

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FOURTH DAY—TUESDAY, MARCH 30, 2004

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“To thee, O Lord, I lift up my soul. O my God, in thee I trust... Make me to know thy ways, O Lord; teach me thy paths. (Psalm 25:1a, 4)

O Lord my God, we continue the work You have given us; but the calendar days fly by and we know how much is ahead of us. Teach us daily to know the path we must walk and the duties we must perform for You have called us to this sacred duty and we want to follow Your lead. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

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

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode

Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

Absent with leave—Senators—None

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1624, regarding Phi Theta Kappa’s All-Missouri Academic Team and the Missouri Community College Association, which was adopted.

Senator Shields offered Senate Resolution No. 1625, regarding Kevin Michael “Mini” McKee, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1626, regarding Robert Alan “Rob” McCall, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1627, regarding Jeffrey Michael “Jeff” Parrett, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1628, regarding Michael G. “Mike” Philipp, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1629, regarding Zachary David “Zac” Hammel, Kansas City, which was adopted.

THIRD READING OF SENATE BILLS

SS for **SS** for **SCS** for **SB 1122**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1122

An Act to repeal sections 332.051, 332.071, 332.081, 332.111, 332.121, and 334.100, RSMo, and to enact in lieu thereof seven new sections relating to professional licensing, with penalty provisions.

Was taken up.

On motion of Senator Shields, **SS** for **SS** for **SCS** for **SB 1122** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland	Russell	Stoll—3
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal

Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 988**; **SB 1215**, with **SCS**; **SCS** for **SB 1212**; **SCS** for **SBs 1085** and **800**; and **SS** for **SS** for **SCS** for **SB 715**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 1329, introduced by Senator Griesheimer, entitled:

An Act to repeal sections 190.335 and 190.339, RSMo, and to enact in lieu thereof four new sections relating to emergency services.

Was called from the Consent Calendar and taken up.

Senator Griesheimer moved that **SB 1329** be read the 3rd time and finally passed.

At the request of Senator Griesheimer, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

SB 1331, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to repeal section 99.918, RSMo, and to enact in lieu thereof one new section relating to downtown and rural development.

Was called from the Consent Calendar and taken up.

SCS for **SB 1331**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1331

An Act to repeal section 99.918, RSMo, and to enact in lieu thereof one new section relating to downtown and rural development.

Was taken up.

Senator Shields assumed the Chair.

Senator Gibbons moved that **SCS** for **SB 1331** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1331** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Bland Stoll—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Griesheimer moved that **SB 1329** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Griesheimer, **SB 1329** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1338, introduced by Senator Callahan, entitled:

An Act to amend chapter 321, RSMo, by adding thereto one new section relating to a fire protection district sales tax for homeland security and training purposes.

Was called from the Consent Calendar and taken up.

On motion of Senator Callahan, **SB 1338** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1344, introduced by Senator Champion, entitled:

An Act to repeal section 620.602, RSMo, and to enact in lieu thereof one new section relating to the joint committee on economic development policy and planning.

Was called from the Consent Calendar and taken up.

On motion of Senator Champion, **SB 1344** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Bland Goode—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1391, introduced by Senator Foster, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

Was called from the Consent Calendar and

taken up.

On motion of Senator Foster, **SB 1391** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 961, with **SCS**, introduced by Senator Champion, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

Was called from the Consent Calendar and taken up.

SCS for **SB 961**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 961

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

Was taken up.

Senator Champion moved that **SCS** for

SB 961 be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 961** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel

Yeckel—33

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 987, with **SCS**, introduced by Senator Quick, entitled:

An Act to repeal sections 247.040 and 247.165, RSMo, and to enact in lieu thereof two new sections relating to water service to annexed areas.

Was called from the Consent Calendar and taken up.

SCS for **SB 987**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 987

An Act to repeal sections 247.040 and 247.165, RSMo, and to enact in lieu thereof two new sections relating to water service to annexed areas.

Was taken up.

Senator Quick moved that **SCS** for **SB 987** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 987** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel

Wheeler—33

NAYS—Senators—None

Absent—Senator Yeckel—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1155, with **SCS**, introduced by Senator Cauthorn, entitled:

An Act to repeal section 99.1000, RSMo, and to enact in lieu thereof one new section relating to the Missouri rural economic stimulus authority.

Was called from the Consent Calendar and taken up.

SCS for **SB 1155**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1155

An Act to repeal sections 99.1000 and 99.1018, RSMo, and to enact in lieu thereof two

new sections relating to the Missouri rural economic stimulus authority.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 1155** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 1155** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler—33			

NAYS—Senators—None

Absent—Senator Yeckel—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 901, with **SCS**, introduced by Senator Goode, entitled:

An Act to repeal sections 319.125, 319.127, 319.139, RSMo, and section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof four new sections relating to underground storage tanks.

Was called from the Consent Calendar and taken up.

SCS for **SB 901**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 901

An Act to repeal sections 260.370, 319.109, 319.125, 319.127, 319.139, RSMo, and section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof ten new sections relating to environmental control.

Was taken up.

Senator Goode moved that **SCS** for **SB 901** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 901** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

Senator Gibbons moved that motion lay on the

table, which motion prevailed.

SB 1091, with **SCS**, introduced by Senator Klindt, entitled:

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to state aid to community colleges.

Was called from the Consent Calendar and taken up.

SCS for **SB 1091**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1091

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to state aid to community colleges.

Was taken up.

Senator Klindt moved that **SCS** for **SB 1091** be adopted.

At the request of Senator Klindt, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 1081**, with **SCS**, **SS** for **SCS** and **SA 8** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 8 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Jacob offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Section 431.306, Page 12, Line 7, by inserting at the end of said line the following: **“A written notice of claim and any written response by a contractor shall not be admissible as a prior inconsistent statement.”**

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

Senator Bartle assumed the Chair.

Senator Jacob offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Section 431.303, Page 5, Lines 26 to 28, by deleting said lines and inserting in lieu thereof the following:

“3. (1) Nothing in sections 431.300 to 431.315 shall preclude or bar any action if notice is not given to the homeowner or association as required by this section or the contractor does not otherwise comply with the provisions of 431.300 to 431.315.

(2) If notice is not given to the homeowner or association as required by this section, such party may immediately file an action in circuit court without further delay. If the homeowner or association files such an action in circuit court, the homeowner or association shall attach as an exhibit to any initial pleading a copy of the contract for sale, construction, or substantial remodel of a residence as evidence that notice was not given as required by this section.

(3) If the homeowner or association asserts that the contractor has failed to comply with any provision of sections 431.300 to 431.315 other than this section, such party may, by motion to the mediator, ask the mediator to certify the same by signed affidavit. The party filing an action in circuit court, whether by claim, counterclaim, or cross claim, shall attach to any pleading asserting a claim, counterclaim or cross claim an affidavit from the mediator stating either that mediation has occurred and not resolved the dispute or that the contractor has not complied with sections 431.300 to 431.315.”

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

Senator Shields assumed the Chair.

Senator Jacob offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 6, Section 431.306, Line 19, by inserting after the word “**defect**” the following: “**within a specified time frame**”.

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

Senator Jacob offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 7, Section 431.306, Lines 9-10, by striking the words “**for the defect described in the notice of claim**”; and

Further amending same page, same section, lines 28-29, by striking the words “**described in the notice of claim**”; and

Further amending page 8, same section, line 16, by striking the words “**set forth in the notice of claim**”; and

Further amending page 9, same section, line 23, by striking the words “**for the claim described in the notice of claim**”; and

Further amending page 10, same section, line 8, by striking the words “**described in the notice of claim**”; and

Further amending page 10, same section, line 16, by striking the words “**for the claim described in the notice of claim**”; and

Further amending page 11, same section, line 3, by striking the words “**set forth in the notice of claim**”.

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

Senator Jacob offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Section 431.300, Page 1, Line 12, by inserting at the end of said line the following: “**or any civil**

lawsuit, action, or arbitration proceeding, in contract or tort, or otherwise, for damages or indemnity, brought by petition, complaint, counterclaim, or cross claim, alleging any action on account or breach of a covenant or promise to pay money.”.

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

Senator Kinder moved that **SS** for **SCS** for **SB 1081**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SCS** for **SB 1081**, as amended, was declared perfected and ordered printed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 739**, as amended: Senators Klindt, Steelman, Cauthorn, Kennedy and Caskey.

REFERRALS

President Pro Tem Kinder referred **SCR 44** and **HCR 12** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 45—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Kinder referred **SB 1247**, with **SCS** and **SS** for **SS** for **SCS** for **SB 1371**, to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on Pages 725-727 of the Senate Journal for Monday, March

29, 2004 to the Committee on Governorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 904—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1192**—Agriculture, Conservation, Parks and Natural Resources.

HS for **HCS** for **HB 1566**—Governmental Accountability and Fiscal Oversight.

HB 1317—Transportation.

HB 996—Transportation.

HB 1187—Economic Development, Tourism and Local Government.

HB 1188—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 985**—Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for **HB 1136**—Aging, Families, Mental and Public Health.

HCS for **HB 1288**—Commerce and the Environment.

HCS for **HB 1347**—Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for **HB 1456**—Economic Development, Tourism and Local Government.

On motion of Senator Gibbons the Senate recessed until 2:15 p.m.

RECESS

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

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 1630, regarding Karsen McConnell Castellow,

Newport News, Virginia, which was adopted.

Senator Dougherty offered Senate Resolution No. 1631, regarding Kathrine Emma Castellow, Newport News, Virginia, which was adopted.

Senator Champion offered Senate Resolution No. 1632, regarding Dr. Robert H. Spence, Springfield, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 1220**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1220**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1220

An Act to repeal sections 49.082, 50.334, 50.343, 51.281, 52.269, 53.082, 54.261, 54.320, 55.091, 56.265, 57.317, and 58.095, RSMo, and to enact in lieu thereof thirteen new sections relating to maximum allowable compensation for certain county officials.

Was taken up.

Senator Nodler assumed the Chair.

Senator Caskey moved that **SCS** for **SB 1220** be adopted.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1220, Page 16, Section 56.265, Line 7, by striking "an associate" and inserting in lieu thereof the following: "a".

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

Senator Caskey moved that **SCS** for **SB 1220**, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 1220** was declared perfected and ordered printed.

Senator Dolan moved that **SB 1233**, **SB 840** and **SB 1043**, with **SCS**, be called from the Informal Calendar and taken up for perfection,

which motion prevailed.

SCS for SBs 1233, 840 and 1043, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1233, 840 and 1043

An Act to repeal sections 21.795, 301.010, 301.041, 301.132, 301.144, 301.190, 301.193, 301.217, 301.219, 301.227, 301.280, 301.463, 301.2999, 301.3098, 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.155, 304.157, 390.136, 390.340, 577.054, 577.080, and 622.095, RSMo, and to enact in lieu thereof sixty-one new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Dolan moved that **SCS for SBs 1233, 840 and 1043** be adopted.

Senator Dolan offered **SS for SCS for SBs 1233, 840 and 1043**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1233, 840, and 1043

An Act to repeal sections 21.795, 301.010, 301.020, 301.025, 301.041, 301.055, 301.057, 301.058, 301.129, 301.130, 301.132, 301.144, 301.190, 301.193, 301.217, 301.219, 301.221, 301.227, 301.280, 301.463, 301.2999, 301.3098, 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.035, 304.155, 304.157, 390.136, 390.340, 577.054, 577.080, 622.095, and 622.618, RSMo, and to enact in lieu thereof sixty-nine new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

Senator Dolan moved that **SS for SCS for SBs 1233, 840 and 1043** be adopted.

Senator Gross assumed the Chair.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate

Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 11, Section 301.010, Line 29, of said page, by striking the comma “,” and inserting in lieu thereof the following: “:

(a)”; and

Further amend said bill and section, Page 12, Line 4, by inserting after all of said line the following:

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

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

Further amend said bill and section, Page 13, Line 20 of said page, by striking the following: “twenty-five” and inserting in lieu thereof the following: **“fifty”**; and

Further amend said bill, Page 40, Section 301.058, Line 23 of said page, by inserting after all of said line the following:

“301.069. A driveway license plate may not be used on a vehicle used or operated on a highway except for the purpose of transporting vehicles in transit. Driveway license plates may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly parked, or burned vehicles. For each driveway license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as

prescribed in this chapter. Applicants may choose to obtain biennial driveaway licenses. The fee for biennial driveaway licenses shall be eighty-nine dollars. For single trips the fee shall be four dollars, and descriptive insignia shall be prepared and issued at the discretion of the director who shall also prescribe the type of equipment used to attach such vehicles in combinations.”; and

Further amend said bill, Page 170, Section 304.157, Line 28 of said page, by inserting after all of said line the following:

“390.020. As used in this chapter, unless the context clearly requires otherwise, the words and terms mean:

(1) “Agricultural commodities in bulk”, commodities conforming to the meaning of “commodities in bulk” as defined in this section, which are agricultural, horticultural, viticultural or forest products or any other products which are grown or produced on a farm or in a forest, and which have not undergone processing at any time since movement from the farm or forest, or processed or unprocessed grain, feed, feed ingredients, or forest products;

(2) “Certificate”, a written document authorizing a common carrier to engage in intrastate commerce and issued under the provisions of this chapter;

(3) “Charter service”, the transportation of a group of persons who, pursuant to a common purpose and at a fixed charge for the vehicle, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group from a point of origin to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after having left the place of origin;

(4) “Commercial zone”, unless otherwise increased pursuant to the provisions of subdivision (4) of section 390.041, any municipality within this state together with that territory either within or without the state of Missouri, extending one mile beyond the corporate limits of such municipality and one additional mile for each fifty thousand

inhabitants or portion thereof; however, any commercial zone of a city not within a county shall extend eighteen miles beyond that city's corporate limits and shall also extend throughout any first class charter county which adjoins that zone;

(5) “Commodities in bulk”, commodities, which are fungible, flowable, capable of being poured or dumped, tendered for transportation unpackaged, incapable of being counted, but are weighed or measured by volume and which conform to the shape of the vehicle transporting them;

(6) “Common carrier”, any person which holds itself out to the general public to engage in the transportation by motor vehicle of passengers or property for hire or compensation upon the public highways and airlines engaged in intrastate commerce;

(7) “Contract carrier”, any person under individual contracts or agreements which engage in transportation by motor vehicles of passenger or property for hire or compensation upon the public highways;

(8) “Corporate family”, a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a one hundred percent interest;

(9) “Division”, the division of motor carrier and railroad safety of the department of economic development;

(10) “Driveaway operator”[.]:

(a) Any motor carrier who moves any commercial motor vehicle or assembled automobile singly under its own power or in any other combination of two or more vehicles under the power of one of said vehicles upon any public highway for the purpose of delivery for sale or for delivery either before or after sale;

(b) A person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or

towaway methods; or

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

(11) "Dump truck", any open-top vehicle, including dump trailers, and those trailers commonly referred to as hopper trailers and/or belly dump trailers, that discharges its load by tipping or opening the body in such a manner that the load is ejected or dumped by gravity but does not include tank or other closed-top vehicles, or vehicles that discharge cargo by means of an auger, conveyor belt, air pressure, pump or other mechanical means;

(12) "Household goods", personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; new or used furniture; store or office furniture or fixtures; equipment of museums, institutions, hospitals and other establishments; and articles, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods;

(13) "Interstate commerce", commerce between a point in this state and a point outside this state, or between points outside this state when such commerce moves through this state whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by any other regulated means of transportation where the commodity does not come to rest or change its identity during the movement;

(14) "Intrastate commerce", commerce moving wholly between points within this state, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by any other means of transportation;

(15) "Irregular route", the course or line of

travel to be used by a motor carrier's vehicle when not restricted to any specific route or routes within the area the motor carrier is authorized to serve;

(16) "Less-than-truckload lots", lots of freight, other than a truckload lot, being transported on the motor vehicle at one time;

(17) "Mobile home", house trailers, cabin trailers, bungalow trailers, mobile homes and any other transportable building unit designed to be used for residential, commercial, industrial or recreational purposes, including special equipment, wheels, tires, axles, springs, racks, undercarriages and undersupports used or useful in connection with the transportation of mobile homes when transported as part of the transportation of mobile homes;

(18) "Motor carrier", any person engaged in the transportation of property or passengers, or both, for compensation or hire, over the public roads of this state by motor vehicle. The term includes both common and contract carriers;

(19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or semitrailer, motor bus or any self-propelled vehicle used upon the highways of the state in the transportation of property or passengers;

(20) "Party", any person admitted as a party to a division proceeding or seeking and entitled as a matter of right to admission to a division proceeding;

(21) "Permit", a permit issued under the provisions of this chapter to a contract carrier to engage in intrastate or interstate commerce or to a common carrier to engage in interstate commerce;

(22) "Person", any individual or other legal entity, whether such entity is a proprietorship, partnership, corporation, company, association or joint-stock association, including the partners, officers, employees, and agents of the person, as well as any trustees, assignees, receivers, or personal representatives of the person;

(23) "Private carrier", any person engaged in the transportation of property or passengers by

motor vehicle upon public highways, but not as a common or contract carrier by motor vehicle; and includes any person who transports property by motor vehicle where such transportation is incidental to or in furtherance of his commercial enterprises;

(24) “Public highway”, every public street, road, highway or thoroughfare of any kind used by the public, whether actually dedicated to the public;

(25) “Regular route”, a specific and determined course to be traveled by a motor carrier's vehicle rendering service to, from or between various points or localities in this state;

(26) “School bus”, any motor vehicle while being used solely to transport students to or from school or to transport students to or from any place for educational purposes or school purposes;

(27) “Taxicab”, any motor vehicle performing a bona fide for hire taxicab service having a capacity of not more than five passengers, exclusive of the driver, and not operated on a regular route or between fixed termini;

(28) “Truckload lot”, a lot or lots of freight tendered to a carrier by one consignor or one consignee for delivery at the direction of the consignor or consignee with the lot or lots being the only lot or lots transported on the motor vehicle at any one time.”; and

Further amend the title and enacting clause accordingly.

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

Senator Shields offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 112, Section 301.3144, Line 20, by inserting after all of said line the following:

“301.3146. 1. Any member of the search and rescue council of Missouri, after an annual payment of an emblem-use authorization fee to the search and rescue council of Missouri, may

receive special license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The search and rescue council of Missouri hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the search and rescue council of Missouri derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the search and rescue council of Missouri. Any member of the search and rescue council of Missouri may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the search and rescue council of Missouri, the search and rescue council of Missouri shall issue to the vehicle owner, without further charge, an “emblem-use authorization statement”, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the search and rescue council of Missouri and the words “SEARCH AND RESCUE” in place of the words “SHOW-ME-STATE”. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner who was previously issued a plate with the search and rescue council of Missouri emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the search and rescue council of Missouri emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Nodler assumed the Chair.

Senator Callahan offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 10, Section 21.795, Line 18, of said page, by inserting after all of said line the following:

“137.298. 1. Other provisions of law to the contrary notwithstanding, any city may by ordinance include as a charge on bills issued for personal property taxes any outstanding parking violations issued on any vehicle for which personal property tax is to be paid and, if required by ordinance, such charge shall be collected with and in the same payment as personal property taxes are collected by the collector of revenue of such city. No personal property tax bill shall be considered paid unless all charges for parking violations are also paid in full and the collector of revenue shall not issue a paid personal property receipt until all such charges are paid.

2. Other provisions of law to the contrary notwithstanding, any home rule city with more than four hundred thousand inhabitants and located in more than one county may by ordinance include as a charge on bills issued for

personal property taxes any outstanding vehicle-related fees and fines, including traffic and parking violations, assessed or issued on any vehicle for which personal property tax is to be paid and, if required by ordinance, such charge shall be collected with and in the same payment as personal property taxes are collected by the collector of revenue of such city or the treasurer ex officio collector. For the purpose of this section, vehicle-related fees and fines shall include, but not necessarily be limited to, traffic violation fines, parking violation fines, towing and vehicle immobilization fees, and any late payment penalties and court costs associated with the adjudication or collection of those fines. No personal property tax bill shall be considered paid unless all charges for parking violations and other vehicle-related fees and fines are also paid in full and the collector of revenue or treasurer ex officio collector shall not issue a paid personal property receipt until all such charges are paid. The collector of revenue or treasurer ex officio collector of the city or county shall remit to the appropriate political subdivision all fees and fines, including traffic and parking violations collected less two percent for administrative costs.”; and

Further amend the title and enacting clause accordingly.

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

Senator Callahan offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 32, Section 301.025, Line 9, of said page, by inserting immediately after the word “county” the following: “or any home rule city with more than four hundred thousand inhabitants and located in more than one county”; and further amend Line 13 of said page, by immediately inserting after the word “county” the following: “or any home rule city with more than four hundred thousand inhabitants and located in more than one county”; and further

Line 15 of said page, by immediately inserting after the word “county” the following: “**or any home rule city with more than four hundred thousand inhabitants and located in more than one county**” and further amend Line 25 of said page, by immediately inserting after the word “county” the following: “**or any home rule city with more than four hundred thousand inhabitants and located in more than one county**”; and further amend Line 26 of said page, by inserting immediately after the word “county” the following: “**or any home rule city with more than four hundred thousand inhabitants and located in more than one county**”; and

Further amend said bill, section, Page 33, Line 7 of said page, by immediately inserting after the word “county” the following: “**or any home rule city with more than four hundred thousand inhabitants and located in more than one county**”; and further amend Line 26 of said page, by immediately inserting after the word “county” the following: “**or any home rule city with more than four hundred thousand inhabitants and located in more than one county**”.

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

Senator Callahan offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 170, Section 304.157, Line 28, of said page, by inserting after all of said line the following:

“304.580. 1. As used in this section, the term “construction zone” or “work zone” means any area upon or around any highway as defined in section 302.010, RSMo, which is visibly marked by the department of transportation or a contractor performing work for the department of transportation as an area where construction, maintenance, or other work is temporarily occurring. The term “work zone” or “construction zone” also includes the lanes of highway leading up to the area upon which an activity described in

this subsection is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.

2. Upon [a] **the first** conviction or [a] plea of guilty by any person for a moving violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone. **A second or subsequent violation of this subsection shall result in the court assessing a fine of one hundred dollars in addition to any other fine authorized to be imposed by law.**

3. Upon [a] **the first** conviction or plea of guilty by any person for a speeding violation pursuant to either section 304.009 or 304.010, or a passing violation pursuant to subsection 6 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law, if the offense occurred within a construction zone or a work zone and at the time the speeding or passing violation occurred there was any person in such zone who was there to perform duties related to the reason for which the area was designated a construction zone or work zone. **A second or subsequent violation of this subsection shall result in the court assessing a fine of three hundred dollars in addition to any other fine authorized by law.** However, no person assessed an additional fine pursuant to this subsection shall also be assessed an additional fine pursuant to subsection 2 of this section, and no person shall be assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to subsection 4 of this section.

4. The penalty authorized by subsection 3 of this section shall only be assessed by the court if the department of transportation or contractor performing work for the department of transportation has erected signs upon or around a construction or work zone which are clearly visible from the highway and which state substantially the following message: “Warning: \$250 fine for

speeding or passing in this work zone”.

5. During any day in which no person is present in a construction zone or work zone established pursuant to subsection 3 of this section to perform duties related to the purpose of the zone, the sign warning of additional penalties shall not be visible to motorists. During any period of two hours or more in which no person is present in such zone on a day in which persons have been or will be present to perform duties related to the reason for which the area was designated as a construction zone or work zone, the sign warning of additional penalties shall not be visible to motorists. The department of transportation or contractor performing work for the department of transportation shall be responsible for compliance with provisions of this subsection. Nothing in this subsection shall prohibit warning or traffic control signs necessary for public safety in the construction or work zone being visible to motorists at all times.

6. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone. This subsection applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane by an appropriate sign erected by the department of transportation or a contractor performing work for the department of transportation. Violation of this subsection is a class C misdemeanor.

7. This section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to section 302.302, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Callahan offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate

Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 166, Section 304.155, Line 2, of said page, by inserting after all of said line the following:

“304.156. 1. Within five working days of receipt of the crime inquiry and inspection report under section 304.155 or the abandoned property report under section 304.157, the director of revenue shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the abandoned property was registered or titled in another state, to determine the name and address of the owner and lienholder, if any. After ascertaining the name and address of the owner and lienholder, if any, the department shall, within fifteen working days, notify the towing company. Any towing company which comes into possession of abandoned property pursuant to section 304.155 or 304.157 and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the department of revenue or of a corresponding agency in any other state. The towing company shall notify the owner and any lienholder within ten business days of the date of mailing indicated on the notice sent by the department of revenue, by certified mail, return receipt requested. The notice shall contain the following:

(1) The name, address and telephone number of the storage facility;

(2) The date, reason and place from which the abandoned property was removed;

(3) A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;

(4) A statement that the storage firm claims a possessory lien for all such charges;

(5) A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time

during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;

(6) A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this section to contest the propriety of such towing or removal;

(7) A statement that if the abandoned property remains unclaimed for thirty days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and

(8) A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

2. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of sections 304.155 to 304.158.

3. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the department shall notify the towing company which shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed that no ownership documents were found and a good faith effort has been made. For purposes of this section, “good faith effort” means that the following checks have been performed by the company to establish the prior state of registration and title:

(1) Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a state of possible

registration and title;

(2) Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;

(3) Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and

(4) If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

4. If no ownership information is discovered, the director of revenue shall be notified in writing and title obtained in accordance with subsection 7 of this section.

5. (1) The owner of the abandoned property removed pursuant to the provisions of section 304.155 or 304.157 or any person claiming a lien, other than the towing company, within ten days after the receipt of notification from the towing company pursuant to subsection 1 of this section may file a petition in the associate circuit court in the county where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The director of revenue shall not be a party to such petition but a copy of the petition shall be served on the director of revenue who shall not issue title to such abandoned property pursuant to this section until the petition is finally decided.

(2) Upon filing of a petition in the associate circuit court, the owner or lienholder may have the abandoned property released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing and storage to ensure the payment of such charges in the event he does not prevail. Upon the posting of the bond and the payment of the

applicable fees, the court shall issue an order notifying the towing company of the posting of the bond and directing the towing company to release the abandoned property. At the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt to the towing company reciting any claims for loss or damage to the abandoned property or the contents thereof.

(3) Upon determining the respective rights of the parties, the final order of the court shall provide for immediate payment in full of recovery, towing, and storage fees by the abandoned property owner or lienholder or the owner, lessee, or agent thereof of the real property from which the abandoned property was removed.

6. A towing and storage lien shall be enforced as provided in subsection 7 of this section.

7. Thirty days after the notification form has been mailed to the abandoned property owner and holder of a security agreement and the property is unredeemed and no satisfactory arrangement has been made with the lienholder in possession for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in subsection 5 of this section, the lienholder in possession may apply to the director of revenue for a certificate. The application for title shall be accompanied by:

(1) An affidavit from the lienholder in possession that he has been in possession of the abandoned property for at least thirty days and the owner of the abandoned property or holder of a security agreement has not made arrangements for payment of towing and storage charges;

(2) An affidavit that the lienholder in possession has not been notified of any application for hearing as provided in this section;

(3) A copy of the abandoned property report or crime inquiry and inspection report;

(4) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and lienholder of record was sent a notice as required in

this section; and

(5) A copy of the envelope or mailing container showing the address and postal markings indicating that the notice was “not forwardable” or “address unknown”.

8. If notice to the owner and holder of a security agreement has been returned marked “not forwardable” or “addressee unknown”, the lienholder in possession shall comply with subsection 3 of this section.

9. Any municipality or county may adopt an ordinance regulating the removal and sale of abandoned property provided such ordinance is consistent with sections 304.155 to 304.158, **and, for a home rule city with more than four hundred thousand inhabitants and located in more than one county, includes the following provisions:**

(1) That the department of revenue records must be searched to determine the registered owner or lienholder of the abandoned property;

(2) That if a registered owner or lienholder is disclosed in the records, that the owner and lienholder or owner or lienholder are mailed a notice, by U.S. mail, advising of the towing and impoundment;

(3) That if the vehicle is older than six years and more than fifty percent damaged by collision, fire, or decay, and is valued at less than two hundred dollars, it must be held no less than ten days before being sold to a licensed salvage or scrap business;

(4) That all other vehicles must be held no less than thirty days before they may be sold.

10. Any municipality or county which has physical possession of the abandoned property and which sells abandoned property in accordance with a local ordinance may transfer ownership by means of a bill of sale signed by the municipal or county clerk or deputy and sealed with the official municipal or county seal. Such bill of sale shall contain the make and model of the abandoned

property, the complete abandoned property identification number and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of section 301.218, RSMo, or section 301.560, RSMo, or for any other person. Any dealer or other person purchasing such property from a municipality or county shall apply within thirty days of purchase for a certificate. Anyone convicted of a violation of this section shall be guilty of an infraction.

11. Any persons who have towed abandoned property prior to August 28, 1996, may, until January 1, 2000, apply to the department of revenue for a certificate. The application shall be accompanied by:

(1) A notarized affidavit explaining the circumstances by which the abandoned property came into their possession, including the name of the owner or possessor of real property from which the abandoned property was removed;

(2) The date of the removal;

(3) The current location of the abandoned property;

(4) An inspection of the abandoned property as prescribed by the director; and

(5) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest of record and a copy of the certified mail receipt.

12. If the director is satisfied with the genuineness of the application and supporting documents submitted pursuant to this section, the director shall issue one of the following:

(1) An original certificate of title if the vehicle owner has obtained a vehicle examination certificate as provided in section 301.190, RSMo, which indicates that the vehicle was not previously in a salvaged condition or rebuilt;

(2) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190, RSMo, indicates the vehicle was previously in a salvage condition or

rebuilt;

(3) A salvage certificate of title designated with the words “salvage/abandoned property” or junking certificate based on the condition of the abandoned property as stated in the abandoned property report or crime inquiry and inspection report;

(4) Notwithstanding the provisions of section 301.573, RSMo, to the contrary, if satisfied with the genuineness of the application and supporting documents, the director shall issue an original title to abandoned property previously issued a salvage title as provided in this section, if the vehicle examination certificate as provided in section 301.190, RSMo, does not indicate the abandoned property was previously in a salvage condition or rebuilt.

13. If abandoned property is insured and the insurer of property regards the property as a total loss and the insurer satisfies a claim by the owner for the property, then the insurer or lienholder shall claim and remove the property from the storage facility or make arrangements to transfer the title, and such transfer of title subject to agreement shall be in complete satisfaction of all claims for towing and storage, to the towing company or storage facility. The owner of the abandoned vehicle, lienholder or insurer, to the extent the vehicle owner's insurance policy covers towing and storage charges, shall pay reasonable fees assessed by the towing company and storage facility. The property shall be claimed and removed or title transferred to the towing company or storage facility within thirty days of the date that the insurer paid a claim for the total loss of the property or is notified as to the location of the abandoned property, whichever is the later event. Upon request, the insurer of the property shall supply the towing company and storage facility with the name, address and phone number of the insurance company and of the insured and with a statement regarding which party is responsible for the payment of towing and storage charges under the insurance policy.”; and

Further amend the title and enacting clause

accordingly.

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

Senator Dougherty offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 157, Section 302.760, Line 10, by inserting immediately after said line the following:

“304.031. 1. As used in this section, "Traffic Signal Preemption System (TSPS)" shall mean a traffic-control system designated for use by emergency vehicles, as defined in section 304.031, to improve traffic movement by temporarily controlling signalized intersections.

2. The owner of a traffic control signal may authorize use of a TSPS by the following persons for the following purposes:

(1) An authorized operator in an authorized emergency vehicle, in order to improve the safety and efficiency of emergency response operations;

(2) An authorized operator in a bus, in order to interrupt the cycle of the traffic control signal in such a way as to keep the green light showing for longer than it otherwise would;

(3) An authorized operator in a traffic signal maintenance vehicle, in order to facilitate traffic signal maintenance activities.

3. A TSPS used by an authorized person in an emergency vehicle shall preempt and override a device operated by any other person.

4. A traffic control signal operating device used as authorized under this section must operate in such a way that the device does not continue to control the signal once the vehicle containing the device has arrived at the intersection, regardless of whether the vehicle remains at the intersection.

5. It shall be unlawful for any person not approved herein to use a TSPS to control

traffic.

6. Violation of this section shall be deemed a class B misdemeanor.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 84, Section 301.2999, Line 7, by inserting immediately after said line the following:

“301.3079. 1. Any person, after an annual payment of an emblem-use authorization fee to the Missouri Farm Bureau, may receive special license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The Missouri Farm Bureau hereby authorizes the use of the Missouri “Agriculture in the Classroom” official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. All monies received by the Missouri Farm Bureau pursuant to this section shall be used solely to fund Missouri’s Agriculture in the Classroom program and to further the mission of such program. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Missouri Farm Bureau, the Missouri Farm Bureau shall issue to the vehicle owner, without further charge, an “emblem-use authorization statement”, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen

dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the Missouri Agriculture in the Classroom program and the words “AG IN THE CLASSROOM” in place of the words “SHOW-ME STATE”. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner who was previously issued a plate with an emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear such emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 10, Section 301.010, Line 25-26, of said page, by striking the following: “six hundred” and inserting in lieu thereof the following: “**one thousand**”; and further amend line 28 of said page, by inserting after “operator” the following: “**or with a seat designed to carry**

more than one person”; and

Further amend said bill, Page 157, Section 302.760, Line 10 of said page, by inserting after all of said line the following:

“304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010, RSMo, upon the highways of this state, except as follows:

(1) All-terrain vehicles owned and operated by a governmental entity for official use;

(2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;

(3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;

(4) Governing bodies of cities may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(5) Governing bodies of counties may issue special permits to licensed drivers for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate an off-road vehicle within any stream or river in this state, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers

shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

4. No persons shall operate an all-terrain vehicle:

(1) In any careless way so as to endanger the person or property of another;

(2) While under the influence of alcohol or any controlled substance;

(3) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age.

5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. **The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one person.**

6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 170, Section 304.157, Line 28, by inserting immediately after said line the following:

“307.100. 1. Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in section 304.022, RSMo, [and] on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship, **and on commercial passenger transport vehicles or railroad passenger cars that are stopped to load or unload passengers**, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

2. Notwithstanding the provisions of section 307.120, violation of this section is an infraction.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 157, Section 302.760, Line 10, by inserting immediately thereafter the following:

“304.029. 1. Notwithstanding any other law to the contrary, a low-speed vehicle may be operated upon a highway in the state if it meets the requirements of this section. Every person operating a low-speed vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other motor vehicle except as to the special regulations in this section and except as to those provisions which by their nature can have no application.

2. The operator of a low-speed vehicle shall observe all traffic laws and local ordinances regarding the rules of the road. A low-speed vehicle shall not be operated on a street or a highway with a posted speed limit greater than thirty-five miles per hour. The provisions of this subsection shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five miles per hour.

3. A low-speed vehicle shall be exempt from the requirements of sections 307.350 to 307.402, RSMo, for purposes of titling and registration. Low-speed vehicles shall comply with the standards in 49 C.F.R. 571.500, as amended.

4. Every operator of a low-speed vehicle shall maintain financial responsibility on such low-speed vehicle as required by chapter 303, RSMo, if the low-speed vehicle is to be operated upon the highways of this state.

5. Each person operating a low-speed vehicle on a highway in this state shall possess a valid driver's license issued pursuant to chapter 302, RSMo.

6. For purposes of this section a "low-speed vehicle" shall have the meaning ascribed to it in 49 C.F.R., section 571.3, as amended.

7. All low-speed vehicles shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500, as amended.

8. Nothing in this section shall prevent county or municipal governments from adopting more stringent local ordinances governing low-speed vehicle operation if the governing body of the county or municipality determines that such ordinances are necessary in the interest of public safety. The department of transportation may prohibit the operation of low-speed vehicles on any highway under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.”; and

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 173, Section 390.136, Line 13, of said page, by inserting after all of said line the following:

“407.1200. As used in sections 407.1200 to 407.1227, the following terms shall mean:

(1) “Administrator”, the person who is responsible for the administration of the service contracts or the service contracts plan and who is responsible for any filings required by sections 407.1200 to 407.1227;

(2) “Consumer”, a natural person who buys other than for purposes of resale any motor vehicle that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or research purposes;

(3) “Director”, the director of the department of insurance;

(4) “Maintenance agreement”, a contract of limited duration that provides for scheduled maintenance only;

(5) “Manufacturer”, a person that:

(a) Manufactures or produces the property and sells the property under its own name or label;

(b) Is a wholly owned subsidiary of the person who manufactures or produces the property;

(c) Is a corporation which owns one hundred percent of the person who manufactures or produces the property;

(d) Does not manufacture or produce the property, but the property is sold under its trade name label;

(e) Manufactures or produces the property and the property is sold under the trade name or label of another person; or

(f) Does not manufacture or produce the property but, pursuant to a written contract, licenses the use of its trade name or label to another person that sells the property under the licensor's trade name or label;

(6) “Mechanical breakdown insurance”, a policy, contract, or agreement issued by an authorized insurer that provides for the repair, replacement, or maintenance of a motor vehicle or indemnification for repair, replacement, or service, for the operational or structural failure of a motor vehicle due to a defect in materials or workmanship;

(7) “Motor vehicle extended service contract” or “service contract”, a contract or agreement for a separately stated consideration or for a specific duration to perform the repair, replacement, or maintenance of a motor vehicle or indemnification for repair, replacement, or maintenance, for the operational or structural failure due to a defect in materials, workmanship, or normal wear and tear, with or without additional provision for incidental payment of indemnity under limited

circumstances, including, but not limited to, towing, rental, and emergency road service, but does not include mechanical breakdown insurance or maintenance agreements;

(8) “Non-original manufacturer's parts”, replacement parts not made for or by the original manufacturer of the property, commonly referred to as “after market parts”;

(9) “Person”, an individual, partnership, corporation, incorporated or unincorporated association, joint stock company, reciprocal, syndicate, or any similar entity or combination of entities acting in concert;

(10) “Premium”, the consideration paid to an insurer for a reimbursement insurance policy;

(11) “Provider”, a person who administers, issues, makes, provides, sells, or offers to sell a motor vehicle extended service contract, or who is contractually obligated to provide service under a motor vehicle extended service contract such as sellers, administrators, and other intermediaries;

(12) “Provider fee”, the consideration paid for a service contract in excess of the premium;

(13) “Reimbursement insurance policy”, a policy of insurance issued to a provider and pursuant to which the insurer agrees, for the benefit of the service contract holders, to discharge all of the obligations and liabilities of the provider under the terms of the service contracts in the event of non-performance by the provider. All obligations and liabilities include, but are not limited to, failure of the provider to perform under the service contract and the return of the unearned provider fee in the event of the provider's unwillingness or inability to reimburse the unearned provider fee in the event of termination of a service contract;

(14) “Service contract holder” or “contract holder”, a person who is the purchaser or holder of a services contract;

(15) “Warranty”, a warranty made solely

by the manufacturer, importer, or seller of property or services without charge, that is not negotiated or separated from the sale of the product and is incidental to the sale of the product, that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.

407.1203. 1. Service contracts shall not be issued, sold, or offered for sale in this state unless the administrator or its designee has:

(1) Provided a receipt for the purchase of the service contract to the contract holder at the date of purchase;

(2) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase; and

(3) Complied with the provisions of sections 407.1200 to 407.1227.

2. All administrators of service contracts sold in this state shall file a registration with the director on a form, at a fee and at a frequency prescribed by the director.

3. In order to assure the faithful performance of a provider's obligations to its contract holders, each provider who is contractually obligated to provide service under a service contract shall:

(1) Insure all service contracts under a reimbursement insurance policy issued by an insurer authorized to transact insurance in this state; or

(2) (a) Maintain a funded reserve account for its obligation under its contracts issued and outstanding in this state. The reserves shall not be less than forty percent of gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts. The reserve account shall be subject to examination and review by the director; and

(b) Place in trust with the director a

financial security deposit, having a value of not less than five percent of the gross consideration received, less claims paid, on the sale of the service contract for all service contracts issued and in force, but not less than twenty-five thousand dollars, consisting of one of the following:

a. A surety bond issued by an authorized surety;

b. Securities of the type eligible for deposit by authorized insurers in this state;

c. Cash;

d. A letter of credit issued by a qualified financial institution; or

e. Another form of security prescribed by regulations issued by the director; or

(3) (a) Maintain a net worth of one hundred million dollars; and

(b) Upon request, provide the director with a copy of the provider's or, if the provider's financial statements are consolidated with those of its parent company, the provider's parent company's most recent Form 10-K filed with the Securities and Exchange Commission (SEC) within the last calendar year, or if the company does not file with the SEC, a copy of the company's audited financial statements, which shows a net worth of the provider or its parent company of at least one hundred million dollars. If the provider's parent company's Form 10-K or audited financial statements are filed to meet the provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the obligor relating to service contracts sold by the provider in this state.

4. Provider fees collected on service contracts shall not be subject to premium taxes. Premiums for reimbursement insurance policies shall be subject to applicable premium taxes.

5. Except for the registration requirement in subsection 2 of this section, persons marketing, selling, or offering to sell service

contracts for providers that comply with sections 407.1200 to 407.1227 are exempt from this state's licensing requirements.

6. Providers complying with the provisions of sections 407.1200 to 407.1227 are not required to comply with other provisions of chapters 374 or 375, or any other provisions governing insurance companies.

407.1206. Reimbursement insurance policies insuring service contracts issued, sold, or offered for sale in this state shall conspicuously state that, upon failure of the provider to perform under the contract, such as failure to return the unearned provider fee, the insurer that issued the policy shall pay on behalf of the provider any sums the provider is legally obligated to pay or shall provide the service which the provider is legally obligated to perform according to the provider's contractual obligations under the service contracts issued or sold by the provider.

407.1209. 1. Service contracts issued, sold, or offered for sale in this state shall be written in clear, understandable language and the entire contract shall be printed or typed in easy to read ten point type or larger and conspicuously disclose the requirements in this section, as applicable.

2. Service contracts insured under a reimbursement insurance policy pursuant to subsection 3 of section 407.1203 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are guaranteed under a service contract reimbursement insurance policy. If the provider fails to pay or provide service on a claim within sixty days after proof of loss has been filed, the contract holder is entitled to make a claim directly against the insurance company." A claim against the provider shall also include a claim for return of the unearned provider fee. The service contract shall also conspicuously state the name and address of the insurer.

3. Service contracts not insured under a

reimbursement insurance policy pursuant to subsection 3 of section 407.1203 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are backed only by the full faith and credit of the provider (insurer) and are not guaranteed under a service contract requirement insurance policy." A claim against the provider shall also include a claim for return of the unearned provider fee. The service contract shall also conspicuously state the name and address of the provider.

4. Service contracts shall identify any administrator, the provider obligated to perform the service under the contract, the service contract seller, and the service contract holder to the extent that the name and address of the service contract holder has been furnished by the service contract holder.

5. Service contracts shall conspicuously state the total purchase price and the terms under which the service contract is sold. The purchase price is not required to be pre-printed on the service contract and may be negotiated at the time of sale with the service contract holder.

6. If prior approval of repair work is required, the service contracts shall conspicuously state the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service and a procedure for obtaining emergency repairs performed outside of normal business hours.

7. Service contracts shall conspicuously state the existence of any deductible amount.

8. Service contracts shall specify the merchandise and services to be provided and any limitations, exceptions, and exclusions.

9. Service contracts shall state the conditions upon which the use of non-original manufacturer's parts, or substitute service, may be allowed. Conditions stated shall comply with applicable state and federal laws.

10. Service contracts shall state any terms,

restrictions, or conditions governing the transferability of the service contract.

11. Service contracts shall state the terms, restrictions, or conditions governing termination of the service contract by the service contract holder. The provider of the service contract shall mail a written notice to the contract holder within fifteen days of the date of termination.

12. Service contracts shall require every provider to permit the service contract holder to return the contract within at least fifteen business days if the service contract is delivered at the time of sale or within a longer time period permitted under the contract. If no claim has been made under the contract, the contract is void and the provider shall refund to the contract holder the full purchase price of the contract. A ten percent penalty per month shall be added to a refund that is not paid within thirty days of return of the contract to the provider. The applicable free-look time periods on service contracts shall only apply to the original service contract purchaser.

13. Service contracts shall set forth all of the obligations and duties of the service contract holder, such as the duty to protect against any further damage and the requirement for certain service and maintenance.

14. Service contracts shall clearly state whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

407.1212. 1. A provider shall not use in its name the words insurance, casualty, guaranty, surety, mutual, or any other words descriptive of the insurance, casualty, guaranty, or surety business; or a name deceptively similar to the name or description of any insurance or surety corporation, or any other provider. This section shall not apply to a company that was using any of the prohibited language in its name prior to August 28, 2003. However, a company using the prohibited language in its name shall conspicuously disclose in its service contract the

following statement: "This agreement is not an insurance contract."

2. A provider or its representative shall not in its service contracts or literature make, permit, or cause to be made any false or misleading statement, or deliberately omit any material statement that would be considered misleading if omitted, in connection with the sale, offer to sell or advertisement of a service contract.

3. A person, such as a bank, savings and loan association, lending institution, manufacturer or seller of any product, shall not require the purchase of a service contract as a condition of a loan or a condition for the sale of any property.

407.1215. 1. An administrator, provider, or other intermediary shall keep accurate accounts, books, and records concerning transactions regulated by sections 407.1200 to 407.1227.

2. An administrator's, provider's, or other intermediary's accounts, books, and records shall include:

(1) Copies of each type of service contract issued;

(2) The name and address of each service contract holder to the extent that the name and address have been furnished by the service contract holder;

(3) A list of the provider locations where service contracts are marketed, sold, or offered for sale; and

(4) Claims files which shall contain at least the dates, amounts, and description of all receipts, claims, and expenditures related to the service contracts.

3. Except as provided in this section, an administrator shall retain all records pertaining to each service contract holder for at least three years after the specified period of coverage has expired.

4. An administrator, provider, or other

intermediary may keep all records required pursuant to sections 407.1200 to 407.1227 on a computer disk or other similar technology. If an administrator maintains records in other than hard copy, records shall be accessible from a computer terminal available to the director and be capable of duplication to legible hard copy.

5. An administrator, provider, or other intermediary discontinuing business in this state shall maintain its records until it furnishes the commissioner satisfactory proof that it has discharged all obligations to contract holders in this state.

6. An administrator, provider, or other intermediary shall make all accounts, books, and records concerning transactions regulations pursuant to sections 407.1200 to 407.1227 or other pertinent laws available to the director upon request.

407.1218. As applicable, an insurer that issued a reimbursement insurance policy shall not terminate the policy until a notice of termination, in a form and time frame prescribed by the director, has been mailed or delivered to the director. The termination of a reimbursement insurance policy shall not reduce the issuer's responsibility for service contracts issued by providers prior to the date of the termination.

407.1221. 1. Providers are considered to be the agent of the insurer which issued the reimbursement insurance policy. In cases where a provider is acting as an administrator and enlists other providers, the provider acting as the administrator shall notify the insurer of the existence and identities of the other providers.

2. The provisions of sections 407.1200 to 407.1227 shall not prevent or limit the right of an insurer which issued a reimbursement insurance policy to seek indemnification or subrogation against a provider if the insurer pays or is obligated to pay the service contract holder sums that the provider was obligated to pay pursuant to the provisions of the service contract or under a contractual agreement.

407.1224. 1. The director may conduct investigations or examinations of providers, administrators, insurers, or other persons to enforce the provisions of sections 407.1200 to 407.1227 and protect service contract holders in this state.

2. The director may take action which is necessary or appropriate to enforce the provisions of sections 407.1200 to 407.1227 and the director's regulations and orders, and to protect service contract holders in this state.

3. The director may order a service contract provider to cease and desist from committing violations of sections 407.1200 to 407.1227 or the director's regulations or orders, may issue an order prohibiting a service contract provider from selling or offering for sale service contracts, or may issue an order imposing a civil penalty, or any combination of these, if the provider has violated the provisions of sections 407.1200 to 407.1227 or the director's regulations or orders.

4. A person aggrieved by an order pursuant to this section may request a hearing before the director. The hearing request shall be filed with the director within twenty days of the date the director's order is effective.

5. Pending the hearing and the decision by the director, the director shall suspend the effective date of the order. At the hearing, the burden shall be on the director to show why the order issued pursuant to this section is justified. Such hearing shall be held in accordance with the provisions of chapter 536, RSMo.

6. The director may bring an action in the circuit court of Cole county for an injunction or other appropriate relief to enjoin threatened or existing violations of sections 407.1200 to 407.1227 or of the director's orders or regulations. An action filed pursuant to this section may also seek restitution on behalf of persons aggrieved by a violation of sections 407.1200 to 407.1227 or orders or regulations of the director.

7. A person in violation of sections 407.1200 to 407.1227 or orders or regulation of the director may be assessed a civil penalty not to exceed one thousand dollars per violation.

8. The authority of the director pursuant to this section is in addition to other authority of the director.

407.1225. The director may promulgate rules to effectuate sections 407.1200 to 407.1224. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

407.1227. 1. The provisions of sections 407.1200 to 407.1224 shall not apply to:

- (1) Warranties;**
- (2) Maintenance agreements;**
- (3) Commercial transactions; and**
- (4) Service contracts sold or offered for sale to persons other than consumers.**

2. Manufacturer's contracts on the manufacturer's products need only comply with the provisions of sections 407.1209, 407.1212, and 407.1224.”; and

Further amend said bill, Page 180, Section B, Line 4 of said page, by inserting after all of said line the following:

“Section C. The enactment of sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, of this act shall become effective January 1, 2007.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan offered **SA 13:**

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 10, Section 21.795, Line 18, by inserting after all of said line the following:

“67.1800. As used in sections 67.1800 to 67.1822, the following terms mean:

(1) “Airport”, Lambert-St. Louis International Airport and any other airport located within the district and designated by a chief executive;

(2) “Airport authority”, an entity established by city ordinance regarding governance of the airport with representatives appointed by the chief executives of the city, county, and other approximate counties within the region;

(3) “Airport taxicab”, a taxicab which picks up passengers for hire at the airport, transports them to places they designate by no regular specific route, and the charge is made on the basis of distance traveled as indicated by the taximeter;

(4) “Chief executive”, the mayor of the city and the county executive of the county;

(5) “City”, a city not within a county;

(6) “Commission”, the regional taxicab commission created in section 67.1804;

(7) “County”, a county with a charter form of government and with more than one million inhabitants;

(8) “District”, the geographical area encompassed by the regional taxicab commission;

(9) “Driver”, an individual operator of a motor vehicle and may be an employee or independent contractor;

(10) “Hotel and restaurant industry”, the group of enterprises actively engaged in the business of operating lodging and dining facilities for transient

guests;

(11) "Municipality", a city, town, or village which has been incorporated in accordance with the laws of the state of Missouri;

(12) "On-call/reserve taxicab", any motor vehicle or nonmotorized carriage engaged in the business of carrying persons for hire on the streets of the district, whether the same is hailed on the streets by a passenger or is operated from a street stand, from a garage on a regular route, or between fixed termini on a schedule, and where no regular or specific route is traveled, passengers are taken to and from such places as they designate, and the charge is made on the basis of distance traveled as indicated by a taximeter;

(13) "Premium sedan", any motor vehicle engaged in the business of carrying persons for hire on the streets of the district which seats a total of five or less passengers in addition to a driver and which carries in each vehicle a manifest or trip ticket containing the name and pickup address of the passenger or passengers who have arranged for the use of the vehicle, and the charge is a prearranged fixed contract price quoted for transportation between termini selected by the passenger;

(14) "Taxicab", airport taxicabs, on-call/reserve taxicabs and premium sedans referred to collectively as taxicabs **as well as well as any motor vehicle used to engage in the principal business of transporting persons to and from various locations within the city or county for hire and any motor vehicle transporting persons to and from airports within the city or county where such transportation is not the primary business of the person providing such transport and the compensation for such transportation is made directly or indirectly;**

(15) "Taxicab company", the use of one or more taxicabs operated as a business carrying persons for hire;

(16) "Taximeter", a meter instrument or device attached to an on-call taxicab or airport

taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based;

(17) "Central Repository", the Missouri state highway patrol criminal records division for compiling and disseminating complete and accurate criminal history records;

(18) "Criminal history record information", information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising there from sentencing, correctional supervision and release.

67.1818. The commission shall establish as part of the taxicab code its own internal, administrative procedure for decisions involving the granting, denying, suspending, or revoking of licenses, **or the imposition of administrative penalties not to exceed two hundred dollars, and shall develop a schedule of penalties which shall be available to the public and provided to all owners and operators of taxicabs.** The commission shall study and take into account rate and fee structures as well as the number of existing taxicab licenses within the district in considering new applications for such licenses. The internal procedures set forth in the taxicab code shall allow appeals from license-related decisions to be conducted by independent hearing officers."; and

Further amend said bill, page 179, section 622.095, line 8, of said page, by inserting after all of said line the following:

"Section 1. 1. The commission with the passage of a taxicab code shall request a Missouri criminal record review pursuant to section 43.535, RSMo, for a prospective or current driver from the central repository by furnishing information on forms and in the manner approved by the highway patrol.

2. The prospective or current driver shall submit two sets of fingerprints to the Missouri state highway patrol, Missouri criminal records

repository, for the purpose of checking the person's criminal history. The first set of fingerprints shall be used to search the Missouri criminal records repository and the second set shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files.

3. The prospective or current driver shall pay the appropriate fee to the state central repository payable to the criminal record system fund and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when applying for or renewing a license.

4. Any criminal history information received by the commission pursuant to the provisions of this section shall be used solely for the internal purposes of the commission in determining the suitability of the prospective or current driver. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized or related governmental entity is prohibited. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 10, Section 21.795, Line 18, by inserting immediately thereafter the following:

“67.1808. The regional taxicab commission is empowered to:

(1) Develop and implement plans, policies, and programs to improve the quality of taxicab service within the district;

(2) Cooperate and collaborate with the hotel

and restaurant industry to:

(a) Restrict the activities of those doormen employed by hotels and restaurants who accept payment from taxicab drivers or taxicab companies in exchange for the doormen's assistance in obtaining passengers for such taxicab drivers and companies; and

(b) Obtain the adherence of hotel shuttle vehicles to the requirement that they operate solely on scheduled trips between fixed termini and shall have authority to create guidelines for hotel and commercial shuttles;

(3) Cooperate and collaborate with other governmental entities, including the government of the United States, this state, and political subdivisions of this and other states;

(4) Cooperate and collaborate with governmental entities whose boundaries adjoin those of the district to assure that any taxicab or taxicab company neither licensed by the commission nor officed within its boundaries shall nonetheless be subject to those aspects of the taxicab code applicable to taxicabs operating within the district's boundaries;

(5) Contract with any public or private agency, individual, partnership, association, corporation or other entity, consistent with law, for the provision of services necessary to improve the quality of taxicab service within the district;

(6) Accept grants and donations from public or private entities for the purpose of improving the quality of taxicab service within the district;

(7) Execute contracts, sue, and be sued;

(8) Adopt a taxicab code to license and regulate taxicab companies and individual taxicabs within the district consistent with existing ordinances, and to provide for the enforcement of such code for the purpose of improving the quality of taxicab service within the district;

(9) Collect reasonable fees in an amount sufficient to fund the commission's licensing, regulatory, inspection, and enforcement functions; except that, for the first year after the regional

taxicab commission's taxicab code becomes effective, any increase in fees shall not exceed twenty percent of the total fees collected and for subsequent years, the fees may be adjusted annually based on the rate of inflation according to the consumer price index; and

(10) Establish accounts with appropriate banking institutions, borrow money, buy, sell, or lease property for the necessary functions of the commission.

(11) **Require taxicabs to display special taxicab license plates as provided in Chapter 301 in order to operate within the district. If the commission revokes the taxicab license the commission may confiscate such license plates and return them to the director of revenue pursuant to section 1.3**"; and

Further amend said bill, section 622.095, page 179, line 8, by inserting immediately thereafter the following:

"Section 1. 1. Any such person required by the regional taxicab commission pursuant to section 67.1808 to obtain and display a special taxicab license plate shall make application for such license plates on a form prescribed by the director of revenue.

2. Upon application and payment of the same fee as required in section 301.144, in addition to the regular registration fees and documents as required by law the director of revenue shall issue special taxicab license plates that display the word "TAXICAB" in place of the words "SHOW-ME STATE".

3. If the regional taxicab commission revokes the taxicab license authorizing the taxicab to be operated within the district, the licensee or owner shall immediately surrender the special taxicab license plates to the director of revenue and obtain new license plates as otherwise provided by law. If the licensee or owner fails to surrender the special taxicab license plate the regional taxicab commission has the authority to confiscate such plates and return them to the director of revenue.

4. The director of the department of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

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

Senator Bland offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 84, Section 301.2999, Line 7, of said page, by inserting after all of said line the following:

"301.3074. 1. Any member of the National Association for the Advancement of Colored People, after an annual payment of an emblem-use authorization fee to any branch office of the National Association for the Advancement of Colored People located within Missouri, may receive special license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a

commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The National Association for the Advancement of Colored People hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Association for the Advancement of Colored People derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Association for the Advancement of Colored People. Any member of the National Association for the Advancement of Colored People may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to any branch office of the National Association for the Advancement of Colored People located within Missouri, the National Association for the Advancement of Colored People shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the National Association for the Advancement of Colored People and the letters "NAACP" in place of the words SHOW-ME STATE. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates

pursuant to this section.

3. A vehicle owner who was previously issued a plate with the National Association for the Advancement of Colored People emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Association for the Advancement of Colored People emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Days offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 179, Section 622.095, Line 8, by inserting immediately after all of said line the following new section to read as follows:

“Section 1. No motor vehicle driver shall be convicted of any traffic violation if there is evidence that TSPS has been used by a government official to improperly change the sequence of the traffic signals.”; and

Further amend the title and enacting clause accordingly.

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

Senator Shields offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 173, Section 390.126, Line 13, by inserting after all of said line the following:

“577.010. 1. A person commits the crime of “driving while intoxicated” if he operates a motor vehicle while in an intoxicated or drugged condition.

2. Driving while intoxicated is for the first offense, a class [B] A misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years.

577.012. 1. A person commits the crime of “driving with excessive blood alcohol content” if such person operates a motor vehicle in this state with eight-hundredths of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. For the first offense, driving with excessive blood alcohol content is a class [B] A misdemeanor.

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

(1) An “intoxication-related traffic offense” is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (3) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in

writing;

(2) A “persistent offender” is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses[, where such two or more offenses occurred within ten years of the occurrence of the intoxication-related traffic offense for which the person is charged];

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

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

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

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

4. No court shall suspend the imposition of sentence as to a prior or persistent offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or

probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court.

5. The court shall find the defendant to be a prior offender or persistent offender, if:

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

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender or persistent offender; and

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

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

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

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

9. The defendant may waive proof of the facts alleged.

10. Nothing in this section shall prevent the use of presentence investigations or commitments.

11. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

12. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

13. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a

finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior offenders or persistent offenders.

14. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A conviction of a violation of a municipal or county ordinance in a county or municipal court for driving while intoxicated or a conviction or a plea of guilty or a finding of guilty followed by a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in a state court shall be treated as a prior conviction.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Caskey raised the point of order that SA 17 is out of order as it goes beyond the scope and purpose of the original bill. The point of order was referred to the President Pro Tem.

At the request of Senator Shields, SA 17 was withdrawn rendering the point of order moot.

Senator Jacob offered SA 18, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 179, Section 622.095, Line 8, by inserting after the end of said line the following:

“Section 1. Notwithstanding any other provision of law, no person shall be permitted to knowingly transport or possess a concealable firearm in a motor vehicle without first obtaining a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo. A violation of this section shall constitute a class

B misdemeanor.”.

Senator Jacob moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 18** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Goode offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 170, Section 304.157, Line 28, by inserting immediately after said line the following:

“307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any portion of an area designated by the governor as a nonattainment area, as defined in the federal Clean Air Act, as amended, 42 U.S.C.A. Section 7501, and located within the area described in subsection 1 of section 643.305, RSMo, certain motor vehicles shall be tested and approved prior to sale or transfer and biennially thereafter to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. For such biennial testing, any such vehicle manufactured as an even-numbered model year vehicle shall be tested and approved in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be tested and approved in each odd-numbered calendar year. The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.

2. The provisions of this section shall not apply to:

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

(2) Motorcycles and motortricycles;

(3) Model year vehicles **manufactured twenty-six years or more** prior to [1971] **the current model year**;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area;

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

(8) Motor vehicles owned by a person who resides in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who has completed an emission inspection pursuant to section 643.315, RSMo.

Each official inspection station which conducts emissions inspections within the area referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

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

(a) With prior inspection and approval as

provided in subdivision (2) of this subsection; or

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

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to this section or by obtaining a waiver pursuant to subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

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

inspection shall be required pursuant to this section for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

4. A fee not to exceed twenty-four dollars may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

5. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

6. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for

verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

7. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

8. Each emissions inspection station located in the area described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

9. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

10. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution

control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

11. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

12. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, except where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo. In counties where such option is available, the emissions inspection may be conducted in stations conducting only an emissions inspection under contract to the state.

13. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor."; and

Further amend said bill, Page 179, Section 622.095, Line 8 of said page, by inserting after all of said line the following:

"643.315. 1. Except as provided in sections

643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, which may include all motor vehicles owned by residents of a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who have chosen to participate in such a program in lieu of the provisions of section 307.366, RSMo, shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall exceed the lesser of the following:

(1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or

(2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

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

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

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

(3) Model year vehicles **manufactured twenty-six years or more** prior to [1971] **the current model year**;

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

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

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

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

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

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

to 643.355 either:

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

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

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

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this

subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 158, Section 304.154, Line 19, of said page, by striking the word “commercial” and inserting in lieu thereof the following: “**business**”; and

Further amend said bill and section, Page 159, Line 1 of said page, by striking the following: “one million” and inserting in lieu thereof the following: “**five hundred thousand**”; and further amend Line 8 of said page, by striking the following: “Municipalities and”; and further amend Line 10 of said page, by inserting at the end of said line the following: “**Counties of the second, third, and fourth classification are exempt from the provisions of this section.**”.

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

Senator Jacob offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Pages 2-10, Section 21.795, Line 7, by striking all of said section, and further amend said bill, pages 112-118, sections 301.3150, 301.3152, 301.3154 by striking all of aforementioned sections; and

Further amend said bill, page 84, section 301.2999, line 1, by striking such bracket, and

further amend said bill, page, section, line 2, by inserting a “[” after the word “revenue” and further amend said bill, page, section, line 3, by inserting a bracket “]” after the word “plates” and further amend said bill, page, section, line 4, by striking the word “ten” and inserting in lieu thereof the following: “**two hundred**” and by striking the closing bracket “]”.

Senator Jacob moved that the above amendment be adopted.

Senator Dolan offered **SA 1 to SA 21**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 21

Amend Senate Amendment No. 21 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 1, by striking lines 11-13, and insert in lieu thereof the following “bracket, and further amend said bill, page, section, line 2 by inserting after the word ‘revenue’ the following ‘**a fee of up to five thousand dollars to defray the cost for issuing, developing and programming the implementation of the specialty plate.** [and further amend.”

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

SA 21, as amended, was again taken up.

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

Senator Dolan moved that **SS for SCS for SBs 1233, 840 and 1043**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS for SCS for SBs 1233, 840 and 1043**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SS for SS for SCS for SB 715, introduced by Senator Childers, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 715

An Act to repeal sections 48.020, 48.030, 49.272, 50.343, 50.550, 50.740, 64.215, 64.825, 67.402, 67.793, 67.799, 67.1706, 67.1754, 89.410, 115.124, 137.720, 190.044, 190.050, 190.051, 190.092, 190.094, 190.100, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.172, 190.175, 190.185, 190.196, 190.246, 190.248, 190.250, 190.300, 190.305, 190.310, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 190.525, 190.528, 190.531, 190.534, 190.537, 191.630, 191.631, 221.070, 229.340, 247.040, 250.140, 260.830, 260.831, 304.010, 321.130, 321.180, 321.552, 321.554, 321.556, 393.015, 393.760, 479.020, 488.447, 488.2275, 488.5026, 559.021, 589.400, 650.320, 650.330, 701.304, 701.308, 701.309, 701.311, 701.312, 701.320, 701.336, and 701.342, RSMo, and to enact in lieu thereof one hundred four new sections relating to counties, with penalty provisions, an emergency clause for certain sections, and an expiration date for a certain section.

Was taken up.

On motion of Senator Childers, **SS for SS for SCS for SB 715** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SCS for SB 988, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 988

An Act to repeal sections 260.200, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, and 260.342, RSMo, and to enact in lieu thereof nine new sections relating to scrap tires, with penalty provisions and an emergency clause.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SCS for SB 988** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Stoll	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland	Jacob	Quick—3
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Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
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Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Stoll
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Bland	Quick—2
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Absent with leave—Senators—None

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

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

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

Senator Wheeler moved that **SCS for SB 1212** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for SB 1212 was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Stoll	Stoll	Vogel
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill

was agreed to.

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

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

Senator Foster moved that **SCS for SBs 1085 and 800** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for SBs 1085 and 800 was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1215, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to subrogation rights of public entities.

Was called from the Consent Calendar and taken up.

SCS for SB 1215, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1215

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to subrogation rights of public entities.

Was taken up.

Senator Griesheimer moved that **SCS for SB 1215** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS for SB 1215** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senator Caskey—1

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 739**, as amended. Representatives: Myers, Sander, Bean, Bringer and Whorton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 798**, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to civil case surcharges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 822**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1246**, entitled:

An Act to repeal sections 331.010, 331.030, and 331.050, RSMo, and to enact in lieu thereof five new sections relating to chiropractors and their keeping of medical records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCS** for **HB 1422**, entitled:

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to dentists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1427**, entitled:

An Act to repeal sections 195.140 and 195.410, RSMo, and to enact in lieu thereof two new sections relating to forfeiture of controlled substances and drug paraphernalia, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1572**, entitled:

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof one new section relating to reciprocity of certification procedures for certain vendors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1622**, entitled:

An Act to repeal section 329.010, RSMo, and to enact in lieu thereof one new section relating to cosmetology.

In which the concurrence of the Senate is

respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 928**, entitled:

An Act to repeal section 302.178, RSMo, and to enact in lieu thereof one new section relating to intermediate driver's licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 970**, entitled:

An Act to repeal sections 332.171, 332.181, 332.261, 332.321, and 332.341, RSMo, and to enact in lieu thereof five new sections relating to dentists and dental hygienists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1123**, entitled:

An Act to repeal section 301.2999, RSMo, and to enact in lieu thereof one new section relating to specialized license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCS** for **HB 1201**, entitled:

An Act to repeal section 304.156, RSMo, and to enact in lieu thereof one new section relating to disposal of damaged vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1280**, entitled:

An Act to repeal sections 301.041, 390.136, 390.340, 622.095, and 622.618, RSMo, and to enact in lieu thereof three new sections relating to registration of commercial motor vehicles, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1284**, entitled:

An Act to repeal sections 301.010 and 301.217, RSMo, and to enact in lieu thereof two new sections relating to salvage motor vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1442**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1449**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1489**, entitled:

An Act to repeal sections 301.010 and 304.013, RSMo, and to enact in lieu thereof two new sections relating to operation of all-terrain vehicles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1508**, entitled:

An Act to repeal section 301.472, RSMo, and to enact in lieu thereof one new section relating to Kansas City Chiefs' license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HB 1575**, entitled:

An Act to repeal section 416.615, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 414, eighty-eighth general assembly, first regular session, and to reenact section 416.615, RSMo, as enacted by house committee substitute for senate bill no. 374, eighty-seventh general assembly, first regular session, and section 416.640 as repealed by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 414, eighty-eighth general assembly, first regular session, for the sole purpose of the republication of sections 416.615 and 416.640.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1362**, entitled:

An Act to repeal section 64.825, RSMo, and to enact in lieu thereof one new section relating to regulation of subdivisions in unincorporated areas.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1493**, entitled:

An Act to repeal sections 247.172 and 394.312, RSMo, and to enact in lieu thereof two new sections relating to electric territorial agreements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1407**, entitled:

An Act to amend chapter 479, RSMo, by adding thereto one new section relating to adjudication of certain municipal code violations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1633, regarding Larry G. Ficken, Knob Noster, which was adopted.

Senator Caskey offered Senate Resolution No. 1634, regarding Troy Burton, Butler, which was adopted.

Senator Caskey offered Senate Resolution No. 1635, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Ross Seelinger, Pleasant Hill, which was adopted.

Senator Stoll offered Senate Resolution No. 1636, regarding Garry Crow, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 1637, regarding Theresa Ponzar, Festus, which was adopted.

Senator Yeckel offered Senate Resolution No. 1638, regarding Angel Lynett Robinson, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 1639, regarding Kristin Standley, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 1640, regarding Julie Rich, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Earl Garrett, Carl Junction; Jenni Sexton, Lisa Keele, Mark Peron, Mica Henry, Annetta St. Clair and Mike Cavener, Joplin; and Vince Himmelsbach and Erin Trout, Neosho; Brendan Walker, Carthage; and Todd Rominger, Asbury.

Senator Kennedy introduced to the Senate, Robert Nemeth and Kenneth Stephens, St. Louis.

Senator Gibbons introduced to the Senate, Jennifer Miller, Kirkwood; and Jacob Herschend, Maryland Heights.

Senator Loudon introduced to the Senate, Dr. Steven Shields and his children, Marissa and Seth, Ballwin; and Marissa and Seth were made honorary pages.

Senator Quick introduced to the Senate, Karen Dolt, her daughter, Tricia Greathouse and her daughters Lexi, Payton and Josie; and Kayla Green, Lawson; and Lexi, Peyton and Kayla were made honorary pages.

Senator Klindt introduced to the Senate, Dereck Raines and Beth Boxley, Princeton.

Senator Vogel introduced to the Senate, Tawn Newton, Sherri Holland and thirty-five fourth grade students from Blair Oaks Elementary School, Wardsville.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Kristin Hahn-Cover, M.D., Columbia.

Senator Dougherty introduced to the Senate, students from Camp Wyman Camp Coca Cola Group, St. Louis.

Senator Loudon introduced to the Senate, his son, John William (Jack) Loudon, Jr., Ballwin; and Gene Grimshaw, Maryland Heights.

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

SENATE CALENDAR

 FORTY-FIFTH DAY—WEDNESDAY, MARCH 31, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 798	HCS for HB 1280
HB 822-Luetkemeyer, et al	HCS for HB 1284
HCS for HB 1246	HB 1442-Lipke, et al
HCS for HB 1422	HCS for HB 1449
HB 1427-Portwood	HB 1489-Barnitz, et al
HB 1572-St. Onge, et al	HB 1508-Baker
HB 1622-Wasson, et al	HB 1575-Mayer
HCS for HB 928	HB 1362-Hobbs, et al
HB 970-Portwood, et al	HB 1493-Emery, et al
HCS for HB 1123	HB 1407-Mayer and Villa
HCS for HB 1201	

THIRD READING OF SENATE BILLS

SS for SS for SCS for SB 1371-Kinder,
et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS	SB 1116-Stoll, with SCS
SJR 40-Stoll	SB 1355-Days
SB 817-Kennedy and Griesheimer, with SCS	SB 810-Klindt, with SCS
SB 1124-Goode and Steelman, with SCS	SB 728-Steelmann, with SCS
SB 1128-Cauthorn, with SCS	SB 1198-Russell, with SCA 1
SJR 24-Caskey and Bartle, with SCS	SB 1213-Steelmann and Gross, with SCS
SB 1370-Nodler	SB 1159-Foster and Dougherty
SJR 41-Kinder, et al, with SCS	SB 807-Loudon
SB 717-Childers	SB 1023-Griesheimer
SB 1183-Dolan, with SCS	SB 1166-Caskey
SB 1254-Klindt, with SCS	SB 1076-Caskey
SB 1171-Griesheimer, et al, with SCS	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 710-Goode and Bray, with SCS	SB 990-Loudon, with SCS
SBs 738 & 790-Loudon, with SCS	SBs 1069, 1068, 1025, 1005 & 1089-Gross and Griesheimer, with SCS, SS for SCS, SA 2 & SA 2 to SA 2 (pending)
SB 755-Shields, with SCS	SB 1138-Bartle
SB 809-Klindt, with SCS (pending)	SB 1180-Shields and Kinder, with SCS
SB 856-Loudon, with SCS	SB 1232-Clemens, et al, with SCS (pending)
SB 933-Yeckel, et al	
SB 989-Gross, et al, with SCS (pending)	

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending) (Bartle)	HCS for HB 1182, with SCS (Klindt)
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Unofficial
CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Journal
Reported 3/15

SB 1269-Yeckel, with SCS	SB 1247-Dougherty and Kennedy, with SCS (In Fiscal Oversight)
SB 1091-Klindt, with SCS	SB 983-Quick, with SCS
SB 1323-Shields	SB 842-Childers
SB 941-Coleman, with SCS	SB 1320-Kinder
SB 1189-Scott, with SCS	SB 1322-Mathewson
SB 1242-Wheeler	SB 972-Stoll, with SCS
SB 847-Bland	SB 1336-Kennedy and Dougherty, with SCS
SB 1311-Wheeler	SB 1287-Griesheimer, with SCS
SB 1195-Klindt, with SCS	SB 1365-Yeckel, et al, with SCS
SB 1066-Steelman, with SCS	SB 1285-Wheeler
SB 1265-Bartle, with SCS	
SB 1211-Wheeler	

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,
as amended

SB 739-Klindt, with HCS, as amended
HCS for HB 1014, with SCS, as amended (Russell)

RESOLUTIONS

Reported from Committee

SR 1451-Yeckel

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Unofficial

Journal

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