of subdivision (8) of subsection 1 of section  
16 302.302 or has accumulated sufficient points together with a conviction under  
17 subdivision (10) of subsection 1 of section 302.302 and who has filed proof of  
18 financial responsibility with the department of revenue, in accordance with

19 chapter 303, and is otherwise eligible, shall be reinstated as follows:

20 (1) In the case of an initial suspension, thirty days after the effective date  
21 of the suspension;

22 (2) In the case of a second suspension, sixty days after the effective date  
23 of the suspension;

24 (3) In the case of the third and subsequent suspensions, ninety days after  
25 the effective date of the suspension. Unless proof of financial responsibility is  
26 filed with the department of revenue, a suspension shall continue in effect for two  
27 years from its effective date.

28 5. The period of suspension of the driver's license and driving privilege of  
29 any person under the provisions of subdivision (8) of subsection 1 of section  
30 302.302 or who has accumulated sufficient points together with a conviction  
31 under subdivision (10) of subsection 1 of section 302.302 shall be thirty days,  
32 followed by a sixty-day period of restricted driving privilege as defined in section  
33 302.010. Upon completion of such period of restricted driving privilege, upon  
34 compliance with other requirements of law and upon filing of proof of financial  
35 responsibility with the department of revenue, in accordance with chapter 303,  
36 the license and driving privilege shall be reinstated. **If a person, otherwise**  
37 **subject to the provisions of this subsection, files proof of installation**  
38 **with the department of revenue that any vehicle operated by such**  
39 **person is equipped with a functioning, certified ignition interlock**  
40 **device, then the period of suspension shall be fifteen days, followed by**  
41 **a seventy-five day period of restricted driving privilege. If the person**  
42 **fails to maintain such proof of the device with the director of revenue**  
43 **as required, the restricted driving privilege shall be terminated. Upon**  
44 **completion of such seventy-five-day period of restricted driving**  
45 **privilege, upon compliance with other requirements of law, and upon**  
46 **filing of proof of financial responsibility with the department of**  
47 **revenue, in accordance with chapter 303, the license and driving**  
48 **privilege shall be reinstated. However, if the monthly monitoring**  
49 **reports during such seventy-five day period indicate that the ignition**  
50 **interlock device has registered a blood alcohol concentration level**  
51 **above the alcohol setpoint established by the department of**  
52 **transportation or such reports indicate that the ignition interlock**  
53 **device has been tampered with or circumvented, then the license and**  
54 **driving privilege of such person shall not be reinstated until the person**

55 **completes an additional seventy-five day period of restricted driving**  
56 **privilege without any such violations.**

57         6. If the person fails to maintain proof of financial responsibility in  
58 accordance with chapter 303, **or, if applicable, if the person fails to**  
59 **maintain proof that any vehicle operated is equipped with a**  
60 **functioning, certified ignition interlock device installed pursuant to**  
61 **subsection 5 of this section,** the person's driving privilege and license shall  
62 be resuspended.

63         7. The director shall revoke the license and driving privilege of any person  
64 when the person's driving record shows such person has accumulated twelve  
65 points in twelve months or eighteen points in twenty-four months or twenty-four  
66 points in thirty-six months. The revocation period of any person whose license  
67 and driving privilege have been revoked under the provisions of sections 302.010  
68 to 302.540 and who has filed proof of financial responsibility with the department  
69 of revenue in accordance with chapter 303 and is otherwise eligible, shall be  
70 terminated by a notice from the director of revenue after one year from the  
71 effective date of the revocation. Unless proof of financial responsibility is filed  
72 with the department of revenue, except as provided in subsection 2 of section  
73 302.541, the revocation shall remain in effect for a period of two years from its  
74 effective date. If the person fails to maintain proof of financial responsibility in  
75 accordance with chapter 303, the person's license and driving privilege shall be  
76 rerevoked. Any person whose license and driving privilege have been revoked  
77 under the provisions of sections 302.010 to 302.540 shall, upon receipt of the  
78 notice of termination of the revocation from the director, pass the complete driver  
79 examination and apply for a new license before again operating a motor vehicle  
80 upon the highways of this state.

81         8. If, prior to conviction for an offense that would require suspension or  
82 revocation of a person's license under the provisions of this section, the person's  
83 total points accumulated are reduced, pursuant to the provisions of section  
84 302.306, below the number of points required for suspension or revocation  
85 pursuant to the provisions of this section, then the person's license shall not be  
86 suspended or revoked until the necessary points are again obtained and  
87 accumulated.

88         9. If any person shall neglect or refuse to surrender the person's license,  
89 as provided herein, the director shall direct the state highway patrol or any peace  
90 or police officer to secure possession thereof and return it to the director.

91           10. Upon the issuance of a reinstatement or termination notice after a  
92 suspension or revocation of any person's license and driving privilege under the  
93 provisions of sections 302.010 to 302.540, the accumulated point value shall be  
94 reduced to four points, except that the points of any person serving as a member  
95 of the armed forces of the United States outside the limits of the United States  
96 during a period of suspension or revocation shall be reduced to zero upon the date  
97 of the reinstatement or termination of notice. It shall be the responsibility of  
98 such member of the armed forces to submit copies of official orders to the director  
99 of revenue to substantiate such overseas service. Any other provision of sections  
100 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four  
101 points remaining on the record upon reinstatement or termination shall be the  
102 date of the reinstatement or termination notice.

103           11. No credit toward reduction of points shall be given during periods of  
104 suspension or revocation or any period of driving under a limited driving privilege  
105 granted by a court or the director of revenue.

106           12. Any person or nonresident whose license or privilege to operate a  
107 motor vehicle in this state has been suspended or revoked under this or any other  
108 law shall, before having the license or privilege to operate a motor vehicle  
109 reinstated, pay to the director a reinstatement fee of twenty dollars which shall  
110 be in addition to all other fees provided by law.

111           13. Notwithstanding any other provision of law to the contrary, if after  
112 two years from the effective date of any suspension or revocation issued under  
113 this chapter, the person or nonresident has not paid the reinstatement fee of  
114 twenty dollars, the director shall reinstate such license or privilege to operate a  
115 motor vehicle in this state.

116           14. No person who has had a license to operate a motor vehicle suspended  
117 or revoked as a result of an assessment of points for a violation under subdivision  
118 (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated  
119 until such person has participated in and successfully completed a substance  
120 abuse traffic offender program defined in section 302.010, or a program  
121 determined to be comparable by the department of mental health. Assignment  
122 recommendations, based upon the needs assessment as described in subdivision  
123 (22) of section 302.010, shall be delivered in writing to the person with written  
124 notice that the person is entitled to have such assignment recommendations  
125 reviewed by the court if the person objects to the recommendations. The person  
126 may file a motion in the associate division of the circuit court of the county in

127 which such assignment was given, on a printed form provided by the state courts  
128 administrator, to have the court hear and determine such motion pursuant to the  
129 provisions of chapter 517. The motion shall name the person or entity making  
130 the needs assessment as the respondent and a copy of the motion shall be served  
131 upon the respondent in any manner allowed by law. Upon hearing the motion,  
132 the court may modify or waive any assignment recommendation that the court  
133 determines to be unwarranted based upon a review of the needs assessment, the  
134 person's driving record, the circumstances surrounding the offense, and the  
135 likelihood of the person committing a like offense in the future, except that the  
136 court may modify but may not waive the assignment to an education or  
137 rehabilitation program of a person determined to be a prior or persistent offender  
138 as defined in section 577.023 or of a person determined to have operated a motor  
139 vehicle with fifteen-hundredths of one percent or more by weight in such person's  
140 blood. Compliance with the court determination of the motion shall satisfy the  
141 provisions of this section for the purpose of reinstating such person's license to  
142 operate a motor vehicle. The respondent's personal appearance at any hearing  
143 conducted pursuant to this subsection shall not be necessary unless directed by  
144 the court.

145         15. The fees for the program authorized in subsection 14 of this section,  
146 or a portion thereof to be determined by the department of mental health, shall  
147 be paid by the person enrolled in the program. Any person who is enrolled in the  
148 program shall pay, in addition to any fee charged for the program, a supplemental  
149 fee in an amount to be determined by the department of mental health for the  
150 purposes of funding the substance abuse traffic offender program defined in  
151 section 302.010 and section 577.001 or a program determined to be comparable  
152 by the department of mental health. The administrator of the program shall  
153 remit to the division of alcohol and drug abuse of the department of mental  
154 health on or before the fifteenth day of each month the supplemental fee for all  
155 persons enrolled in the program, less two percent for administrative  
156 costs. Interest shall be charged on any unpaid balance of the supplemental fees  
157 due the division of alcohol and drug abuse pursuant to this section and shall  
158 accrue at a rate not to exceed the annual rate established pursuant to the  
159 provisions of section 32.065, plus three percentage points. The supplemental fees  
160 and any interest received by the department of mental health pursuant to this  
161 section shall be deposited in the mental health earnings fund which is created in  
162 section 630.053.

163           16. Any administrator who fails to remit to the division of alcohol and  
164 drug abuse of the department of mental health the supplemental fees and interest  
165 for all persons enrolled in the program pursuant to this section shall be subject  
166 to a penalty equal to the amount of interest accrued on the supplemental fees due  
167 the division pursuant to this section. If the supplemental fees, interest, and  
168 penalties are not remitted to the division of alcohol and drug abuse of the  
169 department of mental health within six months of the due date, the attorney  
170 general of the state of Missouri shall initiate appropriate action of the collection  
171 of said fees and interest accrued. The court shall assess attorney fees and court  
172 costs against any delinquent program.

173           17. Any person who has had a license to operate a motor vehicle  
174 suspended or revoked as a result of an assessment of points for a violation under  
175 subdivision (9) of subsection 1 of section 302.302 shall be required to file proof  
176 with the director of revenue that any motor vehicle operated by the person is  
177 equipped with a functioning, certified ignition interlock device as a required  
178 condition of reinstatement of the license. The ignition interlock device shall  
179 further be required to be maintained on all motor vehicles operated by the person  
180 for a period of not less than six months immediately following the date of  
181 reinstatement. **If the monthly monitoring reports show that the ignition**  
182 **interlock device has registered any confirmed blood alcohol**  
183 **concentration readings above the alcohol setpoint established by the**  
184 **department of transportation or that the person has tampered with or**  
185 **circumvented the ignition interlock device, then the period for which**  
186 **the person must maintain the ignition interlock device following the**  
187 **date of reinstatement shall be extended for an additional six months.**  
188 If the person fails to maintain such proof with the director, the license shall be  
189 resuspended or revoked and the person shall be guilty of a class A misdemeanor.

          302.309. 1. Whenever any license is suspended pursuant to sections  
2 302.302 to 302.309, the director of revenue shall return the license to the operator  
3 immediately upon the termination of the period of suspension and upon  
4 compliance with the requirements of chapter 303.

5           2. Any operator whose license is revoked pursuant to these sections, upon  
6 the termination of the period of revocation, shall apply for a new license in the  
7 manner prescribed by law.

8           3. (1) All circuit courts, the director of revenue, or a commissioner  
9 operating under section 478.007 shall have jurisdiction to hear applications and

10 make eligibility determinations granting limited driving privileges. Any  
11 application may be made in writing to the director of revenue and the person's  
12 reasons for requesting the limited driving privilege shall be made therein.

13 (2) When any court of record having jurisdiction or the director of revenue  
14 finds that an operator is required to operate a motor vehicle in connection with  
15 any of the following:

16 (a) A business, occupation, or employment;

17 (b) Seeking medical treatment for such operator;

18 (c) Attending school or other institution of higher education;

19 (d) Attending alcohol or drug treatment programs;

20 (e) Seeking the required services of a certified ignition interlock device  
21 provider; or

22 (f) Any other circumstance the court or director finds would create an  
23 undue hardship on the operator; the court or director may grant such limited  
24 driving privilege as the circumstances of the case justify if the court or director  
25 finds undue hardship would result to the individual, and while so operating a  
26 motor vehicle within the restrictions and limitations of the limited driving  
27 privilege the driver shall not be guilty of operating a motor vehicle without a  
28 valid license.

29 (3) An operator may make application to the proper court in the county  
30 in which such operator resides or in the county in which is located the operator's  
31 principal place of business or employment. Any application for a limited driving  
32 privilege made to a circuit court shall name the director as a party defendant and  
33 shall be served upon the director prior to the grant of any limited privilege, and  
34 shall be accompanied by a copy of the applicant's driving record as certified by  
35 the director. Any applicant for a limited driving privilege shall have on file with  
36 the department of revenue proof of financial responsibility as required by chapter  
37 303. Any application by a person who transports persons or property as classified  
38 in section 302.015 may be accompanied by proof of financial responsibility as  
39 required by chapter 303, but if proof of financial responsibility does not  
40 accompany the application, or if the applicant does not have on file with the  
41 department of revenue proof of financial responsibility, the court or the director  
42 has discretion to grant the limited driving privilege to the person solely for the  
43 purpose of operating a vehicle whose owner has complied with chapter 303 for  
44 that vehicle, and the limited driving privilege must state such restriction. When  
45 operating such vehicle under such restriction the person shall carry proof that the

46 owner has complied with chapter 303 for that vehicle.

47 (4) No limited driving privilege shall be issued to any person otherwise  
48 eligible under the provisions of paragraph (a) of subdivision (6) of this subsection  
49 on a license revocation resulting from a conviction under subdivision (9) of  
50 subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of  
51 subdivision (8) of this subsection, **or a license revocation under paragraph**  
52 **(h) of subdivision (6) of this subsection**, until the applicant has filed proof  
53 with the department of revenue that any motor vehicle operated by the person is  
54 equipped with a functioning, certified ignition interlock device as a required  
55 condition of limited driving privilege. **The ignition interlock device required**  
56 **for obtaining a limited driving privilege under paragraph (a) or (b) of**  
57 **subdivision (8) of this subsection shall have photo identification**  
58 **technology and global positioning system features.**

59 (5) The court order or the director's grant of the limited or restricted  
60 driving privilege shall indicate the termination date of the privilege, which shall  
61 be not later than the end of the period of suspension or revocation. **The court**  
62 **order or the director's grant of the limited or restricted driving**  
63 **privilege shall also indicate whether a functioning, certified ignition**  
64 **interlock device is required as a condition of operating a motor vehicle**  
65 **with the limited driving privilege.** A copy of any court order shall be sent  
66 by the clerk of the court to the director, and a copy shall be given to the driver  
67 which shall be carried by the driver whenever such driver operates a motor  
68 vehicle. The director of revenue upon granting a limited driving privilege shall  
69 give a copy of the limited driving privilege to the applicant. The applicant shall  
70 carry a copy of the limited driving privilege while operating a motor vehicle. A  
71 conviction which results in the assessment of points pursuant to section 302.302,  
72 other than a violation of a municipal stop sign ordinance where no accident is  
73 involved, against a driver who is operating a vehicle pursuant to a limited driving  
74 privilege terminates the privilege, as of the date the points are assessed to the  
75 person's driving record. If the date of arrest is prior to the issuance of the limited  
76 driving privilege, the privilege shall not be terminated. Failure of the driver to  
77 maintain proof of financial responsibility, as required by chapter 303, or to  
78 maintain proof of installation of a functioning, certified ignition interlock device,  
79 as applicable, shall terminate the privilege. The director shall notify by ordinary  
80 mail the driver whose privilege is so terminated.

81 (6) Except as provided in subdivision (8) of this subsection, no person is

82 eligible to receive a limited driving privilege who at the time of application for a  
83 limited driving privilege has previously been granted such a privilege within the  
84 immediately preceding five years, or whose license has been suspended or revoked  
85 for the following reasons:

86 (a) A conviction of violating the provisions of section 577.010 or 577.012,  
87 or any similar provision of any federal or state law, or a municipal or county law  
88 where the judge in such case was an attorney and the defendant was represented  
89 by or waived the right to an attorney in writing, until the person has completed  
90 the first thirty days of a suspension or revocation imposed pursuant to this  
91 chapter;

92 (b) A conviction of any felony in the commission of which a motor vehicle  
93 was used;

94 (c) Ineligibility for a license because of the provisions of subdivision (1),  
95 (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

96 (d) Because of operating a motor vehicle under the influence of narcotic  
97 drugs, a controlled substance as defined in chapter 195, or having left the scene  
98 of an accident as provided in section 577.060;

99 (e) Due to a revocation for the first time for failure to submit to a chemical  
100 test pursuant to section 577.041 or due to a refusal to submit to a chemical test  
101 in any other state, if such person has not completed the first ninety days of such  
102 revocation;

103 (f) Violation more than once of the provisions of section 577.041 or a  
104 similar implied consent law of any other state; [or]

105 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and  
106 who has not completed the first thirty days of such suspension, provided the  
107 person is not otherwise ineligible for a limited driving privilege; or

108 (h) Due to a revocation pursuant to subsection 2 of section 302.525 if such  
109 person has not completed **the first forty-five days of** such revocation,  
110 **provided the person is not otherwise ineligible for a limited driving**  
111 **privilege.**

112 (7) No person who possesses a commercial driver's license shall receive a  
113 limited driving privilege issued for the purpose of operating a commercial motor  
114 vehicle if such person's driving privilege is suspended, revoked, canceled, denied,  
115 or disqualified. Nothing in this section shall prohibit the issuance of a limited  
116 driving privilege for the purpose of operating a noncommercial motor vehicle  
117 provided that pursuant to the provisions of this section, the applicant is not

118 otherwise ineligible for a limited driving privilege.

119 (8) (a) Provided that pursuant to the provisions of this section, the  
120 applicant is not otherwise ineligible for a limited driving privilege, a circuit court  
121 or the director may, in the manner prescribed in this subsection, allow a person  
122 who has had such person's license to operate a motor vehicle revoked where that  
123 person cannot obtain a new license for a period of ten years, as prescribed in  
124 subdivision (9) of section 302.060, to apply for a limited driving privilege  
125 pursuant to this subsection if such person has served at least [~~three years~~] **forty-**  
126 **five days** of such disqualification or revocation. Such person shall present  
127 evidence satisfactory to the court or the director that such person has not been  
128 convicted of any offense related to alcohol, controlled substances or drugs during  
129 the preceding [~~three years~~] **forty-five days** and that the person's habits and  
130 conduct show that the person no longer poses a threat to the public safety of this  
131 state.

132 (b) Provided that pursuant to the provisions of this section, the applicant  
133 is not otherwise ineligible for a limited driving privilege or convicted of  
134 involuntary manslaughter while operating a motor vehicle in an intoxicated  
135 condition, a circuit court or the director may, in the manner prescribed in this  
136 subsection, allow a person who has had such person's license to operate a motor  
137 vehicle revoked where that person cannot obtain a new license for a period of five  
138 years because of two convictions of driving while intoxicated, as prescribed in  
139 subdivision (10) of section 302.060, to apply for a limited driving privilege  
140 pursuant to this subsection if such person has served at least [~~two years~~] **forty-**  
141 **five days** of such disqualification or revocation. Such person shall present  
142 evidence satisfactory to the court or the director that such person has not been  
143 convicted of any offense related to alcohol, controlled substances or drugs during  
144 the preceding [~~two years~~] **forty-five days** and that the person's habits and  
145 conduct show that the person no longer poses a threat to the public safety of this  
146 state. Any person who is denied a license permanently in this state because of  
147 an alcohol-related conviction subsequent to a restoration of such person's driving  
148 privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for  
149 limited driving privilege pursuant to the provisions of this subdivision.

150 (9) A DWI docket or court established under section 478.007 may grant  
151 a limited driving privilege to a participant in or graduate of the program who  
152 would otherwise be ineligible for such privilege under another provision of  
153 law. The DWI docket or court shall not grant a limited driving privilege to a

154 participant during his or her initial forty-five days of participation.

155           4. Any person who has received notice of denial of a request of limited  
156 driving privilege by the director of revenue may make a request for a review of  
157 the director's determination in the circuit court of the county in which the person  
158 resides or the county in which is located the person's principal place of business  
159 or employment within thirty days of the date of mailing of the notice of  
160 denial. Such review shall be based upon the records of the department of revenue  
161 and other competent evidence and shall be limited to a review of whether the  
162 applicant was statutorily entitled to the limited driving privilege.

163           5. The director of revenue shall promulgate rules and regulations  
164 necessary to carry out the provisions of this section. Any rule or portion of a rule,  
165 as that term is defined in section 536.010, that is created under the authority  
166 delegated in this section shall become effective only if it complies with and is  
167 subject to all of the provisions of chapter 536 and, if applicable, section  
168 536.028. This section and chapter 536 are nonseverable and if any of the powers  
169 vested with the general assembly pursuant to chapter 536 to review, to delay the  
170 effective date or to disapprove and annul a rule are subsequently held  
171 unconstitutional, then the grant of rulemaking authority and any rule proposed  
172 or adopted after August 28, 2001, shall 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.

302.525. 1. The license suspension or revocation shall become effective  
2 fifteen days after the subject person has received the notice of suspension or  
3 revocation as provided in section 302.520, or is deemed to have received the notice  
4 of suspension or revocation by mail as provided in section 302.515.  
5 If a request for a hearing is received by or postmarked to the department within  
6 that fifteen-day period, the effective date of the suspension or revocation shall be  
7 stayed until a final order is issued following the hearing; provided, that any delay  
8 in the hearing which is caused or requested by the subject person or counsel  
9 representing that person without good cause shown shall not result in a stay of  
10 the suspension or revocation during the period of delay.

11 2. The period of license suspension or revocation under this section shall  
12 be as follows:

13 (1) If the person's driving record shows no prior alcohol-related  
14 enforcement contacts during the immediately preceding five years, the period of  
15 suspension shall be thirty days after the effective date of suspension, followed by  
16 a sixty-day period of restricted driving privilege as defined in section 302.010 and  
17 issued by the director of revenue. The restricted driving privilege shall not be  
18 issued until he or she has filed proof of financial responsibility with the  
19 department of revenue, in accordance with chapter 303, and is otherwise  
20 eligible. **The restricted driving privilege shall indicate whether a**  
21 **functioning, certified ignition interlock device is required as a**  
22 **condition of operating a motor vehicle. A copy of the restricted driving**  
23 **privilege shall be given to the person and such person shall carry a**  
24 **copy of the restricted driving privilege while operating a motor vehicle.**  
25 In no case shall restricted driving privileges be issued pursuant to this section or  
26 section 302.535 until the person has completed the first thirty days of a  
27 suspension under this section. **If a person, otherwise subject to the**  
28 **provisions of this subdivision files proof of installation with the**  
29 **department of revenue that any vehicle operated is equipped with a**  
30 **functioning, certified ignition interlock device, then the period of**  
31 **suspension shall be fifteen days, followed by a seventy-five day period**  
32 **of restricted driving privilege. Upon completion of such seventy-five**  
33 **day period of restricted driving privilege, upon compliance with other**

34 requirements of law, and upon filing of proof of financial responsibility  
35 with the department of revenue, in accordance with chapter 303, the  
36 license and driving privilege shall be reinstated. However, if the  
37 monthly monitoring reports during such seventy-five day period  
38 indicate that the ignition interlock device has registered a blood  
39 alcohol concentration level above the alcohol setpoint established by  
40 the department of transportation or such reports indicate that the  
41 ignition interlock device has been tampered with or circumvented, then  
42 the license and driving privilege of such person shall not be reinstated  
43 until the person completes an additional seventy-five day period of  
44 restricted driving privilege without any such violations. If the person  
45 fails to maintain such proof of the device with the director of revenue  
46 as required, the restricted driving privilege shall be terminated;

47 (2) The period of revocation shall be one year if the person's driving record  
48 shows one or more prior alcohol-related enforcement contacts during the  
49 immediately preceding five years;

50 (3) In no case shall restricted driving privileges be issued under this  
51 section to any person whose driving record shows one or more prior  
52 alcohol-related enforcement contacts until the person has completed the first  
53 thirty days of a suspension under this section and has filed proof with the  
54 department of revenue that any motor vehicle operated by the person is equipped  
55 with a functioning, certified ignition interlock device as a required condition of  
56 the restricted driving privilege. If the person fails to maintain such proof the  
57 restricted driving privilege shall be terminated.

58 3. For purposes of this section, "alcohol-related enforcement contacts"  
59 shall include any suspension or revocation under sections 302.500 to 302.540, any  
60 suspension or revocation entered in this or any other state for a refusal to submit  
61 to chemical testing under an implied consent law, and any conviction in this or  
62 any other state for a violation which involves driving while intoxicated, driving  
63 while under the influence of drugs or alcohol, or driving a vehicle while having  
64 an unlawful alcohol concentration.

65 4. Where a license is suspended or revoked under this section and the  
66 person is also convicted on charges arising out of the same occurrence for a  
67 violation of section 577.010 or 577.012 or for a violation of any county or  
68 municipal ordinance prohibiting driving while intoxicated or alcohol-related  
69 traffic offense, both the suspension or revocation under this section and any other

70 suspension or revocation arising from such convictions shall be imposed, but the  
71 period of suspension or revocation under sections 302.500 to 302.540 shall be  
72 credited against any other suspension or revocation arising from such convictions,  
73 and the total period of suspension or revocation shall not exceed the longer of the  
74 two suspension or revocation periods.

75 5. Any person who has had a license to operate a motor vehicle revoked  
76 under this section or suspended under this section with one or more prior  
77 alcohol-related enforcement contacts showing on their driver record shall be  
78 required to file proof with the director of revenue that any motor vehicle operated  
79 by that person is equipped with a functioning, certified ignition interlock device  
80 as a required condition of reinstatement. The ignition interlock device shall  
81 further be required to be maintained on all motor vehicles operated by the person  
82 for a period of not less than six months immediately following the date of  
83 reinstatement. **If the monthly monitoring reports show that the ignition**  
84 **interlock device has registered any confirmed blood alcohol**  
85 **concentration readings above the alcohol setpoint established by the**  
86 **department of transportation or that the person has tampered with or**  
87 **circumvented the ignition interlock device, then the period for which**  
88 **the person must maintain the ignition interlock device following the**  
89 **date of reinstatement shall be extended for an additional six months.**  
90 If the person fails to maintain such proof with the director, the license shall be  
91 resuspended or revoked, as applicable.

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

42           **[(6)] (9) "Commercial motor vehicle", a motor vehicle designed or used to**  
43 **transport passengers or property:**

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

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

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

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

54 [(7)] (10) "Controlled substance", any substance so classified under  
55 Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes  
56 all substances listed in schedules I through V of 21 CFR part 1308, as they may  
57 be revised from time to time;

58 [(8)] (11) "Conviction", an unvacated adjudication of guilt, including  
59 pleas of guilt and nolo contendere, or a determination that a person has violated  
60 or failed to comply with the law in a court of original jurisdiction or an authorized  
61 administrative proceeding, an unvacated forfeiture of bail or collateral deposited  
62 to secure the person's appearance in court, the payment of a fine or court cost, or  
63 violation of a condition of release without bail, regardless of whether the penalty  
64 is rebated, suspended or prorated, including an offense for failure to appear or  
65 pay;

66 [(9)] (12) "Director", the director of revenue or his authorized  
67 representative;

68 [(10)] (13) "Disqualification", any of the following three actions:

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

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

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

79 [(11)] (14) "Drive", to drive, operate or be in physical control of a  
80 commercial motor vehicle;

81 [(12)] (15) "Driver", any person who drives, operates, or is in physical  
82 control of a motor vehicle, or who is required to hold a commercial driver's  
83 license;

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

86 [(13)] (17) "Driving under the influence of alcohol", the commission of

87 any one or more of the following acts:

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

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

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

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

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

110 ~~[(14)]~~ **(18)** "Driving under the influence of a controlled substance", the  
111 commission of any one or more of the following acts in a commercial or  
112 noncommercial motor vehicle:

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

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

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

122 ~~[(15)]~~ **(19)** "Employer", any person, including the United States, a state,

123 or a political subdivision of a state, who owns or leases a commercial motor  
124 vehicle or assigns a driver to operate such a vehicle;

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

128 [(16)] **(21) "Farm vehicle",** a commercial motor vehicle controlled and  
129 operated by a farmer used exclusively for the transportation of agricultural  
130 products, farm machinery, farm supplies, or a combination of these, within one  
131 hundred fifty miles of the farm, other than one which requires placarding for  
132 hazardous materials as defined in this section, or used in the operation of a  
133 common or contract motor carrier, except that a farm vehicle shall not be a  
134 commercial motor vehicle when the total combined gross weight rating does not  
135 exceed twenty-six thousand one pounds when transporting fertilizers as defined  
136 in subdivision [(21)] **(27)** of this subsection;

137 [(17)] **(22) "Fatality",** the death of a person as a result of a motor vehicle  
138 accident;

139 [(18)] **(23) "Felony",** any offense under state or federal law that is  
140 punishable by death or imprisonment for a term exceeding one year;

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

143 [(19)] **(25) "Gross combination weight rating" or "GCWR",** the value  
144 specified by the manufacturer as the loaded weight of a combination (articulated)  
145 vehicle.

146 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, 2011, 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.

304.033. 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**  
9 **miles of the operator's primary residence. The provisions of this**

10 subdivision shall not authorize the operation of a recreational off-  
11 highway vehicle in a municipality unless such operation is authorized  
12 by such municipality as provided for in subdivision (5) of this  
13 subsection;

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

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

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

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

38 3. A person operating a recreational off-highway vehicle on a  
39 highway pursuant to an exception covered in this section shall have a  
40 valid operator's or chauffeur's license, except that a handicapped  
41 person operating such vehicle pursuant to subdivision (4) of subsection  
42 1 of this section, but shall not be required to have passed an  
43 examination for the operation of a motorcycle. An individual shall not  
44 operate a recreational off-highway vehicle upon a highway in this state  
45 without displaying a lighted headlamp and a lighted tail lamp. A  
46 person may not operate a recreational off-highway vehicle upon a

47 **highway of this state unless such person wears a seat belt. When**  
48 **operated on a highway, a recreational off-highway vehicle shall be**  
49 **equipped with a roll bar or roll cage construction to reduce the risk of**  
50 **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.**

306.532. Effective [January 1, 2011] **August 28, 2012**, the certificate of  
2 title for a new outboard motor shall designate the year the outboard motor was  
3 manufactured as the "Year Manufactured" and shall further designate the year  
4 the dealer received the new outboard motor from the manufacturer as the "Model  
5 Year-NEW". **Any outboard motor manufactured on or after July first of**  
6 **any year shall be labeled with the "Year Manufactured" with the**  
7 **calendar year immediately following the year manufactured unless the**  
8 **manufacturer indicates a specific model or program year.**

577.023. 1. For purposes of this section, unless the context clearly  
2 indicates otherwise:

3 (1) An "aggravated offender" is a person who:

4 (a) Has pleaded guilty to or has been found guilty of three or more  
5 intoxication-related traffic offenses; or

6 (b) Has pleaded guilty to or has been found guilty of one or more  
7 intoxication-related traffic offense and, in addition, any of the following:  
8 involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section

9 565.024; murder in the second degree under section 565.021, where the  
10 underlying felony is an intoxication-related traffic offense; or assault in the  
11 second degree under subdivision (4) of subsection 1 of section 565.060; or assault  
12 of a law enforcement officer in the second degree under subdivision (4) of  
13 subsection 1 of section 565.082;

14 (2) A "chronic offender" is:

15 (a) A person who has pleaded guilty to or has been found guilty of four or  
16 more intoxication-related traffic offenses; or

17 (b) A person who has pleaded guilty to or has been found guilty of, on two  
18 or more separate occasions, any combination of the following: involuntary  
19 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024;  
20 murder in the second degree under section 565.021, where the underlying felony  
21 is an intoxication-related traffic offense; assault in the second degree under  
22 subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement  
23 officer in the second degree under subdivision (4) of subsection 1 of section  
24 565.082; or

25 (c) A person who has pleaded guilty to or has been found guilty of two or  
26 more intoxication-related traffic offenses and, in addition, any of the following:  
27 involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section  
28 565.024; murder in the second degree under section 565.021, where the  
29 underlying felony is an intoxication-related traffic offense; assault in the second  
30 degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law  
31 enforcement officer in the second degree under subdivision (4) of subsection 1 of  
32 section 565.082;

33 (3) "Continuous alcohol monitoring", automatically testing breath, blood,  
34 or transdermal alcohol concentration levels and tampering attempts at least once  
35 every hour, regardless of the location of the person who is being monitored, and  
36 regularly transmitting the data. Continuous alcohol monitoring shall be  
37 considered an electronic monitoring service under subsection 3 of section 217.690;

38 (4) An "intoxication-related traffic offense" is driving while intoxicated,  
39 driving with excessive blood alcohol content, involuntary manslaughter pursuant  
40 to subdivision (2) or (3) of subsection 1 of section 565.024, murder in the second  
41 degree under section 565.021, where the underlying felony is an  
42 intoxication-related traffic offense, assault in the second degree pursuant to  
43 subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement  
44 officer in the second degree pursuant to subdivision (4) of subsection 1 of section

45 565.082, or driving under the influence of alcohol or drugs in violation of state  
46 law or a county or municipal ordinance;

47 (5) A "persistent offender" is one of the following:

48 (a) A person who has pleaded guilty to or has been found guilty of two or  
49 more intoxication-related traffic offenses;

50 (b) A person who has pleaded guilty to or has been found guilty of  
51 involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of  
52 section 565.024, assault in the second degree pursuant to subdivision (4) of  
53 subsection 1 of section 565.060, assault of a law enforcement officer in the second  
54 degree pursuant to subdivision (4) of subsection 1 of section 565.082; and

55 (6) A "prior offender" is a person who has pleaded guilty to or has been  
56 found guilty of one intoxication-related traffic offense, where such prior offense  
57 occurred within five years of the occurrence of the intoxication-related traffic  
58 offense for which the person is charged.

59 2. Any person who pleads guilty to or is found guilty of a violation of  
60 section 577.010 or 577.012 who is alleged and proved to be a prior offender shall  
61 be guilty of a class A misdemeanor.

62 3. Any person who pleads guilty to or is found guilty of a violation of  
63 section 577.010 or 577.012 who is alleged and proved to be a persistent offender  
64 shall be guilty of a class D felony.

65 4. Any person who pleads guilty to or is found guilty of a violation of  
66 section 577.010 or section 577.012 who is alleged and proved to be an aggravated  
67 offender shall be guilty of a class C felony.

68 5. Any person who pleads guilty to or is found guilty of a violation of  
69 section 577.010 or section 577.012 who is alleged and proved to be a chronic  
70 offender shall be guilty of a class B felony.

71 6. No state, county, or municipal court shall suspend the imposition of  
72 sentence as to a prior offender, persistent offender, aggravated offender, or  
73 chronic offender under this section nor sentence such person to pay a fine in lieu  
74 of a term of imprisonment, section 557.011 to the contrary notwithstanding.

75 (1) No prior offender shall be eligible for parole or probation until he or  
76 she has served a minimum of ten days imprisonment:

77 (a) Unless as a condition of such parole or probation such person performs  
78 at least thirty days involving at least two hundred forty hours of community  
79 service under the supervision of the court in those jurisdictions which have a  
80 recognized program for community service; or

81 (b) The offender participates in and successfully completes a program  
82 established pursuant to section 478.007 or other court-ordered treatment  
83 program, if available, **and as part of either program, the offender**  
84 **performs at least thirty days of community service under the**  
85 **supervision of the court.**

86 (2) No persistent offender shall be eligible for parole or probation until he  
87 or she has served a minimum of thirty days imprisonment:

88 (a) Unless as a condition of such parole or probation such person performs  
89 at least sixty days involving at least four hundred eighty hours of community  
90 service under the supervision of the court; or

91 (b) The offender participates in and successfully completes a program  
92 established pursuant to section 478.007 or other court-ordered treatment  
93 program, if available, **and as part of either program, the offender**  
94 **performs at least sixty days of community service under the**  
95 **supervision of the court.**

96 (3) No aggravated offender shall be eligible for parole or probation until  
97 he or she has served a minimum of sixty days imprisonment.

98 (4) No chronic offender shall be eligible for parole or probation until he  
99 or she has served a minimum of two years imprisonment. In addition to any  
100 other terms or conditions of probation, the court shall consider, as a condition of  
101 probation for any person who pleads guilty to or is found guilty of an  
102 intoxication-related traffic offense, requiring the offender to abstain from  
103 consuming or using alcohol or any products containing alcohol as demonstrated  
104 by continuous alcohol monitoring or by verifiable breath alcohol testing performed  
105 a minimum of four times per day as scheduled by the court for such duration as  
106 determined by the court, but not less than ninety days. The court may, in  
107 addition to imposing any other fine, costs, or assessments provided by law,  
108 require the offender to bear any costs associated with continuous alcohol  
109 monitoring or verifiable breath alcohol testing.

110 7. The state, county, or municipal court shall find the defendant to be a  
111 prior offender, persistent offender, aggravated offender, or chronic offender if:

112 (1) The indictment or information, original or amended, or the information  
113 in lieu of an indictment pleads all essential facts warranting a finding that the  
114 defendant is a prior offender or persistent offender; and

115 (2) Evidence is introduced that establishes sufficient facts pleaded to  
116 warrant a finding beyond a reasonable doubt the defendant is a prior offender,

117 persistent offender, aggravated offender, or chronic offender; and

118 (3) The court makes findings of fact that warrant a finding beyond a  
119 reasonable doubt by the court that the defendant is a prior offender, persistent  
120 offender, aggravated offender, or chronic offender.

121 8. In a jury trial, the facts shall be pleaded, established and found prior  
122 to submission to the jury outside of its hearing.

123 9. In a trial without a jury or upon a plea of guilty, the court may defer  
124 the proof in findings of such facts to a later time, but prior to sentencing.

125 10. The defendant shall be accorded full rights of confrontation and  
126 cross-examination, with the opportunity to present evidence, at such hearings.

127 11. The defendant may waive proof of the facts alleged.

128 12. Nothing in this section shall prevent the use of presentence  
129 investigations or commitments.

130 13. At the sentencing hearing both the state, county, or municipality and  
131 the defendant shall be permitted to present additional information bearing on the  
132 issue of sentence.

133 14. The pleas or findings of guilt shall be prior to the date of commission  
134 of the present offense.

135 15. The court shall not instruct the jury as to the range of punishment or  
136 allow the jury, upon a finding of guilt, to assess and declare the punishment as  
137 part of its verdict in cases of prior offenders, persistent offenders, aggravated  
138 offenders, or chronic offenders.

139 16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an  
140 intoxication-related traffic offense shall be heard and determined by the trial  
141 court out of the hearing of the jury prior to the submission of the case to the jury,  
142 and shall include but not be limited to evidence received by a search of the  
143 records of the Missouri uniform law enforcement system, including criminal  
144 history records from the central repository or records from the driving while  
145 intoxicated tracking system (DWITS) maintained by the Missouri state highway  
146 patrol, or the certified driving record maintained by the Missouri department of  
147 revenue. After hearing the evidence, the court shall enter its findings thereon.  
148 A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended  
149 imposition of sentence, suspended execution of sentence, probation or parole or  
150 any combination thereof in any intoxication-related traffic offense in a state,  
151 county or municipal court or any combination thereof, shall be treated as a prior  
152 plea of guilty or finding of guilt for purposes of this section.

Section 1. 1. Any member of the National Rifle Association, after  
2 an annual payment of an emblem-use authorization fee to the National  
3 Rifle Association, may receive special license plates for any vehicle the  
4 member owns, either solely or jointly, other than an apportioned motor  
5 vehicle or a commercial motor vehicle licensed in excess of eighteen  
6 thousand pounds gross weight. The National Rifle Association hereby  
7 authorizes the use of its official emblem to be affixed on multi-year  
8 personalized license plates within the plate area prescribed by the  
9 director of revenue and as provided in this section. Any contribution  
10 to the National Rifle Association derived from this section, except  
11 reasonable administrative costs, shall be used solely for the purposes  
12 of the National Rifle Association. Any member of the National Rifle  
13 Association may annually apply for the use of the emblem.

14 2. Upon annual application and payment of a twenty-five dollar  
15 emblem-use contribution to the National Rifle Association, that  
16 organization shall issue to the vehicle owner, without further charge,  
17 an emblem-use authorization statement, which shall be presented by  
18 the vehicle owner to the director of revenue at the time of  
19 registration. Upon presentation of the annual statement and payment  
20 of a fifteen dollar fee in addition to the regular registration fees, and  
21 presentation of any documents which may be required by law, the  
22 director of revenue shall issue to the vehicle owner a special license  
23 plate which shall bear the emblem of the National Rifle Association and  
24 the words "National Rifle Association" in place of the words "SHOW-ME  
25 STATE". Such license plates shall be made with fully reflective  
26 material with a common color scheme and design of the standard  
27 license plate, shall be clearly visible at night, shall have a reflective  
28 white background in the area of the plate configuration, and shall be  
29 aesthetically attractive, as prescribed by section  
30 301.130. Notwithstanding the provisions of section 301.144, no  
31 additional fee shall be charged for the personalization of license plates  
32 pursuant to this section.

33 3. A vehicle owner who was previously issued a plate with the  
34 National Rifle Association emblem authorized by this section, but who  
35 does not provide an emblem-use authorization statement at a  
36 subsequent time of registration, shall be issued a new plate which does  
37 not bear the organization's emblem, as otherwise provided by law. The

38 **director of revenue shall make necessary rules and regulations for the**  
39 **enforcement of this section, and shall design all necessary forms**  
40 **required by this section.**

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 sections 302.060, 302.304,  
2 302.309, and 302.525 shall become effective October 1, 2013.

✓

Bill

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