

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR

SENATE BILL NO. 244

91ST GENERAL ASSEMBLY

Offered March 6, 2001.

Senate Substitute adopted, March 6, 2001.

Taken up for Perfection March 6, 2001. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

0857S.04P

AN ACT

To amend chapters 302 and 431, RSMo, by adding thereto two new sections relating to the nonpayment of goods and services.

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

Section A. Chapters 302 and 431, RSMo, are amended by adding thereto two new sections, to be known as sections 302.286 and 431.181, to read as follows:

302.286. 1. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made. A person found guilty or pleading guilty to stealing pursuant to section 570.030, RSMo, for the theft of motor fuel as described in this section shall have his or her driver's license suspended.

2. The person shall submit the driver's license to the court upon conviction and the court shall forward the driver's license to the department of revenue.

3. The first suspension of a driver's license under this section shall be for a period of six months.

4. A second or subsequent suspension of a driver's license under this section shall be for a period of one year.

5. At the expiration of the suspension period, and upon payment of a reinstatement fee of twenty-five dollars, the director shall terminate the suspension and shall return the person's driver's license. The reinstatement fee shall be in addition to

any other fees required by law, and shall be deposited in the state treasury to the credit of the state highway department fund, pursuant to section 302.228.

431.181. 1. Any person who enters into a contract with a transportation of property provider or an agent acting for a transportation of property provider for the transportation of property shall, after the property has been delivered in good condition by the transportation provider to the agreed upon destination within the agreed upon time limitation, make all scheduled payments pursuant to the terms of the contract or within thirty days if no time is specified in the contract.

2. Any person who has not been paid in accordance with subsection 1 of this section may bring an action in a court of competent jurisdiction against any person who has failed to pay. The court may, in addition to any other award for damages, award reasonable attorney fees to the prevailing party. If the person who has not been paid proves that the failure to pay has been done without just cause or excuse, such person may be entitled to three times the amount called for by the contract.

3. If the parties elect to resolve the dispute by arbitration pursuant to section 435.350, RSMo, the arbitrator may award any remedy that a court is authorized to award hereunder.

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