

FIRST REGULAR SESSION

[CORRECTED]

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 882

98TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, April 23, 2015, with recommendation that the Senate Committee Substitute do pass.

1937S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 135.710, 142.029, 261.235, 301.010, 304.180, and 414.082, RSMo, and to enact in lieu thereof seven new sections relating to agriculture.

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

Section A. Sections 135.710, 142.029, 261.235, 301.010, 304.180, and
2 414.082, RSMo, are repealed and seven new sections enacted in lieu thereof, to
3 be known as sections 135.710, 135.711, 261.235, 261.320, 301.010, 304.180, and
4 414.082, to read as follows:

135.710. 1. As used in this section, the following terms mean:

2 (1) "Alternative fuel vehicle refueling property", property in this state
3 owned by an eligible applicant and used for storing alternative fuels and for
4 dispensing such alternative fuels into fuel tanks of motor vehicles owned by such
5 eligible applicant or private citizens;

6 (2) "Alternative fuels", any motor fuel at least seventy percent of the
7 volume of which consists of one or more of the following:

8 (a) Ethanol;

9 (b) Natural gas;

10 (c) Compressed natural gas, or CNG;

11 (d) Liquefied natural gas, or LNG;

12 (e) Liquefied petroleum gas, or LP gas, propane, or autogas;

13 (f) Any mixture of biodiesel and diesel fuel, without regard to any use of
14 kerosene;

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

15 (g) Hydrogen;

16 (3) "Department", the department of economic development;

17 (4) "Electric vehicle recharging property", property in this state owned by
18 an eligible applicant and used for recharging electric motor vehicles owned by
19 such eligible applicant or private citizens;

20 (5) "Eligible applicant", a business entity or private citizen that is the
21 owner of an electric vehicle recharging property or an alternative fuel vehicle
22 refueling property;

23 (6) "Qualified Missouri contractor", a contractor whose principal place of
24 business is located in Missouri and has been located in Missouri for a period of
25 not less than five years;

26 (7) "Qualified property", an electric vehicle recharging property or an
27 alternative fuel vehicle refueling property which, if constructed after August 28,
28 2014, was constructed with at least fifty-one percent of the costs being paid to
29 qualified Missouri contractors for the:

30 (a) Fabrication of premanufactured equipment or process piping used in
31 the construction of such facility;

32 (b) Construction of such facility; and

33 (c) General maintenance of such facility during the time period in which
34 such facility receives any tax credit under this section.

35 If no qualified Missouri contractor is located within seventy-five miles of the
36 property, the requirement that fifty-one percent of the costs shall be paid to
37 qualified Missouri contractors shall not apply.

38 2. For all tax years beginning on or after January 1, 2015, but before
39 January 1, 2018, any eligible applicant who installs and operates a qualified
40 property shall be allowed a credit against the tax otherwise due under chapter
41 143, excluding withholding tax imposed by sections 143.191 to 143.265, or due
42 under chapter 147 or chapter 148 for any tax year in which the applicant is
43 constructing the qualified property. The credit allowed in this section per eligible
44 applicant who is a private citizen shall not exceed fifteen hundred dollars or per
45 eligible applicant that is a business entity shall not exceed the lesser of twenty
46 thousand dollars or twenty percent of the total costs directly associated with the
47 purchase and installation of any alternative fuel storage and dispensing
48 equipment or any recharging equipment on any qualified property, which shall
49 not include the following:

50 (1) Costs associated with the purchase of land upon which to place a

51 qualified property;

52 (2) Costs associated with the purchase of an existing qualified property;

53 or

54 (3) Costs for the construction or purchase of any structure.

55 3. Tax credits allowed by this section shall be claimed by the eligible
56 applicant at the time such applicant files a return for the tax year in which the
57 storage and dispensing or recharging facilities were placed in service at a
58 qualified property, and shall be applied against the income tax liability imposed
59 by chapter 143, chapter 147, or chapter 148 after all other credits provided by law
60 have been applied. The cumulative amount of tax credits which may be claimed
61 by eligible applicants claiming all credits authorized in this section **and section**
62 **135.711** shall not exceed one million dollars in any calendar year, subject to
63 appropriations.

64 4. If the amount of the tax credit exceeds the eligible applicant's tax
65 liability, the difference shall not be refundable. Any amount of credit that an
66 eligible applicant is prohibited by this section from claiming in a taxable year
67 may be carried forward to any of such applicant's two subsequent taxable
68 years. Tax credits allowed under this section may be assigned, transferred, sold,
69 or otherwise conveyed.

70 5. Any qualified property, for which an eligible applicant receives tax
71 credits under this section, which ceases to sell alternative fuel or recharge electric
72 vehicles shall cause the forfeiture of such eligible applicant's tax credits provided
73 under this section for the taxable year in which the qualified property ceased to
74 sell alternative fuel or recharge electric vehicles and for future taxable years with
75 no recapture of tax credits obtained by an eligible applicant with respect to such
76 applicant's tax years which ended before the sale of alternative fuel or recharging
77 of electric vehicles ceased.

78 6. The director of revenue shall establish the procedure by which the tax
79 credits in this section may be claimed, and shall establish a procedure by which
80 the cumulative amount of tax credits is apportioned equally among all eligible
81 applicants claiming the credit. To the maximum extent possible, the director of
82 revenue shall establish the procedure described in this subsection in such a
83 manner as to ensure that eligible applicants can claim all the tax credits possible
84 up to the cumulative amount of tax credits available for the taxable year. No
85 eligible applicant claiming a tax credit under this section shall be liable for any
86 interest or penalty for filing a tax return after the date fixed for filing such return

87 as a result of the apportionment procedure under this subsection.

88 7. Any eligible applicant desiring to claim a tax credit under this section
89 shall submit the appropriate application for such credit with the
90 department. The application for a tax credit under this section shall include any
91 information required by the department. The department shall review the
92 applications and certify to the department of revenue each eligible applicant that
93 qualifies for the tax credit.

94 8. The department and the department of revenue may promulgate rules
95 to implement the provisions of this section. Any rule or portion of a rule, as that
96 term is defined in section 536.010, that is created under the authority delegated
97 in this section shall become effective only if it complies with and is subject to all
98 of the provisions of chapter 536 and, if applicable, section 536.028. This section
99 and chapter 536 are nonseverable and if any of the powers vested with the
100 general assembly pursuant to chapter 536 to review, to delay the effective date,
101 or to disapprove and annul a rule are subsequently held unconstitutional, then
102 the grant of rulemaking authority and any rule proposed or adopted after August
103 28, 2008, shall be invalid and void.

104 9. The provisions of section 23.253 of the Missouri sunset act
105 notwithstanding:

106 (1) The provisions of the new program authorized under this section shall
107 automatically sunset three years after December 31, 2014, unless reauthorized
108 by an act of the general assembly; and

109 (2) If such program is reauthorized, the program authorized under this
110 section shall automatically sunset six years after the effective date of the
111 reauthorization of this section; and

112 (3) This section shall terminate on December thirty-first of the calendar
113 year immediately following the calendar year in which the program authorized
114 under this section is sunset; and

115 (4) The provisions of this subsection shall not be construed to limit or in
116 any way impair the department's ability to redeem tax credits authorized on or
117 before the date the program authorized under this section expires or a taxpayer's
118 ability to redeem such tax credits.

135.711. 1. As used in this section, the following terms mean:

2 **(1) "Placed in service", a qualified alternative fuel vehicle that is**
3 **ready and available for a specific use, whether in a business activity,**
4 **an income-producing activity, a tax-exempt activity, or a personal**

5 activity. Even if the vehicle is not being used, the vehicle is placed in
6 service when it is ready and available for its specific use;

7 (2) "Qualified alternative fuel", electricity, liquefied petroleum
8 gas, natural gas and liquid fuels produced from natural gas, or
9 compressed natural gas;

10 (3) "Qualified alternative fuel vehicle", a motor vehicle designed
11 and approved for highway use that operates on a qualified alternative
12 fuel, is placed in service on or after July 1, 2015, but before January 1,
13 2018, and that is described by the following applicable descriptions:

14 (a) Compressed natural gas vehicles and liquefied petroleum gas
15 vehicles may have either dedicated or bi-fuel systems;

16 (b) Vehicles that operate on electricity shall have a speed of at
17 least fifty-five miles per hour, a battery capacity of no less than four
18 kilowatt hours, and shall be capable of being recharged from an
19 external source of electricity;

20 (c) Alternative fuel systems installed on motor vehicles shall be
21 new equipment and:

22 a. Shall not have been previously used to modify or retrofit a
23 vehicle;

24 b. Shall meet applicable federal and state safety standards;

25 c. Shall be certified by the Environmental Protection Agency for
26 the motor vehicle or engine upon which it is installed; and

27 d. Shall be installed by a trained and authorized technician that
28 is certified to install such a system or shall have been installed before
29 the new vehicle is offered for sale for the first time at retail;

30 (d) Such qualified alternative fuel vehicle shall meet or exceed
31 the clean fuel vehicle standards in Title II of the federal Clean Air Act
32 Amendments of 1990 (Pub. L. No. 101-549, 104 Stat. 2472-2531) and shall
33 be:

34 a. A motor vehicle with two separate fuel systems designed to
35 run on either a qualified alternative fuel or conventional fuel or a
36 blend of both; or

37 b. A motor vehicle with an engine designed to operate on a single
38 qualified alternative fuel only;

39 (4) "Tax credit", a credit against the tax otherwise due under
40 chapter 143, excluding withholding tax imposed by sections 143.191 to
41 143.265, or otherwise due under chapter 147, 148, or 153;

42 **(5) "Taxpayer", any natural person, association, partnership,**
43 **limited liability company, limited partnership, or corporation subject**
44 **to the tax imposed in chapter 143, excluding withholding tax imposed**
45 **by sections 143.191 to 143.265, or the tax imposed in chapter 147, 148,**
46 **or 153, and who owns and operates a qualified alternative fuel vehicle**
47 **licensed in this state.**

48 **2. (1) For all taxable years beginning on or after January 1, 2015,**
49 **a taxpayer shall be allowed a tax credit for purchasing a new qualified**
50 **alternative fuel vehicle or converting a previously-purchased motor**
51 **vehicle to a qualified alternative fuel vehicle in the following amounts:**

52 **(a) Five thousand dollars for each vehicle with a gross vehicle**
53 **weight of greater than two thousand pounds but less than ten thousand**
54 **pounds;**

55 **(b) Seven thousand dollars for a heavy-duty vehicle with a gross**
56 **vehicle weight of at least ten thousand pounds but less than twenty-six**
57 **thousand pounds; and**

58 **(c) Twenty thousand dollars for vehicles with a gross vehicle**
59 **weight of at least twenty-six thousand pounds.**

60 **(2) No more than one credit shall be issued per qualified**
61 **alternative fuel vehicle.**

62 **3. The tax credits authorized in this section shall be claimed for**
63 **the tax year in which the qualified alternative fuel vehicle was placed**
64 **in service. If the amount of the tax credit issued exceeds the amount**
65 **of the taxpayer's state tax liability for the tax year for which the credit**
66 **is claimed, the difference shall not be refundable but may be carried**
67 **forward to any of the taxpayer's ten subsequent taxable years. No tax**
68 **credit issued under this section shall be transferred, sold, or assigned.**

69 **4. No more than one hundred thousand dollars in tax credits**
70 **authorized in this section shall be issued to a particular taxpayer**
71 **through the last day of March of each fiscal year, but all unused,**
72 **appropriated tax credits may be issued to any taxpayer for any**
73 **qualified alternative fuel vehicle and shall not be subject to the one**
74 **hundred thousand dollar limit beginning on April first of the fiscal year**
75 **until the end of such fiscal year. The aggregate amount of tax credits**
76 **which may be issued under this section in any one fiscal year shall not**
77 **exceed the one million dollar calendar-year limit on such tax credits in**
78 **subsection 3 of section 135.710.**

79 5. Notwithstanding the provisions of section 304.180 to the
80 contrary, any qualified alternative fuel vehicle or combination of
81 vehicles that uses qualified alternative fuel as a motor fuel may exceed
82 the maximum gross vehicle limit and axle weight limit on such vehicles
83 listed in section 304.180 by two thousand pounds.

84 6. The department of revenue may promulgate rules to
85 implement the provisions of this section. Any rule or portion of a rule,
86 as that term is defined in section 536.010, that is created under the
87 authority delegated in this section shall become effective only if it
88 complies with and is subject to all of the provisions of chapter 536 and,
89 if applicable, section 536.028. This section and chapter 536 are
90 nonseverable and if any of the powers vested with the general assembly
91 under chapter 536 to review, to delay the effective date, or to
92 disapprove and annul a rule are subsequently held unconstitutional,
93 then the grant of rulemaking authority and any rule proposed or
94 adopted after August 28, 2015, shall be invalid and void.

95 7. Under section 23.253 of the Missouri sunset act:

96 (1) The provisions of the new program authorized under this
97 section shall automatically sunset on December thirty-first six years
98 after the effective date of this section unless reauthorized by an act of
99 the general assembly; and

100 (2) If such program is reauthorized, the program authorized
101 under this section shall automatically sunset on December thirty-first
102 twelve years after the effective date of the reauthorization of this
103 section; and

104 (3) This section shall terminate on September first of the
105 calendar year immediately following the calendar year in which the
106 program authorized under this section is sunset. The termination of
107 the program as described in this subsection shall not be construed to
108 preclude any taxpayer who claims any benefit under any program that
109 is sunset under this subsection from claiming such benefit for all
110 allowable activities related to such claim that were completed before
111 the program was sunset, or to eliminate any responsibility of the
112 administering agency to verify the continued eligibility of projects
113 receiving tax credits and to enforce other requirements of law that
114 applied before the program was sunset.

261.235. 1. There is hereby created in the state treasury for the use of

2 the agriculture business development division of the state department of
3 agriculture a fund to be known as "The AgriMissouri Fund". All moneys received
4 by the state department of agriculture for Missouri agricultural products
5 marketing development from any source, including trademark fees, shall be
6 deposited in the fund. Moneys deposited in the fund shall, upon appropriation
7 by the general assembly to the state department of agriculture, be expended by
8 the agriculture business development division of the state department of
9 agriculture for promotion of Missouri agricultural products under the
10 AgriMissouri program. The unexpended balance in the AgriMissouri fund at the
11 end of the biennium shall not be transferred to the general revenue fund of the
12 state treasury and accordingly shall be exempt from the provisions of section
13 33.080 relating to transfer of funds to the ordinary revenue funds of the state by
14 the state treasurer.

15 2. There is hereby created within the department of agriculture the
16 "AgriMissouri Advisory Commission for Marketing Missouri Agricultural
17 Products". The commission shall establish guidelines, and make
18 recommendations to the director of agriculture, for the use of funds appropriated
19 by the general assembly for the agriculture business development division of the
20 department of agriculture, and for all funds collected or appropriated to the
21 AgriMissouri fund created pursuant to subsection 1 of this section. The
22 guidelines shall focus on the promotion of the AgriMissouri trademark associated
23 with Missouri agricultural products that have been approved by the general
24 assembly, and shall advance the following objectives:

25 (1) Increasing the impact and fostering the effectiveness of local efforts
26 to promote Missouri agricultural products;

27 (2) Enabling and encouraging expanded advertising efforts for Missouri
28 agricultural products;

29 (3) Encouraging effective, high-quality advertising projects, innovative
30 marketing strategies, and the coordination of local, regional and statewide
31 marketing efforts;

32 (4) Providing training and technical assistance to cooperative-marketing
33 partners of Missouri agricultural products.

34 3. The commission may establish a fee structure for sellers electing to use
35 the AgriMissouri trademark associated with Missouri agricultural products, **so**
36 **long as the fees established and collected under this subsection do not**
37 **yield revenue greater than the total cost of administering this section**

38 **during the ensuing year.** [Under the fee structure:

39 (1) A seller having gross annual sales greater than two million dollars per
40 fiscal year of Missouri agricultural products which constitute the final product of
41 a series of processes or activities shall remit to the agriculture business
42 development division of the department of agriculture, at such times and in such
43 manner as may be prescribed, a trademark fee of one-half of one percent of the
44 aggregate amount of all of such seller's wholesale sales of products carrying the
45 AgriMissouri trademark; and

46 (2) All sellers having gross annual sales less than or equal to two million
47 dollars per fiscal year of Missouri agricultural products which constitute the final
48 product of a series of processes or activities shall, after three years of selling
49 Missouri agricultural products carrying the AgriMissouri trademark, remit to the
50 agriculture business development division of the department of agriculture, at
51 such times and in such manner as may be prescribed, a trademark fee of one-half
52 of one percent of the aggregate amount of all of such seller's wholesale sales of
53 products carrying the AgriMissouri trademark.] All trademark fees shall be
54 deposited to the credit of the AgriMissouri fund, created pursuant to this section.

55 4. [The agriculture business development division of the department of
56 agriculture is authorized to promulgate rules consistent with the guidelines and
57 fee structure established by the commission. No rule or portion of a rule shall
58 become effective unless it has been promulgated pursuant to the provisions of
59 chapter 536.

60 5.] The commission shall consist of nine members appointed by the
61 governor with the advice and consent of the senate. One member shall be the
62 director of the agriculture business development division of the department of
63 agriculture, or his or her representative. At least one member shall be a
64 specialist in advertising; at least one member shall be a specialist in
65 agribusiness; at least one member shall be a specialist in the retail grocery
66 business; at least one member shall be a specialist in communications; at least
67 one member shall be a specialist in product distribution; at least one member
68 shall be a family farmer with expertise in livestock farming; at least one member
69 shall be a family farmer with expertise in grain farming and at least one member
70 shall be a family farmer with expertise in organic farming. Members shall serve
71 for four-year terms, except in the first appointments three members shall be
72 appointed for terms of four years, three members shall be appointed for terms of
73 three years and three members shall be appointed for terms of two years

74 each. Any member appointed to fill a vacancy of an unexpired term shall be
75 appointed for the remainder of the term of the member causing the vacancy. The
76 governor shall appoint a chairperson of the commission, subject to ratification by
77 the commission.

78 [6.] 5. Commission members shall receive no compensation but shall be
79 reimbursed for actual and necessary expenses incurred in the performance of
80 their official duties on the commission. The division of agriculture business
81 development of the department of agriculture shall provide all necessary staff and
82 support services as required by the commission to hold commission meetings, to
83 maintain records of official acts and to conduct all other business of the
84 commission. The commission shall meet quarterly and at any such time that it
85 deems necessary. Meetings may be called by the chairperson or by a petition
86 signed by a majority of the members of the commission. Ten days' notice shall
87 be given in writing to such members prior to the meeting date. A simple majority
88 of the members of the commission shall be present to constitute a quorum. Proxy
89 voting shall not be permitted.

90 **6. If the commission does establish a fee structure as permitted**
91 **under subsection 3 of this section, the agriculture business**
92 **development division of the department of agriculture shall promulgate**
93 **rules establishing the commission's fee structure. The department of**
94 **agriculture shall also promulgate rules and regulations for the**
95 **implementation of this section. Any rule or portion of a rule, as that**
96 **term is defined in section 536.010 that is created under the authority**
97 **delegated in this section shall become effective only if it complies with**
98 **and is subject to all of the provisions of chapter 536, and, if applicable,**
99 **section 536.028. This section and chapter 536 are nonseverable and if**
100 **any of the powers vested with the general assembly pursuant to chapter**
101 **536, to review, to delay the effective date, or to disapprove and annul**
102 **a rule are subsequently held unconstitutional, then the grant of**
103 **rulemaking authority and any rule proposed or adopted after August**
104 **28, 2015, shall be invalid and void.**

261.320. 1. There is hereby established the "Agri-Ready County
2 Designation Program" within the department of agriculture as a
3 voluntary program whereby any county or city not within a county may
4 apply with the department to become designated as an agri-ready
5 county if it meets the requirements of this section.

6 **2. To qualify as an agri-ready county, a county or city not within**
7 **a county shall:**

8 **(1) Not have any health or zoning ordinances that discourage or**
9 **prevent new agricultural operations;**

10 **(2) Not have agricultural setback requirements that are more**
11 **stringent than department of natural resources regulations;**

12 **(3) Not have permit fees that are greater than five hundred**
13 **dollars annually;**

14 **(4) Not require additional cash, surety bonds, or insurance above**
15 **the concentrated animal feeding operation indemnity fund**
16 **requirements under section 640.740;**

17 **(5) Not define agricultural operations as nuisances;**

18 **(6) Not have a definition of any animal agricultural operation**
19 **that is more stringent than state laws or regulations;**

20 **(7) Not require air monitoring or have containment requirements**
21 **for air particles other than those required under chapter 643;**

22 **(8) Allow land application of nutrients and crop protection**
23 **products at a rate no less than the minimum agronomic rate based on**
24 **data from the college of agriculture, food, and natural resources at the**
25 **University of Missouri-Columbia or based on the Material Safety Data**
26 **Sheet of such crop protection product; and**

27 **(9) Not have any regulations or ordinances more restrictive than**
28 **state laws to discourage or prevent processing facilities.**

29 **3. No later than March 31, 2016, the department of agriculture**
30 **shall establish application requirements and review procedures for the**
31 **agri-ready county designation program. Any rule or portion of a rule,**
32 **as that term is defined in section 536.010, that is created under the**
33 **authority delegated in this section shall become effective only if it**
34 **complies with and is subject to all of the provisions of chapter 536 and,**
35 **if applicable, section 536.028. This section and chapter 536 are**
36 **nonseverable, and if any of the powers vested with the general**
37 **assembly pursuant to chapter 536 to review, to delay the effective date,**
38 **or to disapprove and annul a rule are subsequently held**
39 **unconstitutional, then the grant of rulemaking authority and any rule**
40 **proposed or adopted after August 28, 2015, shall be invalid and void.**

41 **4. Any county or city not within a county that receives a**
42 **designation as an agri-ready county shall submit a report annually to**

43 the department of agriculture that will include, but not be limited to,
44 the following information:

45 (1) Any changes to ordinances, permit fees, or other factors
46 necessary to meet the requirements of this section;

47 (2) The number of new agricultural operations in the county or
48 city not within a county. No identifying information regarding any
49 operation shall be required;

50 (3) The number of expanded agricultural operations in the
51 county or city not within a county. No identifying information
52 regarding any operation shall be required; and

53 (4) Any other information deemed necessary by the department
54 of agriculture.

55 The report required under this subsection shall be no longer than one
56 page. The department of agriculture shall allow for online submission
57 of the report.

58 5. If the department determines that a county or city not within
59 a county no longer meets the requirements of this section, it may
60 withdraw the agri-ready county designation.

61 6. The department of agriculture shall develop an agri-ready
62 county logo. Any county or city not within a county designated as agri-
63 ready by the department of agriculture may use the agri-ready county
64 logo on any sign, brochure, website, or other marketing material.

65 7. Any county or city not within a county designated as agri-
66 ready by the department of agriculture may request the department of
67 transportation to erect and maintain appropriate signs designating it
68 as agri-ready. If requested, the department of transportation shall
69 erect and maintain such signs, with the cost to be paid by the county
70 or city not within a county.

71 8. The department of agriculture shall publish and maintain a
72 list of all agri-ready counties on its website.

73 9. The department of agriculture, and any division thereof, shall
74 give priority application status to any business located in an agri-ready
75 county or city not with a county for any loan, permit, or license issued
76 by the department.

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;

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

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

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

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

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

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

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

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

28 (10) "Director" or "director of revenue", the director of the department of
29 revenue;

30 (11) "Driveaway operation":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

112 provisions of law to the contrary, such truck shall be subject to the weight limits
113 required by such sections as licensed for eighty thousand pounds;

114 (27) "Local log truck tractor", a commercial motor vehicle which is
115 registered under this chapter to operate as a motor vehicle on the public
116 highways of this state, used exclusively in this state, used to transport **any form**
117 **or type of** harvested forest products, operated solely at a forested site and in an
118 area extending not more than a [one] **two** hundred-mile radius from such site,
119 operates with a weight not exceeding twenty-two thousand four hundred pounds
120 on one axle or with a weight not exceeding forty-four thousand eight hundred
121 pounds on any tandem axle, and when operated on the national system of
122 interstate and defense highways described in Title 23, Section 103(e) of the
123 United States Code, such vehicle does not exceed the weight limits contained in
124 section 304.180, and does not have more than three axles and does not pull a
125 trailer which has more than two axles. Violations of axle weight limitations shall
126 be subject to the load limit penalty as described for in sections 304.180 to
127 304.220;

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

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

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

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

144 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957,
145 which receives a new, rebuilt or used engine, and which used the number
146 stamped on the original engine as the vehicle identification number;

147 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively

148 upon tracks, except farm tractors;

149 (34) "Motor vehicle primarily for business use", any vehicle other than a
150 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor
151 vehicle licensed for over twelve thousand pounds:

152 (a) Offered for hire or lease; or

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

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

155 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having
156 an automatic transmission and a motor with a cylinder capacity of not more than
157 fifty cubic centimeters, which produces less than three gross brake horsepower,
158 and is capable of propelling the device at a maximum speed of not more than
159 thirty miles per hour on level ground;

160 (37) "Motortricycle", a motor vehicle operated on three wheels, including
161 a motorcycle while operated with any conveyance, temporary or otherwise,
162 requiring the use of a third wheel. A motortricycle shall not be included in the
163 definition of all-terrain vehicle;

164 (38) "Municipality", any city, town or village, whether incorporated or not;

165 (39) "Nonresident", a resident of a state or country other than the state
166 of Missouri;

167 (40) "Non-USA-std motor vehicle", a motor vehicle not originally
168 manufactured in compliance with United States emissions or safety standards;

169 (41) "Operator", any person who operates or drives a motor vehicle;

170 (42) "Owner", any person, firm, corporation or association, who holds the
171 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
172 the conditional sale or lease thereof with the right of purchase upon performance
173 of the conditions stated in the agreement and with an immediate right of
174 possession vested in the conditional vendee or lessee, or in the event a mortgagor
175 of a vehicle is entitled to possession, then such conditional vendee or lessee or
176 mortgagor shall be deemed the owner for the purpose of this law;

177 (43) "Public garage", a place of business where motor vehicles are housed,
178 stored, repaired, reconstructed or repainted for persons other than the owners or
179 operators of such place of business;

180 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned
181 by the rebuilder, but does not include certificated common or contract carriers of
182 persons or property;

183 (45) "Reconstructed motor vehicle", a vehicle that is altered from its

184 original construction by the addition or substitution of two or more new or used
185 major component parts, excluding motor vehicles made from all new parts, and
186 new multistage manufactured vehicles;

187 (46) "Recreational motor vehicle", any motor vehicle designed, constructed
188 or substantially modified so that it may be used and is used for the purposes of
189 temporary housing quarters, including therein sleeping and eating facilities
190 which are either permanently attached to the motor vehicle or attached to a unit
191 which is securely attached to the motor vehicle. Nothing herein shall prevent any
192 motor vehicle from being registered as a commercial motor vehicle if the motor
193 vehicle could otherwise be so registered;

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

199 (48) "Rollback or car carrier", any vehicle specifically designed to
200 transport wrecked, disabled or otherwise inoperable vehicles, when the
201 transportation is directly connected to a wrecker or towing service;

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

210 (50) "Salvage dealer and dismantler", a business that dismantles used
211 motor vehicles for the sale of the parts thereof, and buys and sells used motor
212 vehicle parts and accessories;

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

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

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

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

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

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

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

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

242 (52) "School bus", any motor vehicle used solely to transport students to
243 or from school or to transport students to or from any place for educational
244 purposes;

245 (53) "Scrap processor", a business that, through the use of fixed or mobile
246 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle
247 parts for processing or transportation to a shredder or scrap metal operator for
248 recycling;

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

255 (55) "Special mobile equipment", every self-propelled vehicle not designed

256 or used primarily for the transportation of persons or property and incidentally
257 operated or moved over the highways, including farm equipment, implements of
258 husbandry, road construction or maintenance machinery, ditch-digging apparatus,
259 stone crushers, air compressors, power shovels, cranes, graders, rollers, well-
260 drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous
261 mixers, bucket loaders, ditchers, leveling graders, finished machines, motor
262 graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines,
263 concrete pump trucks, rock-drilling and earth-moving equipment. This
264 enumeration shall be deemed partial and shall not operate to exclude other such
265 vehicles which are within the general terms of this section;

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

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

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

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

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

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

290 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
291 which the two trailing units are connected with a B-train assembly which is a

292 rigid frame extension attached to the rear frame of a first semitrailer which
293 allows for a fifth-wheel connection point for the second semitrailer and has one
294 less articulation point than the conventional A-dolly connected truck-tractor
295 semitrailer-trailer combination;

296 (63) "Truck-trailer boat transporter combination", a boat transporter
297 combination consisting of a straight truck towing a trailer using typically a ball
298 and socket connection with the trailer axle located substantially at the trailer
299 center of gravity rather than the rear of the trailer but so as to maintain a
300 downward force on the trailer tongue;

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

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

310 (66) "Vanpool", any van or other motor vehicle used or maintained by any
311 person, group, firm, corporation, association, city, county or state agency, or any
312 member thereof, for the transportation of not less than eight nor more than forty-
313 eight employees, per motor vehicle, to and from their place of employment;
314 however, a vanpool shall not be included in the definition of the term bus or
315 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,
316 nor shall a vanpool driver be deemed a chauffeur as that term is defined by
317 section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements,
318 recreational, personal, or maintenance uses constitute an unlicensed use of the
319 motor vehicle, unless used for monetary profit other than for use in a ride-sharing
320 arrangement;

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

325 (68) "Wrecker" or "tow truck", any emergency commercial vehicle
326 equipped, designed and used to assist or render aid and transport or tow disabled
327 or wrecked vehicles from a highway, road, street or highway rights-of-way to a

328 point of storage or repair, including towing a replacement vehicle to replace a
329 disabled or wrecked vehicle;

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

304.180. 1. No vehicle or combination of vehicles shall be moved or
2 operated on any highway in this state having a greater weight than twenty
3 thousand pounds on one axle, no combination of vehicles operated by transporters
4 of general freight over regular routes as defined in section 390.020 shall be moved
5 or operated on any highway of this state having a greater weight than the vehicle
6 manufacturer's rating on a steering axle with the maximum weight not to exceed
7 twelve thousand pounds on a steering axle, and no vehicle shall be moved or
8 operated on any state highway of this state having a greater weight than
9 thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall
10 mean a group of two or more axles, arranged one behind another, the distance
11 between the extremes of which is more than forty inches and not more than
12 ninety-six inches apart.

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

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

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

25	Maximum load in pounds					
	26 feet	2 axles	3 axles	4 axles	5 axles	6 axles
27	4	34,000				
28	5	34,000				
29	6	34,000				

30	7	34,000				
31	8	34,000	34,000			
32	More than 8	38,000	42,000			
33	9	39,000	42,500			
34	10	40,000	43,500			
35	11	40,000	44,000			
36	12	40,000	45,000	50,000		
37	13	40,000	45,500	50,500		
38	14	40,000	46,500	51,500		
39	15	40,000	47,000	52,000		
40	16	40,000	48,000	52,500	58,000	
41	17	40,000	48,500	53,500	58,500	
42	18	40,000	49,500	54,000	59,000	
43	19	40,000	50,000	54,500	60,000	
44	20	40,000	51,000	55,500	60,500	66,000
45	21	40,000	51,500	56,000	61,000	66,500
46	22	40,000	52,500	56,500	61,500	67,000
47	23	40,000	53,000	57,500	62,500	68,000
48	24	40,000	54,000	58,000	63,000	68,500
49	25	40,000	54,500	58,500	63,500	69,000
50	26	40,000	55,500	59,500	64,000	69,500
51	27	40,000	56,000	60,000	65,000	70,000
52	28	40,000	57,000	60,500	65,500	71,000
53	29	40,000	57,500	61,500	66,000	71,500
54	30	40,000	58,500	62,000	66,500	72,000
55	31	40,000	59,000	62,500	67,500	72,500
56	32	40,000	60,000	63,500	68,000	73,000
57	33	40,000	60,000	64,000	68,500	74,000
58	34	40,000	60,000	64,500	69,000	74,500
59	35	40,000	60,000	65,500	70,000	75,000
60	36		60,000	66,000	70,500	75,500
61	37		60,000	66,500	71,000	76,000

62	38	60,000	67,500	72,000	77,000
63	39	60,000	68,000	72,500	77,500
64	40	60,000	68,500	73,000	78,000
65	41	60,000	69,500	73,500	78,500
66	42	60,000	70,000	74,000	79,000
67	43	60,000	70,500	75,000	80,000
68	44	60,000	71,500	75,500	80,000
69	45	60,000	72,000	76,000	80,000
70	46	60,000	72,500	76,500	80,000
71	47	60,000	73,500	77,500	80,000
72	48	60,000	74,000	78,000	80,000
73	49	60,000	74,500	78,500	80,000
74	50	60,000	75,500	79,000	80,000
75	51	60,000	76,000	80,000	80,000
76	52	60,000	76,500	80,000	80,000
77	53	60,000	77,500	80,000	80,000
78	54	60,000	78,000	80,000	80,000
79	55	60,000	78,500	80,000	80,000
80	56	60,000	79,500	80,000	80,000
81	57	60,000	80,000	80,000	80,000

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

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

95 commission shall be given by posting signs at a conspicuous place at each end of
96 any such bridge.

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

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

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

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

124 9. [Notwithstanding subsection 3 of this section or any other provision of
125 law to the contrary, the total gross weight of any vehicle or combination of
126 vehicles hauling livestock may be as much as, but shall not exceed, eighty-five
127 thousand five hundred pounds while operating on U.S. Highway 36 from St.
128 Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line to U.S.
129 Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway
130 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The

131 provisions of this subsection shall not apply to vehicles operated on the Dwight
132 D. Eisenhower System of Interstate and Defense Highways.

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

140 **[11.] 10. Notwithstanding any provision of this section or any**
141 **other law to the contrary, any vehicle or combination of vehicles**
142 **hauling grain or grain co-products during times of harvest may be as**
143 **much as, but not exceeding, ten percent over the maximum weight**
144 **limitation allowable under subsection 3 of this section while operating**
145 **on highways other than the interstate highway system. The provisions**
146 **of this subsection shall not apply to vehicles operated and operating on**
147 **the Dwight D. Eisenhower System of Interstate and Defense Highways.**

148 11. Notwithstanding any provision of this section or any other law to the
149 contrary, the department of transportation shall issue emergency utility response
150 permits for the transporting of utility wires or cables, poles, and equipment
151 needed for repair work immediately following a disaster where utility service has
152 been disrupted. Under exigent circumstances, verbal approval of such operation
153 may be made either by the motor carrier compliance supervisor or other
154 designated motor carrier services representative. Utility vehicles and equipment
155 used to assist utility companies granted special permits under this subsection
156 may be operated and transported on state-maintained roads and highways at any
157 time on any day. The department of transportation shall promulgate all
158 necessary rules and regulations for the administration of this section. Any rule
159 or portion of a rule, as that term is defined in section 536.010, that is created
160 under the authority delegated in this section shall become effective only if it
161 complies with and is subject to all of the provisions of chapter 536 and, if
162 applicable, section 536.028. This section and chapter 536 are nonseverable and
163 if any of the powers vested with the general assembly pursuant to chapter 536 to
164 review, to delay the effective date, or to disapprove and annul a rule are
165 subsequently held unconstitutional, then the grant of rulemaking authority and
166 any rule proposed or adopted after August 28, 2014, shall be invalid and void.

414.082. 1. The fee for the inspection of gasoline, gasoline-alcohol blends,
2 kerosene, diesel fuel, heating oil, aviation turbine fuel, and other motor fuels
3 under this chapter shall be fixed by the director of revenue at a rate per barrel
4 which will approximately yield revenue equal to the expenses of administering
5 this chapter; except that, until December 31, [1993, the rate shall be one and
6 one-half cents per barrel and beginning January 1, 1994, the fee shall not be less
7 than one and one-half cents per barrel nor exceed two and one-half] **2015, the**
8 **rate shall not exceed two and one-half cents per barrel, from January**
9 **1, 2016 through December 31, 2020, the rate shall not exceed four cents**
10 **per barrel, and after January 1, 2021, the rate shall not exceed five cents**
11 per barrel.

12 2. Annually the director of the department of agriculture shall ascertain
13 the total expenses for administering sections 414.012 to 414.152 during the
14 preceding year, and shall forward a copy of such expenses to the director of
15 revenue. The director of revenue shall fix the inspection fee for the ensuing
16 calendar year at such rate per barrel, within the limits established by subsection
17 1 of this section, as will approximately yield revenue equal to the expenses of
18 administering sections 414.012 to 414.152 during the preceding calendar year and
19 shall collect the fees and deposit them in the state treasury to the credit of the
20 "Petroleum Inspection Fund" which is hereby created. Beginning July 1, 1988,
21 all expenses of administering sections 414.012 to 414.152 shall be paid from
22 appropriations made out of the petroleum inspection fund.

23 3. The unexpended balance in the fund at the end of each fiscal year shall
24 not be transferred to the general revenue fund of the state, and the provisions of
25 section 33.080 relating to the transfer of funds to the general revenue fund of the
26 state by the state treasurer shall not apply to this fund.

27 4. The state treasurer shall invest all sums in the petroleum inspection
28 fund not needed for current operating expenses in interest-bearing banking
29 accounts or United States government obligations in the manner provided by law.
30 All yield, increment, gain, interest or income derived from the investment of these
31 sums shall accrue to the benefit of, and be deposited within the state treasury to
32 the credit of, the petroleum inspection fund.

[142.029. Section 142.028 shall expire on December 31,
2 2015.]

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