

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 104
94TH GENERAL ASSEMBLY

Reported from the Committee on Transportation April 17, 2007 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 104 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0317L.10C

AN ACT

To repeal sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 144.062, 301.010, 301.040, 301.130, 301.143, 301.144, 301.147, 301.221, 301.225, 301.229, 301.301, 301.550, 301.560, 301.640, 302.010, 302.272, 302.275, 302.304, 302.309, 302.321, 302.525, 302.545, 302.700, 302.720, 302.755, 302.775, 304.070, 304.170, 304.180, 304.230, 306.015, 306.016, 306.535, 307.100, 307.179, 307.365, 307.366, 311.326, 390.030, 390.071, 407.730, 407.732, 407.815, 577.051, 577.600, 577.602, 577.612, and 622.095, RSMo, and to enact in lieu thereof eighty-two new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

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

Section A. Sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.210,
2 43.220, 144.062, 301.010, 301.040, 301.130, 301.143, 301.144, 301.147, 301.221, 301.225,
3 301.229, 301.301, 301.550, 301.560, 301.640, 302.010, 302.272, 302.275, 302.304, 302.309,
4 302.321, 302.525, 302.545, 302.700, 302.720, 302.755, 302.775, 304.070, 304.170, 304.180,
5 304.230, 306.015, 306.016, 306.535, 307.100, 307.179, 307.365, 307.366, 311.326, 390.030,
6 390.071, 407.730, 407.732, 407.815, 577.051, 577.600, 577.602, 577.612, and 622.095, RSMo,
7 are repealed and eighty-two new sections enacted in lieu thereof, to be known as sections 43.010,
8 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 142.814, 142.817, 144.062,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 227.295, 301.007, 301.010, 301.029, 301.040, 301.130, 301.143, 301.144, 301.147, 301.221,
 10 301.225, 301.229, 301.301, 301.550, 301.560, 301.569, 301.640, 302.010, 302.063, 302.272,
 11 302.275, 302.304, 302.305, 302.309, 302.321, 302.525, 302.545, 302.700, 302.720, 302.755,
 12 302.775, 304.032, 304.070, 304.170, 304.180, 304.230, 304.284, 306.015, 306.016, 306.535,
 13 307.100, 307.179, 307.365, 307.366, 311.326, 385.400, 385.403, 385.406, 385.409, 385.412,
 14 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433, 385.436, 387.075, 390.021,
 15 390.030, 390.372, 407.730, 407.732, 407.815, 577.051, 577.600, 577.602, 577.612, and 1, to
 16 read as follows:

43.010. As used in this chapter, the following terms shall have the meanings indicated:

- 2 (1) ["Commission", the Missouri state highways and transportation commission;
- 3 (2) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains,
- 4 director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway
- 5 patrol;
- 6 [(3)] (2) "MULES", Missouri uniform law enforcement system, a
- 7 statewide-computerized communications system provided by the patrol designed to provide
- 8 services, information, and capabilities to the law enforcement and criminal justice community
- 9 in the state of Missouri;
- 10 [(4)] (3) "Patrol", the Missouri state highway patrol;
- 11 [(5)] (4) "Peace officers", sheriffs, police officers and other peace officers of this state;
- 12 [(6)] (5) "Radio personnel", those employees of the patrol engaged in the construction,
- 13 operation, and maintenance of the patrol radio system.

43.030. 1. The superintendent of the Missouri state highway patrol shall be appointed
 2 by the governor by and with the advice and consent of the senate. The superintendent shall hold
 3 office at the pleasure of the governor. The superintendent shall be a citizen of the United States
 4 and a resident taxpaying citizen of this state for a period of three years previous to being
 5 appointed as superintendent and shall be at least thirty years of age. The superintendent shall
 6 maintain an office [and reside] in Jefferson City.

- 7 2. The superintendent of the Missouri state highway patrol shall:
- 8 (1) Have command of the patrol and perform all duties imposed on the superintendent
- 9 and exercise all of the powers and authority conferred upon the superintendent by the provisions
- 10 of this chapter and the requirements of chapter 650, RSMo;
- 11 (2) Within available appropriations, establish an equitable pay plan for the members of
- 12 the highway patrol and radio personnel taking into consideration ranks and length of service.

43.050. 1. The superintendent may appoint not more than twenty-five captains and one
 2 director of radio, each of whom shall have the same qualifications as the superintendent, nor
 3 more than sixty lieutenants, and such additional force of sergeants, corporals and patrolmen, so

4 that the total number of members of the patrol shall not exceed nine hundred sixty-five officers
5 and patrolmen and such numbers of radio personnel as the superintendent deems necessary.

6 2. In case of a national emergency the superintendent may name additional patrolmen
7 and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel
8 called into military services.

9 3. **The superintendent may enter into an agreement with the Missouri gaming**
10 **commission to enforce any law or regulation, conduct background investigations under the**
11 **laws of this state, and enforce the regulations of licensed gaming activities governed by**
12 **chapter 313, RSMo. A notice of either party to terminate or modify the provisions of such**
13 **agreement shall be in writing and executed no less than one year from the effective date of**
14 **the termination or modification, unless mutually agreed upon by the superintendent and**
15 **the Missouri gaming commission.** Members of the patrol hired in conjunction with any
16 agreement with the Missouri gaming commission shall not be subject to the personnel cap
17 referenced in subsection 1 of this section. If such agreement is subsequently terminated or
18 modified to reduce the number of personnel used in such agreement, those members affected by
19 such termination or modification shall not be subject to the personnel cap referenced in
20 subsection 1 of this section for a period of [three] **five** years.

21 4. [Members] **Member positions** of the patrol [hired] **originally acquired** in
22 conjunction with the community-oriented policing services federal grant or members assigned
23 to fulfill the duties established in sections 43.350 to 43.380 shall not be subject to the personnel
24 cap referenced in subsection 1 of this section.

25 5. Applicants shall not be discriminated against because of race, creed, color, national
26 origin or sex.

43.090. [The board of public buildings shall provide suitable offices for general
2 headquarters at Jefferson City, Missouri, which shall at all times be open and in charge of the
3 superintendent, or some member of the patrol designated by him.] The superintendent[, with the
4 consent and approval of the commission,] shall employ such clerical force, radio operators, and
5 other subordinates, and shall provide such office equipment, stationery, postage supplies,
6 [telegraph] **communication** and telephone facilities as he **or she** shall deem necessary **for**
7 **general headquarters at Jefferson City, Missouri**, and shall also provide offices, equipment,
8 stationery, postage, clerical force, and other subordinates for the headquarters of each [district]
9 **troop or division** of the patrol. The state highway patrol [radio network] **communications**
10 **division** shall be under the control of and at the service of the superintendent for such regular
11 and emergency [bulletins] **communications**, and service as the superintendent may require [from
12 time to time].

43.110. The necessary expenses of the members of the patrol in the performance of their
2 duties shall be paid by the state when such members are away from their places of residence or
3 from the [district] **troop or division** to which they are assigned, subject to the approval of the
4 [commission] **superintendent**. No fee shall be allowed to any person or officer for the arrest
5 and transportation of persons arrested and transported by members of the patrol, and no witness
6 fees shall be granted or allowed members of the patrol in criminal cases. Witness fees for
7 members of the patrol in civil cases, and for testifying in federal court, shall be the same as
8 provided by law, and shall be claimed and collected by members of the patrol, and promptly
9 transmitted to the [division of collection in the department of revenue] **fund from which the**
10 **salary and expenses of the member or employee is paid.**

43.120. 1. The superintendent shall prescribe rules for instruction and discipline and
2 make all administrative rules and regulations and fix the hours of duty for the members of the
3 patrol. The superintendent shall divide the state into [districts] **troops** and assign members of
4 the patrol to such [districts] **troops** in the manner as deemed proper to carry out the purposes
5 of this chapter. The superintendent may call members of the patrol from one [district] **troop** to
6 another.

7 2. The superintendent shall appoint the lieutenant colonel and five majors from within
8 the membership. Such individuals shall serve at the superintendent's pleasure and shall return
9 to their previously held rank after being relieved of their position duties by the present or
10 incoming superintendent. The superintendent shall classify and rank through promotions the
11 majors, the director of radio, captains, lieutenants, sergeants, corporals, patrolmen, and radio
12 personnel from the next lower grade after not less than one year of service satisfactorily
13 performed therein.

14 3. In case of the absence of the superintendent, or at the time the superintendent
15 designates, the lieutenant colonel shall assume the duties of the superintendent. In the absence
16 of both the superintendent and the lieutenant colonel, a major shall be designated by the
17 superintendent or by the lieutenant colonel. In case of the disability of the superintendent and
18 the lieutenant colonel, the governor may designate a major as acting superintendent and when
19 so designated, the acting superintendent shall have all the powers and duties of the
20 superintendent.

21 4. The superintendent shall collect, compile and keep available for the use of peace
22 officers of the state the information as is deemed necessary for the detection of crime and
23 identification of criminals. **The superintendent may direct members and other employees**
24 **of the patrol to carry out any public safety duty or service authorized or appropriated by**
25 **the general assembly.**

26 5. The superintendent is responsible for establishing policy, procedures, and regulations
27 in cooperation with the law enforcement and criminal justice community in protecting the
28 integrity of the MULES system. The superintendent shall be responsible for the administration
29 and enforcement of all MULES policies and regulations consistent with state and federal rules,
30 policy, and law by which the MULES system operates.

31 [6. Within ninety days after the close of each fiscal year, the superintendent shall make
32 to the governor and the commission a report of the activities of the patrol and the cost thereof
33 for the fiscal period.]

 43.140. [1.] The members of the patrol, before entering upon the discharge of their
2 duties, shall each take and subscribe an oath to support the constitution and laws of the United
3 States and the state of Missouri and to faithfully demean themselves in office in the form
4 prescribed by section 11, article VII, of the constitution of this state and they shall each faithfully
5 perform the duties of their respective offices and safely keep and account for all moneys and
6 property received by them.

7 [2. The superintendent, major, director of radio, each member assigned to duty in the
8 department of finance and statistics and each member assigned to duty in the department of
9 supplies and equipment shall give bond to be approved by the commission. The bond of the
10 superintendent shall be twenty thousand dollars, and for each other member required to be
11 bonded, ten thousand dollars. The cost of furnishing all such bonds shall be paid by the state.]

 43.210. Any person arrested by a member of the patrol shall forthwith be taken by such
2 member before the court or associate circuit judge, **or such court's or judge's designee**, having
3 jurisdiction of the crime whereof such person so arrested is charged there to be dealt with
4 according to law.

 43.220. Neither the governor[, the commission,] nor the superintendent shall have any
2 power, right or authority to command, order or direct any member of the patrol to perform any
3 duty or service not authorized [by this chapter] **under state statute**.

**142.814. 1. Motor fuel sold to be used to operate school buses to transport students
2 to or from school or to transport students to or from any place for educational purposes
3 is exempt from the fuel tax imposed by this chapter. As used in this section, "school buses"
4 shall have the same meaning as in subdivision (19) of section 302.010, RSMo.**

5 **2. The department shall promulgate rules to implement the provisions of this
6 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
7 that is created under the authority delegated in this section shall become effective only if
8 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
9 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
10 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**

11 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
12 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
13 adopted after August 28, 2007, shall be invalid and void.

14 **142.817. Motor fuel sold to be used to operate public mass transportation service**
2 **by a city transit authority, a city utilities board, or an interstate transportation authority,**
3 **as such terms are defined in section 94.600, RSMo, a city, or an agency receiving funding**
4 **from either the Federal Transit Administration's urban or nonurban formula transit**
5 **programs is exempt from the fuel tax imposed by this chapter. The department shall**
6 **promulgate rules to implement the provisions of this section. Any rule or portion of a rule,**
7 **as that term is defined in section 536.010, RSMo, that is created under the authority**
8 **delegated in this section shall become effective only if it complies with and is subject to all**
9 **of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**
10 **section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the**
11 **general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or**
12 **to disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
13 **rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be**
14 **invalid and void.**

144.062. 1. With respect to exempt sales at retail of tangible personal property and
2 materials for the purpose of constructing, repairing or remodeling facilities for:

3 (1) A county, other political subdivision or instrumentality thereof exempt from taxation
4 under subdivision (10) of section 39 of article III of the Constitution of Missouri; or

5 (2) An organization sales to which are exempt from taxation under the provisions of
6 subdivision (19) of subsection 2 of section 144.030; or

7 (3) Any institution of higher education supported by public funds or any private
8 not-for-profit institution of higher education, exempt from taxation under subdivision (20) of
9 subsection 2 of section 144.030; or

10 (4) Any private not-for-profit elementary or secondary school exempt from taxation
11 under subdivision (22) of subsection 2 of section 144.030; or

12 **(5) After June 30, 2008, the department of transportation or the state highways and**
13 **transportation commission, hereinafter collectively referred to as exempt entities, such**
14 **exemptions shall be allowed for such purchases if the purchases are related to the entities'**
15 **exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall**
16 **any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to**
17 **such purchases made by or on behalf of an exempt entity due to such purchases being billed to**
18 **or paid for by a contractor or the exempt entity contracting with any entity to render any services**
19 **in relation to such purchases, including but not limited to selection of materials, ordering, pickup,**

20 delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of
21 loss to materials or providing warranties on materials as specified by contract, use of materials
22 or other purchases for construction of the building or other facility, providing labor, management
23 services, administrative services, design or technical services or advice to the exempt entity,
24 whether or not the contractor or other entity exercises dominion or control in any other manner
25 over the materials in conjunction with services or labor provided to the exempt entity.

26 2. When any exempt entity contracts for the purpose of constructing, repairing or
27 remodeling facilities, and purchases of tangible personal property and materials to be
28 incorporated into or consumed in the construction of the project are to be made on a tax-exempt
29 basis, such entity shall furnish to the contractor an exemption certificate authorizing such
30 purchases for the construction, repair or remodeling project. The form and content of such
31 project exemption certificate shall be approved by the director of revenue. The project
32 exemption certificate shall include but not be limited to:

33 (1) The exempt entity's name, address, Missouri tax identification number and signature
34 of authorized representative;

35 (2) The project location, description, and unique identification number;

36 (3) The date the contract is entered into, which is the earliest date materials may be
37 purchased for the project on a tax-exempt basis;

38 (4) The estimated project completion date; and

39 (5) The certificate expiration date.

40 Such certificate is renewable for a given project at the option of the exempt entity, only for the
41 purpose of revising the certificate expiration date as necessary to complete the project.

42 3. The contractor shall furnish the certificate prescribed in subsection 2 of this section
43 to all subcontractors, and any contractor purchasing materials shall present such certificate to all
44 material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible
45 personal property and materials to be incorporated into or consumed in the construction of that
46 project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing
47 contractor invoices bearing the name of the exempt entity and the project identification number.
48 Nothing in this section shall be deemed to exempt the purchase of any construction machinery,
49 equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity.
50 All invoices for all personal property and materials purchased under a project exemption
51 certificate shall be retained by the purchasing contractor for a period of five years and shall be
52 subject to audit by the director of revenue.

53 4. Any excess resalable tangible personal property or materials which were purchased
54 for the project by a contractor under a project exemption certificate but which were not
55 incorporated into or consumed in the construction of the project shall either be returned to the

56 supplier for credit or the appropriate sales or use tax on such excess property or materials shall
57 be reported on a return and paid by such contractor not later than the due date of the contractor's
58 Missouri sales or use tax return following the month in which it was determined that the
59 materials were not to be used in the project.

60 5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible
61 personal property and materials incorporated into or consumed in the construction of the project,
62 due to the failure of the exempt entity to revise the certificate expiration date as necessary to
63 complete any work required by the contract. If it is determined that tax is owed on such property
64 and materials due to the failure of the exempt entity to revise such certificate expiration date, the
65 exempt entity shall be liable for the tax owed.

66 6. If an entity issues exemption certificates for the purchase of tangible personal property
67 and materials which are incorporated into or consumed in the construction of its project and such
68 entity is found not to have had the authority granted by this section to issue such exemption
69 certificates, then such entity shall be liable for the tax owed on such personal property and
70 materials. In addition, if an entity which does have the authority granted by this section to issue
71 exemption certificates issues such certificates for the purchase of tangible personal property and
72 materials which are incorporated into or consumed in the construction of a project, or part of a
73 project, which is found not to be related to such entity's exempt functions and activities, then
74 such entity shall be liable for the tax owed on such personal property and materials.

**227.295. 1. The department of transportation shall establish and administer a
2 drunk driving victim memorial sign program. The signs shall be placed upon the state
3 highways in accordance with this section, placement guidelines adopted by the department,
4 and any applicable federal limitations or conditions on highway signage, including location
5 and spacing.**

6 **2. The department shall adopt, by rules and regulations, program guidelines for
7 the application for and placement of signs authorized by this section, including, but not
8 limited to, the sign application and qualification process, the procedure for the dedication
9 of signs, and procedures for the replacement or restoration of any signs that are damaged
10 or stolen. The department shall also establish by rule, application procedures and methods
11 for proving eligibility for the program.**

12 **3. Any person may apply to the department of transportation to sponsor a drunk
13 driving victim memorial sign in memory of an immediate family member who died as a
14 result of a motor vehicle accident caused by a person who was shown to have been
15 operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was
16 committing an intoxication-related traffic offense at the time of the accident. Upon the
17 request of an immediate family member of the deceased victim involved in a drunk driving**

18 accident, the department shall place a sign in accordance with this section. A person who
19 is not a member of the immediate family may also submit a request to have a sign placed
20 under this section if that person also submits the written consent of an immediate family
21 member. The department shall charge the sponsoring party a fee to cover the
22 department's cost in designing, constructing, placing, and maintaining that sign, and the
23 department's costs in administering this section. Signs erected under this section shall
24 remain in place for a period of ten years. After the expiration of the ten-year period, the
25 department shall remove the sign unless the sponsoring party remits to the department of
26 transportation a ten-year renewable fee to cover maintenance costs associated with the
27 sign.

28 **4. The signs shall feature the words "Drunk Driving Victim!", the initials of the**
29 **victim, and the month and year in which the victim of the drunk driving accident was**
30 **killed. The overall design of the sign, including size, color, and lettering, shall conform to**
31 **the guidelines and regulations established by the department. The signs shall be placed**
32 **near the scene of the accident.**

33 **5. All roadside memorials or markers commemorating the death of a drunk driving**
34 **victim not meeting the provisions of this section are prohibited. No person, other than a**
35 **department of transportation employee or the department's designee, may erect a drunk**
36 **driving victim memorial sign.**

37 **6. As used in this section, the term "immediate family member" shall mean spouse,**
38 **child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or**
39 **stepfather.**

40 **7. The department shall adopt rules and regulations to implement and administer**
41 **the provisions of this section. Any rule or portion of a rule, as that term is defined in**
42 **section 536.010, RSMo, that is created under the authority delegated in this section shall**
43 **become effective only if it complies with and is subject to all of the provisions of chapter**
44 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
45 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
46 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
47 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
48 **authority and any rule proposed or adopted after August 28, 2007, shall be invalid and**
49 **void.**

301.007. 1. Any declaration, statement, or other document required to be made or
2 **filed pursuant to this chapter or chapter 306, RSMo, shall be signed in accordance with**
3 **regulations or instructions prescribed by the director of revenue and the director of**
4 **revenue shall have the power to administer oaths to individuals filing such declaration,**

5 **statement, or other document. The fact that an individual's name is signed to a**
6 **declaration, statement, or other document shall be prima facie evidence that the individuals**
7 **signed the declaration, statement, or other document.**

8 **2. The making or filing of any declaration, statement, or other document required**
9 **to be made pursuant to this chapter or chapter 306, RSMo, shall constitute a certification**
10 **by the person making or filing such declaration, statement, or other document, or copy**
11 **thereof, that the statements contained therein are true and that any copy filed is a true**
12 **copy.**

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

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

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

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

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

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

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

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

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

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

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

28 (11) "Driveaway operation":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation.

74 Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered
75 as a commercial motor vehicle or local commercial motor vehicle;

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

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
85 state, used to transport harvested forest products, operated solely at a forested site and in an area
86 extending not more than a [fifty-mile] **one hundred-mile** radius from such site, carries a load
87 with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and
88 when operated on the national system of interstate and defense highways described in Title 23,
89 Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of
90 section 304.180, RSMo, does not have more than four axles, and does not pull a trailer which
91 has more than two axles. Harvesting equipment which is used specifically for cutting, felling,
92 trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be
93 transported on a local log truck. A local log truck may not exceed the limits required by law,
94 however, if the truck does exceed such limits as determined by the inspecting officer, then
95 notwithstanding any other provisions of law to the contrary, such truck shall be subject to the
96 weight limits required by such sections as licensed for eighty thousand pounds;

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a [fifty-mile] **one hundred-mile** radius from such site, operates with

101 a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight
102 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated
103 on the national system of interstate and defense highways described in Title 23, Section 103(e)
104 of the United States Code, such vehicle does not exceed the weight limits contained in section
105 304.180, RSMo, and does not have more than three axles and does not pull a trailer which has
106 more than two axles. Violations of axle weight limitations shall be subject to the load limit
107 penalty as described for in sections 304.180 to 304.220, RSMo;

108 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
109 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
110 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within
111 such municipal corporation and such municipal corporation and adjacent commercial zone;

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

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

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

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

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

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

129 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
130 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
131 twelve thousand pounds:

132 (a) Offered for hire or lease; or

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

134 (36) "Motorcycle", a motor vehicle operated on two wheels;

135 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
136 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which

137 produces less than three gross brake horsepower, and is capable of propelling the device at a
138 maximum speed of not more than thirty miles per hour on level ground;

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

142 (39) "Municipality", any city, town or village, whether incorporated or not;

143 (40) "Nonresident", a resident of a state or country other than the state of Missouri;

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

146 (42) "Operator", any person who operates or drives a motor vehicle;

147 (43) "Owner", any person, firm, corporation or association, who holds the legal title to
148 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
149 thereof with the right of purchase upon performance of the conditions stated in the agreement
150 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
151 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
152 or mortgagor shall be deemed the owner for the purpose of this law;

153 (44) "Public garage", a place of business where motor vehicles are housed, stored,
154 repaired, reconstructed or repainted for persons other than the owners or operators of such place
155 of business;

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

158 (46) "Reconstructed motor vehicle", a vehicle that is altered from its original
159 construction by the addition or substitution of two or more new or used major component parts,
160 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

161 (47) "Recreational motor vehicle", any motor vehicle designed, constructed or
162 substantially modified so that it may be used and is used for the purposes of temporary housing
163 quarters, including therein sleeping and eating facilities which are either permanently attached
164 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
165 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
166 vehicle if the motor vehicle could otherwise be so registered;

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

170 (49) "Saddlemount combination", a combination of vehicles in which a truck or truck
171 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
172 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of

173 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
174 wheel kingpin connection. When two vehicles are towed in this manner the combination is
175 called a "double saddlemount combination". When three vehicles are towed in this manner, the
176 combination is called a "triple saddlemount combination";

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

179 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

180 (a) Has been damaged to the extent that the total cost of repairs to rebuild or reconstruct
181 the vehicle to its condition immediately before it was damaged for legal operation on the roads
182 or highways exceeds seventy-five percent of the fair market value of the vehicle immediately
183 preceding the time it was damaged;

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

187 (c) Has been declared salvage by an insurance company as a result of settlement of a
188 claim for loss due to damage or theft;

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

190 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section
191 304.157, RSMo, and designated with the words "salvage/abandoned property".

192 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of
193 repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or any sales
194 tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition,
195 "fair market value" means the retail value of a motor vehicle as:

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

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

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

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

206 (53) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
207 corporation as an incidental service to transport patrons or customers of the regular business of
208 such person, firm, or corporation to and from the place of business of the person, firm, or

209 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
210 buses or as commercial motor vehicles;

211 (54) "Special mobile equipment", every self-propelled vehicle not designed or used
212 primarily for the transportation of persons or property and incidentally operated or moved over
213 the highways, including farm equipment, implements of husbandry, road construction or
214 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
215 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
216 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
217 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
218 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
219 shall not operate to exclude other such vehicles which are within the general terms of this
220 section;

221 (55) "Specially constructed motor vehicle", a motor vehicle which shall not have been
222 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
223 vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

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

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

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

232 (59) "Trailer", any vehicle without motive power designed for carrying property or
233 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
234 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
235 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
236 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
237 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
238 as defined in section 700.010, RSMo;

239 (60) "Truck", a motor vehicle designed, used, or maintained for the transportation of
240 property;

241 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
242 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
243 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second

244 semitrailer and has one less articulation point than the conventional "A dolly" connected
245 truck-tractor semitrailer-trailer combination;

246 (62) "Truck-trailer boat transporter combination", a boat transporter combination
247 consisting of a straight truck towing a trailer using typically a ball and socket connection with
248 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
249 trailer but so as to maintain a downward force on the trailer tongue;

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

253 (64) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
254 firm, corporation, association, city, county or state agency, or any member thereof, for the
255 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
256 and from their place of employment; however, a vanpool shall not be included in the definition
257 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
258 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
259 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
260 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
261 monetary profit other than for use in a ride-sharing arrangement;

262 (65) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
263 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
264 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
265 operated by handicapped persons;

266 (66) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
267 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a
268 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
269 a replacement vehicle to replace a disabled or wrecked vehicle;

270 (67) "Wrecker or towing service", the act of transporting, towing or recovering with a
271 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
272 tow truck, rollback or car carrier for which the operator directly or indirectly receives
273 compensation or other personal gain.

**301.029. 1. Any self-propelled sprayer, floater, or other form of implement of
2 husbandry that is used for spraying chemicals or spreading fertilizer for agricultural
3 purposes may be moved or operated on the highways of this state without complying with
4 the provisions of this chapter relating to titling, registration and the display of license
5 plates.**

6 **2. The exemption from titling, registration, and the display of license plates**
7 **provided for in subsection 1 of this section shall apply whether the described vehicles are**
8 **laden or unladen.**

9 **3. All other requirements of the law relating to motor vehicles, unless the context**
10 **clearly provides otherwise, shall apply to the vehicles described in subsection one of this**
11 **section when operated on the highways of this state.**

12 **4. As used in this section, the term "implements of husbandry" means all**
13 **self-propelled machinery manufactured to be operated at low speeds, specifically designed**
14 **for, or especially adapted to be capable of, incidental over-the-road and primary offroad**
15 **usage and used exclusively for the application of commercial plant food materials or**
16 **agricultural chemicals.**

301.040. The director of revenue shall notify each registered motor vehicle owner by
2 mail, at the last known address, within an appropriate period prior to the beginning of the
3 registration period to which he has been assigned, of the date for reregistration. **Such notices**
4 **shall be prepared and mailed by the director; the department shall not contract with any**
5 **other entity to distribute such material.** Such notice shall include an application blank for
6 registration and shall specify the amount of license fees due and the registration period covered
7 by such license. **No commercial inserts or other forms of advertising shall accompany the**
8 **notice.** Application blanks shall also be furnished all branch offices of the department of
9 revenue and license fee offices designated by the director of revenue under the provisions of
10 section 136.055, RSMo, where they shall be made available to any person upon request. Failure
11 of the owner to receive such notice shall not relieve the owner of the requirement to register
12 pursuant to this chapter.

301.130. 1. The director of revenue, upon receipt of a proper application for registration,
2 required fees and any other information which may be required by law, shall issue to the
3 applicant a certificate of registration in such manner and form as the director of revenue may
4 prescribe and a set of license plates, or other evidence of registration, as provided by this section.
5 Each set of license plates shall bear the name or abbreviated name of this state, the words
6 "SHOW-ME STATE", the month and year in which the registration shall expire, and an
7 arrangement of numbers or letters, or both, as shall be assigned from year to year by the director
8 of revenue. The plates shall also contain fully reflective material with a common color scheme
9 and design for each type of license plate issued pursuant to this chapter. The plates shall be
10 clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled
11 veterans will have the "DISABLED VETERAN" wording on the license plates in preference to
12 the words "SHOW-ME STATE" and special plates for members of the national guard will have
13 the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

14 2. The arrangement of letters and numbers of license plates shall be uniform throughout
15 each classification of registration. The director may provide for the arrangement of the numbers
16 in groups or otherwise, and for other distinguishing marks on the plates.

17 3. All property-carrying commercial motor vehicles to be registered at a gross weight in
18 excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local
19 transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and
20 driveaway vehicles shall be registered with the director of revenue as provided for in subsection
21 3 of section 301.030, or with the state highways and transportation commission as otherwise
22 provided in this chapter, but only one license plate shall be issued for each such vehicle except
23 as provided in this subsection. The applicant for registration of any property-carrying
24 commercial motor vehicle may request and be issued two license plates for such vehicle, and if
25 such plates are issued the director of revenue may assess and collect an additional charge from
26 the applicant in an amount not to exceed the fee prescribed for personalized license plates in
27 subsection 1 of section 301.144.

28 4. The plates issued to manufacturers and dealers shall bear the [letter "D" preceding the
29 number] **letters and numbers as prescribed by section 301.560**, and the director may place
30 upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and
31 other types of motor vehicles.

32 5. No motor vehicle or trailer shall be operated on any highway of this state unless it
33 shall have displayed thereon the license plate or set of license plates issued by the director of
34 revenue or the state highways and transportation commission and authorized by section 301.140.
35 Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts
36 thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not
37 impaired. **Each such plate may be encased in a transparent cover so long as the plate is**
38 **plainly visible and its reflective qualities are not impaired.** License plates shall be fastened
39 to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of
40 twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than
41 forty-eight inches above the ground, with the letters and numbers thereon right side up. The
42 license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on
43 the rear of such vehicles, with the letters and numbers thereon right side up. The license plate
44 on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed
45 in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than
46 eight nor more than forty-eight inches above the ground, with the letters and numbers thereon
47 right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section,
48 displayed in the same manner on the front and rear of such vehicles. The license plate or plates

49 authorized by section 301.140, when properly attached, shall be prima facie evidence that the
50 required fees have been paid.

51 6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as
52 provided by law as evidence of the annual payment of registration fees and the current
53 registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may
54 prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs
55 positively correlate with the license plate or plates issued by the department of revenue for such
56 vehicle. Such tabs shall be produced in each license bureau office.

57 (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such
58 tab or tabs in the designated area of the license plate, no more than one per plate.

59 (3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in
60 the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has
61 been paid.

62 (4) Except as otherwise provided in this section, the director of revenue shall issue plates
63 for a period of at least six years.

64 (5) For those commercial motor vehicles and trailers registered pursuant to section
65 301.041, the plate issued by the highways and transportation commission shall be a permanent
66 nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve
67 the owner of any vehicle permanently registered pursuant to this section from the obligation to
68 pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall
69 be returned to the highways and transportation commission upon the sale or disposal of the
70 vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may
71 be transferred to a replacement commercial motor vehicle when the owner files a supplemental
72 application with the Missouri highways and transportation commission for the registration of
73 such replacement commercial motor vehicle. Upon payment of the annual registration fee, the
74 highways and transportation commission shall issue a certificate of registration or other suitable
75 evidence of payment of the annual fee, and such evidence of payment shall be carried at all times
76 in the vehicle for which it is issued.

77 (6) Upon the sale or disposal of any vehicle permanently registered under this section,
78 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued
79 for such vehicle shall be returned to the highways and transportation commission and shall not
80 be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle
81 when the owner files a supplemental application with the Missouri highways and transportation
82 commission for the registration of such replacement vehicle. If a vehicle which is permanently
83 registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated,

84 the registrant shall be given credit for any unused portion of the annual registration fee when the
85 vehicle is replaced by the purchase or lease of another vehicle during the registration year.

86 7. The director of revenue and the highways and transportation commission may
87 prescribe rules and regulations for the effective administration of this section. No rule or portion
88 of a rule promulgated under the authority of this section shall become effective unless it has been
89 promulgated pursuant to the provisions of section 536.024, RSMo.

90 8. Notwithstanding the provisions of any other law to the contrary, owners of motor
91 vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess
92 of eighteen thousand pounds gross weight may apply for special personalized license plates.
93 Vehicles licensed for eighteen thousand pounds that display special personalized license plates
94 shall be subject to the provisions of subsections 1 and 2 of section 301.030.

95 9. [Commencing] **No later than** January 1, 2009, the director of revenue shall [cause
96 to be reissued] **commence the reissuance of** new license plates of such design as directed by the
97 director consistent with the terms, conditions, and provisions of this section and this chapter.
98 Except as otherwise provided in this section, in addition to all other fees required by law,
99 applicants for registration of vehicles with license plates that expire [between January 1, 2009,
100 and December 31, 2011] **during the period of reissuance**, applicants for registration of trailers
101 or semitrailers with license plates that expire between January 1, 2009, and December 31, 2011,
102 and applicants for registration of vehicles that are to be issued new license plates shall pay an
103 additional fee, based on the actual cost of the reissuance, to cover the cost of the newly reissued
104 plates required by this subsection. The additional fee prescribed in this subsection shall not be
105 charged to persons receiving special license plates issued under section 301.073 or 301.443.
106 Historic motor vehicle license plates registered pursuant to section 301.131 and specialized
107 license plates are exempt from the provisions of this subsection.

301.143. 1. As used in this section, the term "vehicle" shall have the same meaning
2 given it in section 301.010, and the term "physically disabled" shall have the same meaning
3 given it in section 301.142.

4 2. Political subdivisions of the state may by ordinance or resolution designate parking
5 spaces for the exclusive use of vehicles which display a distinguishing license plate or card
6 issued pursuant to section 301.071 or 301.142. Owners of private property used for public
7 parking shall also designate parking spaces for the exclusive use of vehicles which display a
8 distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever
9 a political subdivision or owner of private property so designates a parking space, the space shall
10 be indicated by a sign upon which shall be inscribed the international symbol of accessibility and
11 shall also include any appropriate wording to indicate that the space is reserved for the exclusive
12 use of vehicles which display a distinguishing license plate or card. The sign described in this

13 subsection shall also state, or an additional sign shall be posted below or adjacent to the sign
14 stating, the following: "\$50 to \$300 fine."

15 3. Any political subdivision, by ordinance or resolution, and any person or corporation
16 in lawful possession of a public off-street parking facility or any other owner of private property
17 may designate reserved parking spaces for the exclusive use of vehicles which display a
18 distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as
19 possible to the nearest accessible entrance. Such designation shall be made by posting
20 immediately adjacent to, and visible from, each space, a sign upon which is inscribed the
21 international symbol of accessibility, and may also include any appropriate wording to indicate
22 that the space is reserved for the exclusive use of vehicles which display a distinguishing license
23 plate or card.

24 4. The local police or sheriff's department may cause the removal of any vehicle not
25 displaying a distinguishing license plate or card on which is inscribed the international symbol
26 of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled
27 veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card
28 issued by any other state from a space designated for physically disabled persons if there is
29 posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed
30 the international symbol of accessibility and may include any appropriate wording to indicate that
31 the space is reserved for the exclusive use of vehicles which display a distinguishing license plate
32 or card. Any person who parks in a space reserved for physically disabled persons and is not
33 displaying distinguishing license plates or a card is guilty of an infraction and upon conviction
34 thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred
35 dollars. Any vehicle which has been removed and which is not properly claimed within thirty
36 days thereafter shall be considered to be an abandoned vehicle.

37 5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license
38 plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal
39 Americans with Disabilities Act, as amended, and any rules or regulations established pursuant
40 thereto. Notwithstanding the other provisions of this section, on-street parking spaces designated
41 by political subdivisions in residential areas for the exclusive use of vehicles displaying a
42 distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the
43 requirements of the federal Americans with Disabilities Act pursuant to this subsection and any
44 such space shall have clearly and visibly painted upon it the international symbol of accessibility
45 and any curb adjacent to the space shall be clearly and visibly painted blue.

46 6. Any person who, without authorization, uses a distinguishing license plate or card
47 issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority
48 of this section shall be guilty of a class B misdemeanor.

49 7. Law enforcement officials may enter upon private property open to public use to
50 enforce the provisions of this section and section 301.142, including private property designated
51 by the owner of such property for the exclusive use of vehicles which display a distinguishing
52 license plate or card issued pursuant to section 301.071 or 301.142.

53 8. Nonconforming signs or spaces otherwise required pursuant to this section which are
54 in use prior to August 28, 1997, shall not be in violation of this section during the useful life of
55 such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs
56 or spaces be extended by means other than those means used to maintain any sign or space on
57 the owner's property which is not used for vehicles displaying a disabled license plate.

58 **9. Beginning August 28, 2007, all new signs erected under this section shall contain**
59 **the words "Accessible Parking" in lieu of the words "Handicap Parking".**

301.144. 1. The director of revenue shall establish and issue special personalized license
2 plates containing letters or numbers or combinations of letters and numbers. Such license plates
3 shall be made with fully reflective material with a common color scheme and design, shall be
4 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.
5 Any person desiring to obtain a special personalized license plate for any motor vehicle the
6 person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial
7 motor vehicle licensed in excess of eighteen thousand pounds gross weight shall apply to the
8 director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in
9 addition to the regular registration fees. The director of revenue shall issue rules and regulations
10 setting the standards and establishing the procedure for application for and issuance of the special
11 personalized license plates and shall provide a deadline each year for the applications. Any rule
12 or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the
13 authority delegated in this section shall become effective only if it complies with and is subject
14 to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
15 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
16 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to
17 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. No
19 two owners shall be issued identical plates. An owner shall make a new application and pay a
20 new fee each year such owner desires to obtain or retain special personalized license plates;
21 however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the
22 director shall allow the special personalized license plates to be replaced with new plates every
23 three years without any additional charge, above the fee established in this section, to the renewal
24 applicant. Any person currently in possession of an approved personalized license plate shall

25 have first priority on that particular plate for each of the following years that timely and
26 appropriate application is made.

27 2. Upon application for a personalized plate by the owner of a motor vehicle for which
28 the owner has no registration plate available for transfer as prescribed by section 301.140, the
29 director shall issue a temporary permit authorizing the operation of the motor vehicle until the
30 personalized plate is issued.

31 3. No personalized license plates shall be issued containing any letters, numbers or
32 combination of letters and numbers which are obscene, profane, patently offensive or
33 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
34 an unreasonable danger to the health or safety of the applicant, of other users of streets and
35 highways, or of the public in any location where the vehicle with such a plate may be found. The
36 director may recall any personalized license plates, including those issued prior to August 28,
37 1992, if the director determines that the plates are obscene, profane, patently offensive or
38 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
39 an unreasonable danger to the health or safety of the applicant, of other users of streets and
40 highways, or of the public in any location where the vehicle with such a plate may be found.
41 Where the director recalls such plates pursuant to the provisions of this subsection, the director
42 shall reissue personalized license plates to the owner of the motor vehicle for which they were
43 issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the
44 standards established pursuant to this section. The director shall not apply the provisions of this
45 statute in a way that violates the Missouri or United States Constitutions as interpreted by the
46 courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle
47 licence plates is to identify motor vehicles. Nothing in the issuance of a personalized license
48 plate creates a designated or limited public forum. Nothing contained in this subsection shall be
49 interpreted to prohibit the use of license plates, which are no longer valid for registration
50 purposes, as collector's items or for decorative purposes.

51 4. The director may also establish categories of special license plates from which license
52 plates may be issued. Any such person, other than a person exempted from the additional fee
53 pursuant to subsection 7 of this section, that desires a personalized special license plate from any
54 such category shall pay the same additional fee and make the same kind of application as that
55 required by subsection 1 of this section, and the director shall issue such plates in the same
56 manner as other personalized special license plates are issued.

57 5. The director of revenue shall issue to residents of the state of Missouri who hold an
58 unrevoked and unexpired official amateur radio license issued by the Federal Communications
59 Commission, upon application and upon payment of the additional fee specified in subsection
60 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7

61 of this section, personalized special license plates bearing the official amateur radio call letters
62 assigned by the Federal Communications Commission to the applicant with the words
63 "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be
64 accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur
65 radio license issued by the Federal Communications Commission and the official radio call
66 letters assigned by the Federal Communications Commission to the applicant. An owner making
67 a new application and paying a new fee to retain an amateur radio plate may request a
68 replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME
69 STATE". If application is made to retain a plate that is three years old or older, the replacement
70 plate shall be issued upon the payment of required fees.

71 6. Notwithstanding any other provision to the contrary, any business that repossesses
72 motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard
73 displaying the word "Repossessed", provided such business pays the fees presently required of
74 a manufacturer, distributor, or dealer in subsection 1 of section [301.253] **301.560**. Such placard
75 shall bear a number and shall be in such form as the director of revenue shall determine, and
76 shall be only used for demonstrations when displayed substantially as provided for number plates
77 on the rear of the motor vehicle or trailer.

78 7. Notwithstanding any provision of law to the contrary, any person who has retired from
79 any branch of the United States armed forces or reserves, the United States Coast Guard or
80 reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision
81 of any such services shall be exempt from the additional fee required for personalized license
82 plates issued pursuant to section 301.441. As used in this subsection, "retired" means having
83 served twenty or more years in the appropriate branch of service and having received an
84 honorable discharge.

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

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

11 (2) Presentation of all documentation otherwise required by law for vehicle registration
12 including, but not limited to, a personal property tax receipt or certified statement for the

13 preceding year that no such taxes were due as set forth in section 301.025, proof of a motor
14 vehicle safety inspection and any applicable emission inspection conducted within sixty days
15 prior to the date of application and proof of insurance as required by section 303.026, RSMo.

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

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

301.221. 1. The department shall file each application received by it with the required
2 fee, and when satisfied that the applicant, if an individual, or each of the partners or principal
3 officers of the applicant, if a partnership or a corporation, is of good moral character and that the
4 applicant, so far as can be ascertained, has complied and will comply with the provisions of
5 sections 301.217 to 301.229 and the laws of this state relating to registration of and certificates
6 of title of vehicles, shall issue to the applicant a license to carry on and conduct the kind of
7 businesses, enumerated in section 301.218, specified in the application at the address therein
8 specified, until the next license renewal date.

9 2. When the application is being made for licensure as a salvage dealer, a certification
10 by a uniformed member **or an authorized or designated employee** of the Missouri state
11 highway patrol stationed in the troop area in which the applicant's place of business is located;
12 except, that in counties of the first classification, certification may be performed by an officer
13 of a metropolitan police department when the applicant's established place of business of salvage
14 is in the metropolitan area where the certifying metropolitan police officer is employed. An
15 applicant shall have a bona fide established place of business which shall include a permanent
16 enclosed building or structure, either owned in fee or leased and actually occupied as a place of
17 business by the applicant for:

- 18 (1) Selling used parts of or used accessories for vehicles; or
19 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof; or

20 (3) Rebuilding and repairing wrecked or dismantled vehicles; or

21 (4) Processing scrapped vehicles or vehicle parts.

22 3. The applicant's place of business shall be a place wherein the public may contact the
23 owner or operator, in person or by telephone, at any reasonable time, and wherein shall be kept
24 and maintained the books, records, files, tools, equipment and other matters required and
25 necessary to conduct the business.

26 4. The application shall include a photograph, not to exceed eight inches by ten inches,
27 showing the building and business premises and shall accompany the initial application but will
28 not be required for subsequent renewals unless substantial changes have been made to the
29 building or business premises.

301.225. Every person licensed or required to be licensed shall maintain for three years
2 on vehicles not more than seven years old a record of:

3 (1) Every vehicle or used transmission, rear end, cowl, frame, body, front end assembly
4 or engine of or for a vehicle received or acquired by him, its description and identifying number,
5 if any, the date of its receipt or acquisition, and the name and address of the person from whom
6 received or acquired;

7 (2) Every vehicle wrecked, dismantled or disposed of by him, and the date of its
8 wrecking or dismantling and, if sold to a scrap metal operator, the operator's name and address.
9 Every such record shall be retained by the person licensed or required to be licensed at his
10 principal place of business and shall be open to inspection by any representative of the
11 department, member **or authorized or designated employee** of the Missouri highway patrol,
12 or any police officer during reasonable business hours. Members of the patrol or any police
13 officer may inspect the premises of every person licensed or required to be licensed at any time
14 that business is being conducted or work is being performed, whether or not open to the public
15 to enforce the provisions of sections 301.217 to 301.229.

301.229. 1. Anyone who violates any provision of sections 301.217 to 301.229 is guilty
2 of a class A misdemeanor and, upon conviction, shall be punished as provided by law.

3 2. The director of revenue or his **or her** designated representative, **including members**
4 **or authorized or designated employees of the Missouri state highway patrol** shall administer
5 and enforce the provisions of sections 301.217 to 301.229 and may develop, prescribe and issue
6 any forms, notices or other written documents in order to enforce such authority and to ensure
7 that every person licensed or required to be licensed pursuant to sections 301.217 to 301.229 is
8 in compliance with sections 301.217 to 301.229.

301.301. 1. Any person replacing a stolen license plate tab **issued on or after January**
2 **1, 2009**, may receive at no cost up to two sets of two license plate tabs per year when the

3 application for the replacement tab is accompanied with a police report that is corresponding
4 with the stolen license plate tab.

5 **2. Any person replacing a stolen license plate tab issued prior to January 1, 2009,**
6 **may receive at no cost up to two sets of two license plate tabs per year when the application**
7 **for the replacement tab is accompanied with a notarized affidavit verifying that such**
8 **license plate tab or tabs were stolen.**

301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550
2 to 301.573, and in addition as used in sections 301.550 to 301.573, the following terms mean:

3 (1) "Boat dealer", any natural person, partnership, or corporation who, for a commission
4 or with an intent to make a profit or gain of money or other thing of value, sells, barter,
5 exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the
6 sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such
7 person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be
8 required as evidence that such person is eligible for licensure as a boat dealer under sections
9 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by
10 selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as
11 a boat dealer pursuant to sections 301.550 to 301.573;

12 (2) "Boat manufacturer", any person engaged in the manufacturing, assembling or
13 modification of new vessels or vessel trailers as a regular business, including a person,
14 partnership or corporation which acts for and is under the control of a manufacturer or assembly
15 in connection with the distribution of vessels or vessel trailers;

16 (3) "Department", the Missouri department of revenue;

17 (4) "Director", the director of the Missouri department of revenue;

18 (5) **"Emergency vehicles", motor vehicles used as ambulances, law enforcement**
19 **vehicles, and fire fighting and assistance vehicles;**

20 (6) "Manufacturer", any person engaged in the manufacturing, assembling or
21 modification of new motor vehicles or trailers as a regular business, including a person,
22 partnership or corporation which acts for and is under the control of a manufacturer or assembly
23 in connection with the distribution of motor vehicles or accessories for motor vehicles;

24 [(6)] (7) "Motor vehicle broker", a person who holds himself out through solicitation,
25 advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale
26 of a motor vehicle, and who is not:

27 (a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

28 (b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf
29 of a manufacturer;

30 (c) The owner of the vehicle involved in the transaction; or

31 (d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are
32 licensed dealers in this or any other jurisdiction;

33 [(7)] (8) "Motor vehicle dealer" or "dealer", any person who, for commission or with
34 an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges,
35 leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale
36 of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such
37 person; provided, however, an individual auctioneer or auction conducted by an auctioneer
38 licensed pursuant to chapter 343, RSMo, shall not be included within the definition of a motor
39 vehicle dealer. The sale of six or more motor vehicles or trailers in any calendar year shall be
40 required as evidence that such person is engaged in the motor vehicle business and is eligible for
41 licensure as a motor vehicle dealer under sections 301.550 to 301.573;

42 [(8)] (9) "New motor vehicle", any motor vehicle being transferred for the first time
43 from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in
44 this state or any other state and which is offered for sale, barter or exchange by a dealer who is
45 franchised to sell, barter or exchange that particular make of motor vehicle. The term "new
46 motor vehicle" shall not include manufactured homes, as defined in section 700.010, RSMo;

47 [(9)] (10) "New motor vehicle franchise dealer", any motor vehicle dealer who has been
48 franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that
49 make and motor vehicle and who may, in line with conducting his business as a franchise dealer,
50 sell, barter or exchange used motor vehicles;

51 [(10)] (11) "Person" includes an individual, a partnership, corporation, an
52 unincorporated society or association, joint venture or any other entity;

53 [(11)] (12) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to
54 a franchise agreement or otherwise, primarily motor vehicles including but not limited to
55 motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this
56 chapter and chapter 306, RSMo;

57 [(12)] (13) "Public motor vehicle auction", any person, firm or corporation who takes
58 possession of a motor vehicle whether by consignment, bailment or any other arrangement,
59 except by title, for the purpose of selling motor vehicles at a public auction by a licensed
60 auctioneer;

61 [(13)] (14) "Storage lot", an area, within the same city or county where a dealer may
62 store excess vehicle inventory;

63 [(14)] (15) "Used motor vehicle", any motor vehicle which is not a new motor vehicle,
64 as defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given
65 away or which may have had a title issued in this state or any other state, or a motor vehicle so
66 used as to be what is commonly known as a secondhand motor vehicle. In the event of an

67 assignment of the statement of origin from an original franchise dealer to any individual or other
68 motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the
69 vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership
70 shall be obtained in the assignee's name. The term "used motor vehicle" shall not include
71 manufactured homes, as defined in section 700.010, RSMo;

72 [(15)] (16) "Used motor vehicle dealer", any motor vehicle dealer who is not a new
73 motor vehicle franchise dealer;

74 [(16)] (17) "Vessel", every boat and watercraft defined as a vessel in section 306.010,
75 RSMo;

76 [(17)] (18) "Vessel trailer", any trailer, as defined by section 301.010 which is designed
77 and manufactured for the purposes of transporting vessels;

78 [(18)] (19) "Wholesale motor vehicle auction", any person, firm or corporation in the
79 business of providing auction services solely in wholesale transactions at its established place
80 of business in which the purchasers are motor vehicle dealers licensed by this or any other
81 jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary
82 course of its business. Except as required by law with regard to the auction sale of a government
83 owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in
84 connection with the retail sale of a motor vehicle;

85 [(19)] (20) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor
86 vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via
87 auctions limited to other dealers of any class.

88 2. For purposes of sections 301.550 to 301.573, neither the term "motor vehicle" nor the
89 term "trailer" shall include manufactured homes, as defined in section 700.010, RSMo.

90 3. Dealers shall be divided into classes as follows:

- 91 (1) Boat dealers;
- 92 (2) Franchised new motor vehicle dealers;
- 93 (3) Used motor vehicle dealers;
- 94 (4) Wholesale motor vehicle dealers;
- 95 (5) Recreational motor vehicle dealers;
- 96 (6) Historic motor vehicle dealers;
- 97 (7) Classic motor vehicle dealers; and
- 98 (8) Powersport dealers.

301.560. 1. In addition to the application forms prescribed by the department, each
2 applicant shall submit the following to the department:

- 3 (1) Every application other than a renewal application for a motor vehicle franchise
4 dealer shall include a certification that the applicant has a bona fide established place of business.

5 When the application is being made for licensure as a manufacturer, motor vehicle dealer,
6 wholesale motor vehicle dealer, wholesale motor vehicle auction or a public motor vehicle
7 auction, certification shall be performed by a uniformed member of the Missouri state highway
8 patrol stationed in the troop area in which the applicant's place of business is located; except, that
9 in counties of the first classification, certification may be performed by an officer of a
10 metropolitan police department when the applicant's established place of business of distributing
11 or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan
12 police officer is employed. When the application is being made for licensure as a boat
13 manufacturer or boat dealer, certification shall be performed by a uniformed member of the
14 Missouri state water patrol stationed in the district area in which the applicant's place of business
15 is located or by a uniformed member of the Missouri state highway patrol stationed in the troop
16 area in which the applicant's place of business is located or, if the applicant's place of business
17 is located within the jurisdiction of a metropolitan police department in a first class county, by
18 an officer of such metropolitan police department. A bona fide established place of business for
19 any new motor vehicle franchise dealer or used motor vehicle dealer shall include a permanent
20 enclosed building or structure, either owned in fee or leased and actually occupied as a place of
21 business by the applicant for the selling, bartering, trading or exchanging of motor vehicles or
22 trailers and wherein the public may contact the owner or operator at any reasonable time, and
23 wherein shall be kept and maintained the books, records, files and other matters required and
24 necessary to conduct the business. The applicant's place of business shall contain a working
25 telephone which shall be maintained during the entire registration year. In order to qualify as a
26 bona fide established place of business for all applicants licensed pursuant to this section there
27 shall be an exterior sign displayed carrying the name of the business set forth in letters at least
28 six inches in height and clearly visible to the public and there shall be an area or lot which shall
29 not be a public street on which one or more vehicles may be displayed, except when licensure
30 is for a wholesale motor vehicle dealer, a lot and sign shall not be required. The sign shall
31 contain the name of the dealership by which it is known to the public through advertising or
32 otherwise, which need not be identical to the name appearing on the dealership's license so long
33 as such name is registered as a fictitious name with the secretary of state, has been approved by
34 its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a
35 copy of such fictitious name registration has been provided to the department. When licensure
36 is for a boat dealer, a lot shall not be required. In the case of new motor vehicle franchise
37 dealers, the bona fide established place of business shall include adequate facilities, tools and
38 personnel necessary to properly service and repair motor vehicles and trailers under their
39 franchisor's warranty. **Dealers who sell only emergency vehicles as defined in section 301.550**

40 **are exempt from maintaining a bona fide place of business, including the related law**
41 **enforcement certification requirements, and from meeting the minimum yearly sales;**

42 (2) If the application is for licensure as a manufacturer, boat manufacturer, new motor
43 vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle auction, boat dealer
44 or a public motor vehicle auction, a photograph, not to exceed eight inches by ten inches,
45 showing the business building and sign shall accompany the initial application. In the case of
46 a manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer, the photograph
47 shall include the lot of the business. A new motor vehicle franchise dealer applicant who has
48 purchased a currently licensed new motor vehicle franchised dealership shall be allowed to
49 submit a photograph of the existing dealership building, lot and sign but shall be required to
50 submit a new photograph upon the installation of the new dealership sign as required by sections
51 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the
52 business has moved from its previously licensed location, or unless the name of the business or
53 address has changed, or unless the class of business has changed;

54 (3) If the application is for licensure as a wholesale motor vehicle dealer or as a boat
55 dealer, the application shall contain the business address, not a post office box, and telephone
56 number of the place where the books, records, files and other matters required and necessary to
57 conduct the business are located and where the same may be inspected during normal daytime
58 business hours. Wholesale motor vehicle dealers and boat dealers shall file reports as required
59 of new franchised motor vehicle dealers and used motor vehicle dealers;

60 (4) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer,
61 a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a corporate
62 surety bond or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by
63 any state or federal financial institution in the penal sum of twenty-five thousand dollars on a
64 form approved by the department. The bond or irrevocable letter of credit shall be conditioned
65 upon the dealer complying with the provisions of the statutes applicable to new motor vehicle
66 franchise dealers, used motor vehicle dealers, wholesale motor vehicle dealers and boat dealers,
67 and the bond shall be an indemnity for any loss sustained by reason of the acts of the person
68 bonded when such acts constitute grounds for the suspension or revocation of the dealer's license.
69 The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved
70 parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary;
71 except, that the aggregate liability of the surety or financial institution to the aggrieved parties
72 shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds
73 of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final
74 judgment from a Missouri court of competent jurisdiction against the principal and in favor of
75 an aggrieved party;

76 (5) Payment of all necessary license fees as established by the department. In
77 establishing the amount of the annual license fees, the department shall, as near as possible,
78 produce sufficient total income to offset operational expenses of the department relating to the
79 administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of
80 sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or
81 certificates of number collected pursuant to subsection 6 of this section, shall be collected by the
82 department for deposit in the state treasury to the credit of the "Motor Vehicle Commission
83 Fund", which is hereby created. The motor vehicle commission fund shall be administered by
84 the Missouri department of revenue. [The provisions of section 33.080, RSMo, to the contrary
85 notwithstanding, money in such fund shall not be transferred and placed to the credit of the
86 general revenue fund until the amount in the motor vehicle commission fund at the end of the
87 biennium exceeds two times the amount of the appropriation from such fund for the preceding
88 fiscal year or, if the department requires permit renewal less frequently than yearly, then three
89 times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the
90 fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation
91 from such fund for the preceding fiscal year.] **At the end of each biennium and after all**
92 **statutorily or constitutionally required transfer of funds have been made, the state**
93 **treasurer shall transfer the balance in the motor vehicle commission fund, except for gifts,**
94 **donations, bequests, or money received from a federal source, in excess of two hundred**
95 **percent of the previous fiscal year's expenditures into the state general revenue fund.**

96 2. In the event a new manufacturer, boat manufacturer, motor vehicle dealer, wholesale
97 motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle
98 auction submits an application for a license for a new business and the applicant has complied
99 with all the provisions of this section, the department shall make a decision to grant or deny the
100 license to the applicant within eight working hours after receipt of the dealer's application,
101 notwithstanding any rule of the department.

102 3. Upon the initial issuance of a license by the department, the department shall assign
103 a distinctive dealer license number or certificate of number to the applicant and the department
104 shall issue one number plate or certificate bearing the distinctive dealer license number or
105 certificate of number within eight working hours after presentment of the application. Upon the
106 renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer, public motor
107 vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction, the
108 department shall issue the distinctive dealer license number or certificate of number as quickly
109 as possible. The issuance of such distinctive dealer license number or certificate of number shall
110 be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat

111 dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle
112 dealer, wholesale motor vehicle auction or motor vehicle dealer.

113 4. Notwithstanding any other provision of the law to the contrary, the department shall
114 assign the following distinctive dealer license numbers to:

- 115 New motor vehicle franchise
- 116 dealers D-0 through D-999
- 117 New [motor vehicle franchise and commercial motor vehicle] **powersport**
- 118 **dealers** D-1000 through D-1999
- 119 Used motor vehicle [dealers] **and used powersport**
- 120 **dealers** D2000 through [D-5399] **D-9999**
- 121 [and D-6000 through D-9999]
- 122 Wholesale motor vehicle dealers [W-1000] **W-0** through W-1999
- 123 Wholesale motor vehicle auctions [W-2000] **WA-0** through [W-2999] **WA-999**
- 124 **New and used** trailer dealers T-0 through T-9999
- 125 Motor vehicle [and] , trailer, **and boat**
- 126 manufacturers [M-0] **DM-0** through [M-9999] **DM-999**
- 127 [Motorcycle dealers D-5400 through D-5999]
- 128 Public motor vehicle auctions [A-1000] **A-0** through A-1999
- 129 Boat dealers [and boat
- 130 manufacturers] [B-0] **M-0** through [B-9999] **M-9999**
- 131 **New and used recreational motor vehicle dealers** **RV-0** through **RV-9999**

132
133 **The provisions of this subsection shall become effective on the date the director of the**
134 **department of revenue begins to reissue new license plates under section 301.130, or on**
135 **December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new**
136 **license plates under the authority granted under section 301.130 prior to December 1, 2008,**
137 **the director of the department of revenue shall notify the revisor of statutes of such fact.**

138 5. Upon the sale of a currently licensed new motor vehicle franchise dealership the
139 department shall, upon request, authorize the new approved dealer applicant to retain the selling
140 dealer's license number and shall cause the new dealer's records to indicate such transfer.

141 6. In the case of **new motor vehicle** manufacturers [and] , motor vehicle dealers,
142 **powersport dealers, recreational motor vehicle dealers, and trailer dealers,** the department
143 shall [also] issue one number plate bearing the distinctive dealer license number **and two**
144 **additional number plates** to the applicant upon payment by the manufacturer or dealer of a fifty
145 dollar fee **for the number plate bearing the distinctive dealer license number and twenty-**
146 **one dollar fee for the additional number plates.** Such license plates shall be made with fully

147 reflective material with a common color scheme and design, shall be clearly visible at night, and
148 shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat
149 manufacturers shall be entitled to one certificate of number bearing such number upon the
150 payment of a fifty dollar fee. [As many] Additional number plates [as may be desired by
151 manufacturers and motor vehicle dealers] and as many additional certificates of number [as may
152 be desired by boat dealers and boat manufacturers] may be obtained upon payment of a fee of
153 ten dollars and fifty cents for each additional plate or certificate. **New motor vehicle
154 manufacturers shall not be issued or possess more than three hundred forty-seven
155 additional number plates or certificates of number annually. New and used motor vehicle
156 dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer
157 dealers are limited to one additional plate or certificate of number per ten-unit qualified
158 transactions annually. New and used recreational motor vehicle dealers are limited to two
159 additional plates or certificate of number per ten-unit qualified transactions annually for
160 their first fifty transactions and one additional plate or certificate of number per ten-unit
161 qualified transactions thereafter. An applicant seeking the issuance of an initial license
162 shall indicate on his or her initial application the applicant's proposed annual number of
163 sales in order for the director to issue the appropriate number of additional plates or
164 certificates of number.** A motor vehicle dealer, **trailer dealer**, boat dealer, **powersport dealer**,
165 **recreational motor vehicle dealer, motor vehicle** manufacturer, boat manufacturer, [public
166 motor vehicle auction,] **or** wholesale motor vehicle dealer [or wholesale motor vehicle auction]
167 obtaining a **distinctive** dealer license plate or certificate of number or additional license plate or
168 additional certificate of number, throughout the calendar year, shall be required to pay a fee for
169 such license plates or certificates of number computed on the basis of one-twelfth of the full fee
170 prescribed for the original and duplicate number plates or certificates of number for such dealers'
171 licenses, multiplied by the number of months remaining in the licensing period for which the
172 dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the
173 fee due at the time of renewal shall not be prorated. **Wholesale and public auctions shall be
174 issued a certificate of dealer registration in lieu of a dealer number plate. In order for
175 dealers to obtain number plates or certificates under this section, dealers shall submit to
176 the department of revenue on August first of each year a statement certifying, under
177 penalty of perjury, the dealer's number of sales during the reporting period of July first
178 of the immediately preceding year to July thirtieth of the present year.**

179 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any
180 motor vehicle owned **by a new motor vehicle manufacturer. The plates issued pursuant to
181 subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and
182 held for resale by [the] a motor vehicle dealer [or manufacturer, and used] for use** by a customer

183 who is test driving the motor vehicle, [or is used] **for use and display purposes during, but not**
184 **limited to, parades, private events, charitable events, or for use** by an employee or officer,
185 but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any
186 regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates
187 on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers
188 may display their dealer license plates in like manner, except such plates may only be displayed
189 on trailers owned and held for resale by the trailer dealer.

190 8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be
191 displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a
192 boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by
193 an employee or officer **on a vessel or vessel trailer only**, but shall not be displayed on any
194 **motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or** vessel or
195 vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer.
196 Boat dealers and **boat** manufacturers may display their certificate of number on a vessel or vessel
197 trailer [which is being transported] **when transporting a vessel or vessels** to an exhibit or show.

198 9. (1) [Beginning August 28, 2006,] Every application for the issuance of a used motor
199 vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve
200 months, has completed an educational seminar course approved by the department as prescribed
201 by subdivision (2) of this subsection. Wholesale and [retail] **public auto auctions and**
202 **applicants currently holding a new or used license for a separate dealership** shall be exempt
203 from the requirements of this subsection. The provisions of this subsection shall not apply to
204 **current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants**
205 **for a new motor vehicle franchise [dealers] or a motor vehicle leasing agency.** The provisions
206 of this subsection shall not apply to used motor vehicle dealers who were licensed prior to
207 August 28, 2006.

208 (2) The educational seminar shall include, but is not limited to, the dealer requirements
209 of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer
210 sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.

301.569. 1. An out-of-state show promoter of recreation vehicles, as that term is
2 **defined in section 700.010, RSMo, may hold recreation vehicle shows or exhibits with**
3 **recreation vehicles within this state if the following conditions exist:**

4 (1) **The show or exhibition has a minimum of ten recreation vehicle dealers licensed**
5 **as motor vehicle dealers in this state; and**

6 (2) **More than fifty percent of the participating recreation vehicle dealers are**
7 **licensed motor vehicle dealers in this state.**

8 **2. A violation of subsection 1 of this section shall result in a five thousand dollar**
9 **fine.**

301.640. 1. [Upon] **Within five business days after** the satisfaction of any lien or
2 encumbrance of a motor vehicle or trailer, the lienholder shall[, within ten business days] release
3 the lien or encumbrance on the certificate or a separate document, and mail or deliver the
4 certificate or a separate document to the owner or any person who delivers to the lienholder an
5 authorization from the owner to receive the certificate or such documentation. The release on
6 the certificate or separate document shall be notarized. Each perfected subordinate lienholder,
7 if any, shall release such lien or encumbrance as provided in this section for the first lienholder.
8 The owner may cause the certificate to be mailed or delivered to the director of revenue, who
9 shall issue a new certificate of ownership upon application and payment of the required fee. A
10 lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives
11 payment in full in the form of certified funds, as defined in section 381.410, RSMo, **or when the**
12 **lienholder receives payment in full electronically or by way of electronic funds transfer,**
13 **whichever first occurs.**

14 2. If the electronic certificate of ownership is in the possession of the director of revenue,
15 the lienholder shall notify the director within [ten] **five** business days [of] **after** any release of
16 a lien and provide the director with the most current address of the owner **or any person who**
17 **delivers to the lienholder an authorization from the owner to receive the certificate or such**
18 **documentation.** The director shall note such release on the electronic certificate and if no other
19 lien exists the director shall mail or deliver the certificate free of any lien to the owner **or any**
20 **person who has delivered to the lienholder an authorization from the owner to receive the**
21 **certificate or such documentation from the director.**

22 3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars
23 at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle
24 financing corporation whose net worth exceeds one hundred million dollars, or a depository
25 institution, shall be considered satisfied within six years from the date the lien or encumbrance
26 was originally perfected unless a new lien or encumbrance has been perfected as provided in
27 section 301.600. This subsection does not apply to motor vehicles or trailers for which the
28 certificate of ownership has recorded in the second lienholder portion the words "subject to
29 future advances".

30 4. Any lienholder who fails to **timely** comply with subsection 1 or 2 of this section shall
31 pay to the person or persons satisfying the lien or encumbrance [twenty-five dollars for the first
32 ten business days after expiration of the time period prescribed in subsection 1 or 2 of this
33 section, and such payment shall double for each ten days thereafter in which there is continued
34 noncompliance, up to a maximum of five hundred dollars for each lien] **liquidated damages up**

35 **to a maximum of two thousand five hundred dollars for each lien. Liquidated damages**
36 **shall be five hundred dollars if the lienholder does not comply within five business days**
37 **after satisfaction of the lien or encumbrance. Liquidated damages shall be one thousand**
38 **dollars if the lienholder does not comply within ten business days after satisfaction of the**
39 **lien or encumbrance. Liquidated damages shall be two thousand dollars if the lienholder**
40 **does not comply within fifteen business days after satisfaction of the lien or encumbrance.**
41 **Liquidated damages shall be two thousand five hundred dollars if the lienholder does not**
42 **comply within twenty business days after satisfaction of the lien or encumbrance. If**
43 **delivery of the certificate or other lien release is made by mail, the delivery date is the date of the**
44 **postmark for purposes of this subsection. In computing any period of time prescribed or**
45 **allowed by this section, the day of the act or event after which the designated period of time**
46 **begins to run is not to be counted. However, the last day of the period so computed is to**
47 **be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period**
48 **runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.**

49 5. Any person who knowingly and intentionally sends in a separate document releasing
50 a lien of another without authority to do so shall be guilty of a class C felony.

302.010. Except where otherwise provided, when used in this chapter, the following
2 words and phrases mean:

- 3 (1) "Circuit court", each circuit court in the state;
- 4 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
5 freight and merchandise, or more than fifteen passengers;
- 6 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to
7 secure a defendant's appearance in court, which forfeiture has not been vacated, shall be
8 equivalent to a conviction, except that when any conviction as a result of which points are
9 assessed pursuant to section 302.302 is appealed, the term "conviction" means the original
10 judgment of conviction for the purpose of determining the assessment of points, and the date of
11 final judgment affirming the conviction shall be the date determining the beginning of any
12 license suspension or revocation pursuant to section 302.304;
- 13 (4) "Director", the director of revenue acting directly or through the director's authorized
14 officers and agents;
- 15 (5) "Farm tractor", every motor vehicle designed and used primarily as a farm implement
16 for drawing plows, mowing machines and other implements of husbandry;
- 17 (6) "Highway", any public thoroughfare for vehicles, including state roads, county roads
18 and public streets, avenues, boulevards, parkways, or alleys in any municipality;
- 19 (7) "Incompetent to drive a motor vehicle", a person who has become physically
20 incapable of meeting the prescribed requirements of an examination for an operator's license, or

21 who has been adjudged by a probate division of the circuit court in a capacity hearing of being
22 incapacitated;

23 (8) "License", a license issued by a state to a person which authorizes a person to operate
24 a motor vehicle;

25 (9) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks
26 except motorized bicycles, as defined in section 307.180, RSMo;

27 (10) "Motorcycle", a motor vehicle operated on two wheels; however, this definition
28 shall not include motorized bicycles as defined in section 301.010, RSMo;

29 (11) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
30 operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

31 (12) "Moving violation", that character of traffic violation where at the time of violation
32 the motor vehicle involved is in motion, except that the term does not include the driving of a
33 motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170
34 to 304.240, RSMo, inclusive, relating to sizes and weights of vehicles;

35 (13) "Municipal court", every division of the circuit court having original jurisdiction
36 to try persons for violations of city ordinances;

37 (14) "Nonresident", every person who is not a resident of this state;

38 (15) "Operator", every person who is in actual physical control of a motor vehicle upon
39 a highway;

40 (16) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is
41 the subject of an agreement for the conditional sale or lease thereof with the right of purchase
42 upon performance of the conditions stated in the agreement and with an immediate right of
43 possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle
44 is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed
45 the owner for the purpose of sections 302.010 to 302.540;

46 (17) "Record" includes, but is not limited to, papers, documents, facsimile information,
47 microphotographic process, electronically generated or electronically recorded information,
48 digitized images, deposited or filed with the department of revenue;

49 (18) **"Residence address", residence, or resident address shall be the location or**
50 **residence within this state in which the applicant physically currently resides. Proof of**
51 **such address, residence, or resident address may be required in the form of voter**
52 **registration or other such form established by the director by administrative rule;**

53 (19) "Restricted driving privilege", a driving privilege issued by the director of revenue
54 following a suspension of driving privileges for the limited purpose of driving in connection with
55 the driver's business, occupation, employment, formal program of secondary, postsecondary or

56 higher education, or for an alcohol education or treatment program **or certified ignition**
57 **interlock provider;**

58 [(19)] (20) "School bus", when used in sections 302.010 to 302.540, means any motor
59 vehicle, either publicly or privately owned, used to transport students to and from school, or to
60 transport pupils properly chaperoned to and from any place within the state for educational
61 purposes. The term "school bus" shall not include a bus operated by a public utility, municipal
62 corporation or common carrier authorized to conduct local or interstate transportation of
63 passengers when such bus is not traveling a specific school bus route but is:

64 (a) On a regularly scheduled route for the transportation of fare-paying passengers; or

65 (b) Furnishing charter service for the transportation of persons enrolled as students on
66 field trips or other special trips or in connection with other special events;

67 [(20)] (21) "School bus operator", an operator who operates a school bus as defined in
68 subdivision [(19)] (20) of this section in the transportation of any schoolchildren and who
69 receives compensation for such service. The term "school bus operator" shall not include any
70 person who transports schoolchildren as an incident to employment with a school or school
71 district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such
72 person is under contract with or employed by a school or school district as a school bus operator;

73 [(21)] (22) "Signature", any method determined by the director of revenue for the
74 signing, subscribing or verifying of a record, report, application, driver's license, or other related
75 document that shall have the same validity and consequences as the actual signing by the person
76 providing the record, report, application, driver's license or related document;

77 [(22)] (23) "Substance abuse traffic offender program", a program certified by the
78 division of alcohol and drug abuse of the department of mental health to provide education or
79 rehabilitation services pursuant to a professional assessment screening to identify the individual
80 needs of the person who has been referred to the program as the result of an alcohol- or
81 drug-related traffic offense. Successful completion of such a program includes participation in
82 any education or rehabilitation program required to meet the needs identified in the assessment
83 screening. The assignment recommendations based upon such assessment shall be subject to
84 judicial review as provided in subsection 13 of section 302.304 and subsections 1 and 5 of
85 section 302.540;

86 [(23)] (24) "Vehicle", any mechanical device on wheels, designed primarily for use, or
87 used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human
88 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
89 wheelchairs operated by handicapped persons.

302.063. 1. In addition to the requirement of section 302.171, the director of
2 **revenue shall not accept any application by any applicant for an operator's license or a**

3 temporary permit issued under section 302.130 who is fifteen to eighteen years of age and
4 whose name has been submitted to the department of revenue by a public school in
5 accordance with subsection 2 of this section.

6 2. Each public school district shall provide to the department of revenue, at least
7 one time for each semester of the school year, a list of the names of all students who are not
8 in compliance with the standards for eligibility developed under the provisions of this
9 section.

10 3. Each public school district shall develop a plan that includes, but is not limited
11 to, elements that demonstrate effort on the student's part, such as attendance, and
12 maintaining grades and achieving assessment scores consistent with their skills and
13 abilities. The public school district shall ensure that students are aware of the district's
14 standards and provide multiple opportunities in the fifth grade year and subsequent years
15 for students to receive information and participate in academic counseling in anticipation
16 of meeting such standards. The public school district's standards shall ensure that the
17 student continues to make educational progress. The student shall be required to meet the
18 standards in the academic year preceding such student's application for an operator's
19 license or temporary permit. A student enrolled in public school who withdraws from
20 public school and was not in compliance with the school district's standards for eligibility
21 for an operator's license or temporary permit at the time of such withdrawal shall remain
22 subject to the requirements of this section until such student demonstrates the district's
23 standards have been achieved.

24 4. If an applicant does not achieve the school district's standards, the applicant's
25 driver's license test shall be postponed until the applicant demonstrates the district's
26 standards have been achieved. The school district's plan shall create methods for
27 demonstrating, no less frequently than once a semester, that standards have been met. The
28 school district's standards shall also include a method for evaluating students who transfer
29 into the school district after the age of fourteen who may not initially meet the district's
30 standards to prevent undue delay for that student to qualify.

31 5. Any person who is an emancipated minor, as defined in section 302.171, who
32 does not meet the qualifications prescribed in this section may request the school board of
33 the school district in which such person resides to grant a waiver from the requirements
34 of this section and such waiver shall be granted if the school board determines that having
35 a license to operate a motor vehicle is in the best interests of that person. In addition, any
36 person who withdraws from school and earns a GED shall be granted, upon request, a
37 waiver from the requirements of this section.

38 **6. The department of elementary and secondary education, in cooperation with the**
39 **department of revenue, shall promulgate a model or models for school district standards.**

40 **7. Any person who knowingly submits false information to the department under**
41 **the provisions of this section is guilty of a class C misdemeanor.**

42 **8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
43 **that is created under the authority delegated in this section shall become effective only if**
44 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
45 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
46 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
47 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
48 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
49 **adopted after August 28, 2007, shall be invalid and void.**

302.272. 1. No person shall operate any school bus owned by or under contract with a
2 public school or the state board of education unless such driver has qualified for a school bus
3 endorsement under this section and complied with the pertinent rules and regulations of the
4 department of revenue and any final rule issued by the secretary of the United States Department
5 of Transportation or has a valid school bus endorsement on a valid commercial driver's license
6 issued by another state. A school bus endorsement shall be issued to any applicant who meets
7 the following qualifications:

8 (1) The applicant has a valid state license issued under this chapter;

9 (2) The applicant is at least twenty-one years of age; and

10 (3) The applicant has successfully passed an examination for the operation of a school
11 bus as prescribed by the director of revenue. The examination shall include any examinations
12 prescribed by the secretary of the United States Department of Transportation, and a driving test
13 in the type of vehicle to be operated. The test shall be completed in the appropriate class of
14 vehicle to be driven. For purposes of this section classes of school buses shall comply with the
15 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570). For drivers who
16 are at least seventy years of age, such examination shall be completed annually.

17 2. The director of revenue, to the best of the director's knowledge, shall not issue or
18 renew a school bus endorsement to any applicant whose driving record shows that such
19 applicant's privilege to operate a motor vehicle has been suspended, revoked or disqualified or
20 whose driving record shows a history of moving vehicle violations.

21 **3. The director of revenue shall not issue or renew a school bus endorsement to any**
22 **applicant whose driving record shows that the applicant has been convicted of an**
23 **intoxication-related traffic offense, as that term is defined in section 577.023, RSMo, while**
24 **operating a school bus. A person found guilty or pleading guilty to an intoxication-related**

25 **traffic offense while operating a school bus shall have his or her school bus endorsement**
26 **permanently denied by the court, beginning on the date of the court's order.**

27 **4.** The director may adopt any rules and regulations necessary to carry out the provisions
28 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
29 that is created under the authority delegated in this section shall become effective only if it
30 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
31 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
32 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay
33 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
34 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall
35 be invalid and void.

36 [4.] **5.** Notwithstanding the requirements of this section, an applicant who resides in
37 another state and possesses a valid driver's license from his or her state of residence with a valid
38 school bus endorsement for the type of vehicle being operated shall not be required to obtain a
39 Missouri driver's license with a school bus endorsement.

302.275. **1.** Any employer of a person licensed pursuant to section 302.272 to operate
2 a school bus, as that term is defined in section 301.010, RSMo, shall notify the director of the
3 department of revenue within ten days of discovering that the person has failed to pass any drug,
4 alcohol or chemical test administered pursuant to the requirements of any federal or state law,
5 rule or regulation regarding the operation of a school bus. The notification shall consist of the
6 person's name and any other relevant information required by the director. The director shall
7 determine the manner in which the notification is made. Any employer, or any officer of an
8 employer, who knowingly fails to comply with the notification requirement of this section or
9 who knowingly provides a false notification shall be guilty of an infraction.

10 **2.** Whenever a citation for an intoxicated-related traffic offense, as defined by
11 section 577.023, RSMo, is issued to any person licensed under section 302.272 to operate
12 a school bus, the person shall notify the superintendent of the school district or employing
13 contractor for which he or she operates a school bus of the citation. Notice of such citation
14 shall be given prior to the person resuming operation of a school bus. Failure to notify the
15 school district or the employing contractor of the citation shall constitute a valid reason to
16 discharge such person from the school district's or employing contractor's employ.

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

4 **2.** In an action to suspend or revoke a license or driving privilege under this section
5 points shall be accumulated on the date of conviction. No case file of any conviction for a

6 driving violation for which points may be assessed pursuant to section 302.302 may be closed
7 until such time as a copy of the record of such conviction is forwarded to the department of
8 revenue.

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

11 4. The license and driving privilege of any person whose license and driving privilege
12 have been suspended under the provisions of sections 302.010 to 302.540 except those persons
13 whose license and driving privilege have been suspended under the provisions of subdivision (8)
14 of subsection 1 of section 302.302 or has accumulated sufficient points together with a
15 conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of
16 financial responsibility with the department of revenue, in accordance with chapter 303, RSMo,
17 and is otherwise eligible, shall be reinstated as follows:

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

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

22 (3) In the case of the third and subsequent suspensions, ninety days after the effective
23 date of the suspension.

24
25 Unless proof of financial responsibility is filed with the department of revenue, a suspension
26 shall continue in effect for two years from its effective date.

27 5. The period of suspension of the driver's license and driving privilege of any person
28 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has
29 accumulated sufficient points together with a conviction under subdivision (10) of subsection
30 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving
31 privilege as defined in section 302.010. **No restricted driving privilege shall be issued until**
32 **the person has completed the first thirty days of a suspension under this section and has**
33 **filed proof with the director of revenue that his or her motor vehicle is equipped with a**
34 **functioning certified ignition interlock device as a required condition of the restricted**
35 **driving privilege. Such ignition interlock device shall additionally be required to be**
36 **maintained on all motor vehicles operated by the person for a period of not less than six**
37 **months immediately following the first thirty days of suspension under this section. If the**
38 **person fails to maintain such proof, the restricted driving privilege shall be terminated or**
39 **his or her license suspended, or both, as applicable.** Upon completion of such period of
40 restricted driving privilege, upon compliance with other requirements of law and upon filing of

41 proof of financial responsibility with the department of revenue, in accordance with chapter 303,
42 RSMo, the license and driving privilege shall be reinstated.

43 6. If the person fails to maintain proof of financial responsibility in accordance with
44 chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

45 7. The director shall revoke the license and driving privilege of any person when the
46 person's driving record shows such person has accumulated twelve points in twelve months or
47 eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation
48 period of any person whose license and driving privilege have been revoked under the provisions
49 of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the
50 department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall
51 be terminated by a notice from the director of revenue after one year from the effective date of
52 the revocation. Unless proof of financial responsibility is filed with the department of revenue,
53 except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for
54 a period of two years from its effective date. If the person fails to maintain proof of financial
55 responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege
56 shall be rerevoked. Any person whose license and driving privilege have been revoked under
57 the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of
58 the revocation from the director, pass the complete driver examination and apply for a new
59 license before again operating a motor vehicle upon the highways of this state.

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

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

68 10. Upon the issuance of a reinstatement or termination notice after a suspension or
69 revocation of any person's license and driving privilege under the provisions of sections 302.010
70 to 302.540, the accumulated point value shall be reduced to four points, except that the points
71 of any person serving as a member of the armed forces of the United States outside the limits of
72 the United States during a period of suspension or revocation shall be reduced to zero upon the
73 date of the reinstatement or termination of notice. It shall be the responsibility of such member
74 of the armed forces to submit copies of official orders to the director of revenue to substantiate
75 such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary

76 notwithstanding, the effective date of the four points remaining on the record upon reinstatement
77 or termination shall be the date of the reinstatement or termination notice.

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

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

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

89 14. No person who has had a license to operate a motor vehicle suspended or revoked
90 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of
91 subsection 1 of section 302.302 shall have that license reinstated until such person has
92 participated in and successfully completed a substance abuse traffic offender program defined
93 in section 302.010, or a program determined to be comparable by the department of mental
94 health. Assignment recommendations, based upon the needs assessment as described in
95 subdivision (22) of section 302.010, shall be delivered in writing to the person with written
96 notice that the person is entitled to have such assignment recommendations reviewed by the court
97 if the person objects to the recommendations. The person may file a motion in the associate
98 division of the circuit court of the county in which such assignment was given, on a printed form
99 provided by the state courts administrator, to have the court hear and determine such motion
100 pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity
101 making the needs assessment as the respondent and a copy of the motion shall be served upon
102 the respondent in any manner allowed by law. Upon hearing the motion, the court may modify
103 or waive any assignment recommendation that the court determines to be unwarranted based
104 upon a review of the needs assessment, the person's driving record, the circumstances
105 surrounding the offense, and the likelihood of the person committing a like offense in the future,
106 except that the court may modify but may not waive the assignment to an education or
107 rehabilitation program of a person determined to be a prior or persistent offender as defined in
108 section 577.023, RSMo, or of a person determined to have operated a motor vehicle with
109 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with
110 the court determination of the motion shall satisfy the provisions of this section for the purpose
111 of reinstating such person's license to operate a motor vehicle. The respondent's personal

112 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless
113 directed by the court.

114 15. The fees for the program authorized in subsection 14 of this section, or a portion
115 thereof to be determined by the department of mental health, shall be paid by the person enrolled
116 in the program. Any person who is enrolled in the program shall pay, in addition to any fee
117 charged for the program, a supplemental fee in an amount to be determined by the department
118 of mental health for the purposes of funding the substance abuse traffic offender program defined
119 in section 302.010 and section 577.001, RSMo, or a program determined to be comparable by
120 the department of mental health. The administrator of the program shall remit to the division of
121 alcohol and drug abuse of the department of mental health on or before the fifteenth day of each
122 month the supplemental fee for all persons enrolled in the program, less two percent for
123 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees
124 due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not
125 to exceed the annual rate established pursuant to the provisions of section 32.065, RSMo, plus
126 three percentage points. The supplemental fees and any interest received by the department of
127 mental health pursuant to this section shall be deposited in the mental health earnings fund which
128 is created in section 630.053, RSMo.

129 16. Any administrator who fails to remit to the division of alcohol and drug abuse of the
130 department of mental health the supplemental fees and interest for all persons enrolled in the
131 program pursuant to this section shall be subject to a penalty equal to the amount of interest
132 accrued on the supplemental fees due the division pursuant to this section. If the supplemental
133 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
134 department of mental health within six months of the due date, the attorney general of the state
135 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.
136 The court shall assess attorney fees and court costs against any delinquent program.

**302.305. 1. The director of the department of revenue shall issue a registration
2 plate impoundment order to any person whose driver's license has been suspended,
3 revoked, or disqualified for a period of sixty days or greater. The registration plate
4 impoundment order shall require the impoundment of the registration plates of all motor
5 vehicles owned by, registered, or leased in the name of the person whose driver's license
6 has been suspended, revoked, or disqualified, including motor vehicles registered solely or
7 jointly in the name of such individual. The registration plate impoundment order shall
8 notify the person that he or she has seven days to surrender all registration plates listed in
9 the registration impoundment order. Within seven days of receipt of the registration plate
10 impoundment order, the person shall surrender his or her current license plates for any
11 motor vehicle registered solely or jointly in the name of such person to the director of the**

12 department of revenue for destruction. If the person fails to return all license plates to the
13 director within seven days of receipt of the registration plate impoundment order, the
14 director shall direct the Missouri state highway patrol or any peace or police officer to
15 secure the possession of such license plates. The person shall be issued a set of restricted
16 license plates that are different in color from regular plates which shall be displayed on the
17 motor vehicle or motor vehicles registered solely or jointly in the person's name for the
18 period of the suspension, revocation, denial, or disqualification. The applicant shall pay
19 replacement plate fees as provided in section 301.300, RSMo, for the restricted license
20 plates in addition to any other registration fees that may apply. After reinstatement,
21 standard plates shall be obtained under the requirements and fees established in chapter
22 301, RSMo.

23 2. Until the driver's license of the motor vehicle owner is reinstated, any new license
24 plate issued to the motor vehicle owner shall conform to the provisions of this section.

25 3. Law enforcement officers shall have probable cause to stop any vehicle
26 displaying restricted license plates issued under the provisions of this section to determine
27 whether the driver of such vehicle has a valid driver's license or a limited driving privilege
28 as described in section 302.309.

29 4. A registered owner of a motor vehicle who has been issued restricted license
30 plates under the provisions of this section may not sell the motor vehicle during the period
31 the motor vehicle is required to display such plates unless the registered owner applies to
32 the department of revenue for permission to transfer title to the motor vehicle. If the
33 director of the department of revenue is satisfied that the proposed sale is in good faith and
34 for a valid consideration, and that the sale or transfer is not for the purpose of
35 circumventing the provisions of this section, the director may certify its consent to the
36 owner of the motor vehicle. Any vehicle acquired by the applicant during the period of
37 restriction shall display the restricted license plates.

38 5. If, during the time the restricted license plates are required to be displayed under
39 this section, the title to a motor vehicle is transferred by a foreclosure, a sale upon
40 execution, or other similar legal action, the department shall enter notice of the transfer
41 of the motor vehicle's title in the motor vehicle system and the restricted license plates shall
42 be returned to the department of revenue for destruction.

43 6. No person operating a motor vehicle displaying restricted license plates as
44 described in this section shall knowingly replace, disguise, or obscure the color of such
45 plates.

46 **7. Nothing contained in this section shall alter or be construed to alter the**
47 **obligations of a person with respect to the taxation of motor vehicles or the time within**
48 **which a person must pay personal property taxes upon a motor vehicle.**

49 **8. The director of the department of revenue is authorized to promulgate rules and**
50 **regulations to implement the provisions of this section. Any rule or portion of a rule, as**
51 **that term is defined in section 536.010, RSMo, that is created under the authority delegated**
52 **in this section shall become effective only if it complies with and is subject to all of the**
53 **provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section**
54 **and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**
55 **assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to**
56 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
57 **rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be**
58 **invalid and void.**

59 **9. The provisions of this section shall become effective January 1, 2008.**

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

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

7 3. (1) All circuit courts or the director of revenue shall have jurisdiction to hear
8 applications and make eligibility determinations granting limited driving privileges. Any
9 application may be made in writing to the director of revenue and the person's reasons for
10 requesting the limited driving privilege shall be made therein.

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

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

14 (b) Seeking medical treatment for such operator;

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

16 (d) Attending alcohol or drug treatment programs; or

17 (e) **Seeking required services of a certified ignition interlock device provider; or**

18 (f) Any other circumstance the court or director finds would create an undue hardship
19 on the operator;

20

21 the court or director may grant such limited driving privilege as the circumstances of the case
22 justify if the court or director finds undue hardship would result to the individual, and while so

23 operating a motor vehicle within the restrictions and limitations of the limited driving privilege
24 the driver shall not be guilty of operating a motor vehicle without a valid license.

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

41 (4) **No limited driving privilege shall be issued to any person otherwise eligible**
42 **under the provisions of paragraph (a), (e), or (g) of subdivision (6) of subsection 3 of this**
43 **section, or paragraph (a) or (b) of subdivision (8) of subsection 3 of this section until the**
44 **applicant has filed proof with the department of revenue that his or her motor vehicle is**
45 **equipped with a functioning certified ignition interlock device as a required condition of**
46 **the limited driving privilege.**

47 (5) The court order or the director's grant of the limited **or restricted** driving privilege
48 shall indicate the termination date of the privilege, which shall be not later than the end of the
49 period of suspension or revocation. A copy of any court order shall be sent by the clerk of the
50 court to the director, and a copy shall be given to the driver which shall be carried by the driver
51 whenever such driver operates a motor vehicle. The director of revenue upon granting a limited
52 driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant
53 shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction
54 which results in the assessment of points pursuant to section 302.302, other than a violation of
55 a municipal stop sign ordinance where no accident is involved, against a driver who is operating
56 a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points
57 are assessed to the person's driving record. If the date of arrest is prior to the issuance of the
58 limited driving privilege, the privilege shall not be terminated. The director shall notify by

59 ordinary mail the driver whose privilege is so terminated. **Failure of the driver to maintain**
60 **proof of financial responsibility, as required by chapter 303, RSMo, or to maintain proof**
61 **of installation of a functioning certified ignition interlock device, as applicable, shall**
62 **terminate the privilege.**

63 [(5)] (6) Except as provided in subdivision [(7)] (8) of this subsection, no person is
64 eligible to receive a limited driving privilege who at the time of application for a limited driving
65 privilege has previously been granted such a privilege within the immediately preceding five
66 years, or whose license has been suspended or revoked for the following reasons:

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

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

73 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),
74 (6), (7), (8), (9), (10) or (11) of section 302.060;

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

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

81 (f) Violation more than once of the provisions of section 577.041, RSMo, or a similar
82 implied consent law of any other state; or

83 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not
84 completed the first thirty days of such suspension, provided the person is not otherwise ineligible
85 for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525
86 if such person has not completed such revocation.

87 [(6)] (7) No person who possesses a commercial driver's license shall receive a limited
88 driving privilege issued for the purpose of operating a commercial motor vehicle if such person's
89 driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this
90 section shall prohibit the issuance of a limited driving privilege for the purpose of operating a
91 noncommercial motor vehicle provided that pursuant to the provisions of this section, the
92 applicant is not otherwise ineligible for a limited driving privilege.

93 [(7)] (8) (a) Provided that pursuant to the provisions of this section, the applicant is not
94 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the

95 manner prescribed in this subsection, allow a person who has had such person's license to operate
96 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,
97 as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege
98 pursuant to this subsection if such person has served at least three years of such disqualification
99 or revocation. Such person shall present evidence satisfactory to the court or the director that
100 such person has not been convicted of any offense related to alcohol, controlled substances or
101 drugs during the preceding three years and that the person's habits and conduct show that the
102 person no longer poses a threat to the public safety of this state.

103 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
104 ineligible for a limited driving privilege or convicted of involuntary manslaughter while
105 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the
106 manner prescribed in this subsection, allow a person who has had such person's license to operate
107 a motor vehicle revoked where that person cannot obtain a new license for a period of five years
108 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of
109 section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person
110 has served at least two years of such disqualification or revocation. Such person shall present
111 evidence satisfactory to the court or the director that such person has not been convicted of any
112 offense related to alcohol, controlled substances or drugs during the preceding two years and that
113 the person's habits and conduct show that the person no longer poses a threat to the public safety
114 of this state. Any person who is denied a license permanently in this state because of an
115 alcohol-related conviction subsequent to a restoration of such person's driving privileges
116 pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege
117 pursuant to the provisions of this subdivision.

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

125 5. The director of revenue shall promulgate rules and regulations necessary to carry out
126 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
127 536.010, RSMo, that is created under the authority delegated in this section shall become
128 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
129 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
130 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,

131 RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently
132 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
133 after August 28, 2001, shall be invalid and void.

302.321. 1. A person commits the crime of driving while revoked if such person
2 operates a motor vehicle on a highway when such person's license or driving privilege has been
3 canceled, suspended, or revoked under the laws of this state or any other state and acts with
4 criminal negligence with respect to knowledge of the fact that such person's driving privilege has
5 been canceled, suspended, or revoked.

6 2. Any person convicted of driving while revoked is guilty of a class A misdemeanor.
7 **If the person convicted of driving while revoked was operating a school bus at the time of**
8 **the offense, the person shall be fined not less than one thousand dollars if the offense is**
9 **otherwise a class A misdemeanor.** Any person with no prior alcohol-related enforcement
10 contacts as defined in section 302.525, convicted a fourth or subsequent time of driving while
11 revoked or a county or municipal ordinance of driving while suspended or revoked where the
12 defendant was represented by or waived the right to an attorney in writing, and where the prior
13 three driving-while-revoked offenses occurred within ten years of the date of occurrence of the
14 present offense; and any person with a prior alcohol-related enforcement contact as defined in
15 section 302.525, convicted a third or subsequent time of driving while revoked or a county or
16 municipal ordinance of driving while suspended or revoked where the defendant was represented
17 by or waived the right to an attorney in writing, and where the prior two driving-while-revoked
18 offenses occurred within ten years of the date of occurrence of the present offense and where the
19 person received and served a sentence of ten days or more on such previous offenses is guilty of
20 a class D felony. No court shall suspend the imposition of sentence as to such a person nor
21 sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be
22 eligible for parole or probation until such person has served a minimum of forty-eight
23 consecutive hours of imprisonment, unless as a condition of such parole or probation, such
24 person performs at least ten days involving at least forty hours of community service under the
25 supervision of the court in those jurisdictions which have a recognized program for community
26 service. Driving while revoked is a class D felony on the second or subsequent conviction
27 pursuant to section 577.010, RSMo, or a fourth or subsequent conviction for any other offense.

302.525. 1. The license suspension or revocation shall become effective fifteen days
2 after the subject person has received the notice of suspension or revocation as provided in section
3 302.520, or is deemed to have received the notice of suspension or revocation by mail as
4 provided in section 302.515. If a request for a hearing is received by or postmarked to the
5 department within that fifteen-day period, the effective date of the suspension or revocation shall
6 be stayed until a final order is issued following the hearing; provided, that any delay in the

7 hearing which is caused or requested by the subject person or counsel representing that person
8 without good cause shown shall not result in a stay of the suspension or revocation during the
9 period of delay.

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

11 (1) If the person's driving record shows no prior alcohol-related enforcement contacts
12 during the immediately preceding five years, the period of suspension shall be thirty days after
13 the effective date of suspension, followed by a sixty-day period of restricted driving privilege as
14 defined in section 302.010 and issued by the director of revenue. The restricted driving privilege
15 shall not be issued until he or she has filed proof of financial responsibility with the department
16 of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible[.] ;

17 (2) In no case shall restricted driving privileges be issued pursuant to this section or
18 section 302.535 until the person has completed the first thirty days of a suspension under this
19 section **and has filed proof with the department of revenue that his or her motor vehicle is**
20 **equipped with a functioning certified ignition interlock device as a required condition of**
21 **the restricted driving privilege. Such ignition interlock device shall additionally be**
22 **required to be maintained on all motor vehicles operated by the person for a period of not**
23 **less than six months immediately following the first thirty days of suspension under this**
24 **section. If the person fails to maintain such proof, the restricted driving privilege shall be**
25 **terminated or his or her license suspended, or both, as applicable;**

26 [(2)] (3) The period of revocation shall be one year if the person's driving record shows
27 one or more prior alcohol-related enforcement contacts during the immediately preceding five
28 years.

29 3. For purposes of this section, "alcohol-related enforcement contacts" shall include any
30 suspension or revocation under sections 302.500 to 302.540, any suspension or revocation
31 entered in this or any other state for a refusal to submit to chemical testing under an implied
32 consent law, and any conviction in this or any other state for a violation which involves driving
33 **while intoxicated, driving while under the influence of drugs or alcohol, or driving** a vehicle
34 while having an unlawful alcohol concentration.

35 4. Where a license is suspended or revoked under this section and the person is also
36 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
37 577.012, RSMo, or for a violation of any county or municipal ordinance prohibiting driving
38 while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this
39 section and any other suspension or revocation arising from such convictions shall be imposed,
40 but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited
41 against any other suspension or revocation arising from such convictions, and the total period

42 of suspension or revocation shall not exceed the longer of the two suspension or revocation
43 periods.

302.545. 1. Any person who is less than twenty-one years of age and whose driving
2 privilege has been suspended or revoked, for a first determination under sections 302.500 to
3 302.540, that such person was driving with two-hundredths of one percent of blood alcohol
4 content, shall have all official records and all recordations maintained by the department of
5 revenue of such suspension or revocation expunged two years after the date of such suspension
6 or revocation, or when such person attains the age of twenty-one, whichever date first occurs.
7 Such expungement shall be performed by the department of revenue without need of a court
8 order. No records shall be expunged **until three years after the date of suspension or**
9 **revocation, if the person was holding a commercial driver's license at the time of the**
10 **offense, or** if the person was found guilty or pled guilty to operating a commercial motor vehicle,
11 as defined in section 302.700, with a blood alcohol content of at least four-hundredths of one
12 percent.

13 2. The provisions of this section shall not apply to any person whose license is suspended
14 or revoked for a second or subsequent time pursuant to subsection 1 of this section or who is
15 convicted of any alcohol-related driving offense before the age of twenty-one including, but not
16 limited to:

17 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or

18 (2) Driving with excessive blood alcohol content pursuant to section 577.012, RSMo.

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

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

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

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

9 (3) "Commercial driver's instruction permit", a permit issued pursuant to section
10 302.720;

11 (4) "Commercial driver's license", a license issued by this state to an individual which
12 authorizes the individual to operate a commercial motor vehicle;

13 (5) "Commercial driver's license information system", the information system established
14 pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570)
15 to serve as a clearinghouse for locating information related to the licensing and identification of
16 commercial motor vehicle drivers;

17 (6) "Commercial motor vehicle", a motor vehicle designed or used to transport
18 passengers or property:

19 (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or
20 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand
21 one pounds or more;

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

24 (c) If the vehicle is designed to transport sixteen or more passengers, including the
25 driver; or

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

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

31 (8) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo
32 contendere, or a determination that a person has violated or failed to comply with the law in a
33 court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture
34 of bail or collateral deposited to secure the person's appearance in court, the payment of a fine
35 or court cost, or violation of a condition of release without bail, regardless of whether the penalty
36 is rebated, suspended or prorated, **including an offense for failure to appear or pay;**

37 (9) "Director", the director of revenue or his authorized representative;

38 (10) "Disqualification", any of the following three actions:

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

40 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a
41 state as the result of a violation of federal, state, county, municipal, or local law relating to motor
42 vehicle traffic control or violations committed through the operation of motor vehicles, other
43 than parking, vehicle weight, or vehicle defect violations;

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

46 (11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

47 (12) "Driver", any person who drives, operates, or is in physical control of a motor
48 vehicle, or who is required to hold a commercial driver's license;

49 (13) "Driving under the influence of alcohol", the commission of any one or more of the
50 following acts:

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

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

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

59 (d) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
60 302.750, any federal or state law, or a county or municipal ordinance; or

61 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined
62 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to
63 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years
64 of age or older shall have been committed by the person with an alcohol concentration of at least
65 eight-hundredths of one percent or more, or in the case of an individual who is less than
66 twenty-one years of age, shall have been committed by the person with an alcohol concentration
67 of at least two-hundredths of one percent or more, and if committed in a commercial motor
68 vehicle, a concentration of four-hundredths of one percent or more;

69 (14) "Driving under the influence of a controlled substance", the commission of any one
70 or more of the following acts in a commercial or noncommercial motor vehicle:

71 (a) Driving a commercial or noncommercial motor vehicle while under the influence of
72 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.
73 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they
74 may be revised from time to time;

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

77 (c) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
78 302.750, any federal or state law, or a county or municipal ordinance;

79 (15) "Employer", any person, including the United States, a state, or a political
80 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
81 operate such a vehicle;

82 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer
83 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,
84 or a combination of these, within one hundred fifty miles of the farm, other than one which
85 requires placarding for hazardous materials as defined in this section, or used in the operation
86 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial

87 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand
88 one pounds when transporting fertilizers as defined in subdivision (21) of this subsection;

89 (17) "Fatality", the death of a person as a result of a motor vehicle accident;

90 (18) "Felony", any offense under state or federal law that is punishable by death or
91 imprisonment for a term exceeding one year;

92 (19) "Gross combination weight rating" or "GCWR", the value specified by the
93 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a
94 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the
95 power unit and the total weight of the towed unit and any load thereon;

96 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer
97 as the loaded weight of a single vehicle;

98 (21) "Hazardous materials", hazardous materials as specified in Section 103 of the
99 Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers, including but not
100 limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel
101 or special fuel, shall not be considered hazardous materials when transported by a farm vehicle
102 provided all other provisions of this definition are followed;

103 (22) "Imminent hazard", the existence of a condition that presents a substantial
104 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to
105 health, property, or the environment may occur before the reasonably foreseeable completion
106 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or
107 endangerment;

108 (23) "Issuance", the initial licensure, license transfers, license renewals, and license
109 upgrades;

110 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

111 (25) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles
112 not defined by the term "commercial motor vehicle" in this section;

113 (26) "Out of service", a temporary prohibition against the operation of a commercial
114 motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle,
115 or the operation of a particular motor carrier;

116 (27) "Out-of-service order", a declaration by the Federal Highway Administration, or any
117 authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian,
118 Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier
119 operation, is out of service;

120 (28) "School bus", a commercial motor vehicle used to transport preprimary, primary,
121 or secondary school students from home to school, from school to home, or to and from

122 school-sponsored events. School bus does not include a bus used as a common carrier as defined
123 by the Secretary;

124 (29) "Secretary", the Secretary of Transportation of the United States;

125 (30) "Serious traffic violation", driving a commercial motor vehicle in such a manner
126 that the driver receives a conviction for the following offenses or driving a noncommercial motor
127 vehicle when the driver receives a conviction for the following offenses and the conviction
128 results in the suspension or revocation of the driver's license or noncommercial motor vehicle
129 driving privilege:

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

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

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

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

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

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

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

154 (31) "State", a state, territory or possession of the United States, the District of
155 Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada;

156 (32) "United States", the fifty states and the District of Columbia.

302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations. **The written test shall only be administered in the English language and applicants must be able to read and speak the English language sufficiently to understand highway traffic signs and signals in the English language, respond to official inquiries, and**

37 **make entries on reports and records. Applicants shall be prohibited from using an**
38 **interpreter or translator while testing.**

39 (2) The director shall adopt and promulgate rules and regulations governing the
40 certification of third-party testers by the department of revenue. Such rules and regulations shall
41 substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification
42 to conduct third-party testing shall be valid for one year, and the department shall charge a fee
43 of one hundred dollars to issue or renew the certification of any third-party tester.

44 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
45 certification to junior colleges or community colleges established under chapter 178, RSMo, or
46 to private companies who own, lease, or maintain their own fleet and administer in-house testing
47 to their employees, or to school districts and their agents that administer in-house testing to the
48 school district's or agent's employees. Any third-party tester who violates any of the rules and
49 regulations adopted and promulgated pursuant to this section shall be subject to having his
50 certification revoked by the department. The department shall provide written notice and an
51 opportunity for the third-party tester to be heard in substantially the same manner as provided
52 in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a
53 test administered by a third-party tester, the actual driving test for a commercial driver's license
54 may then be waived.

55 (4) Every applicant for renewal of a commercial driver's license shall provide such
56 certifications and information as required by the secretary and if such person transports a
57 hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of
58 Public Law 107-56) as specified and required by regulations promulgated by the secretary. Such
59 person shall be required to take the written test for such endorsement. A twenty-five dollar
60 examination fee shall be paid upon completion of such tests;

61 (5) **The director shall have the authority to waive the driving skills test for any**
62 **qualified military applicant for a commercial driver's license who is currently licensed at**
63 **the time of application for a commercial driver's license. The director shall impose**
64 **conditions and limitations to restrict the applicants from whom the department may accept**
65 **alternative requirements for the skills test described in 49 CFR Part 383, Section 383.77.**
66 **An applicant must certify that, during the two-year period immediately preceding**
67 **application for a commercial driver's license, all of the following apply:**

68 (a) **The applicant has not had more than one license;**

69 (b) **The applicant has not had any license suspended, revoked, or canceled;**

70 (c) **The applicant has not had any convictions for any type of motor vehicle for the**
71 **disqualifying offenses contained in this chapter or 49 CFR Part 383, Section 383.51(b);**

72 **(d) The applicant has not had more than one conviction for any type of motor**
73 **vehicle for serious traffic violations;**

74 **(e) The applicant has not had any conviction for a violation of state or local law**
75 **relating to motor vehicle traffic control, other than a parking violation, arising in**
76 **connection with any traffic accident, and has no record of an accident in which he or she**
77 **was at fault;**

78 **(f) The applicant is regularly employed in a job requiring operation of a**
79 **commercial motor vehicle, and has at least operated the vehicle for sixty days during the**
80 **two years immediately preceding application for a commercial driver's license. The vehicle**
81 **must be representative of the commercial motor vehicle the driver applicant operates or**
82 **expects to operate;**

83 **(g) The applicant, if on active duty, must provide a notarized affidavit signed by**
84 **a commanding officer as proof of driving experience as indicated in paragraph (f) of this**
85 **subsection;**

86 **(h) The applicant, if honorably discharged from military service, must provide a**
87 **Form-DD214 or other proof of military occupational specialty;**

88 **(i) The applicant must meet all federal and state qualifications to operate a**
89 **commercial vehicle; and**

90 **(j) The applicant will be required to complete all applicable knowledge tests.**

91 3. A commercial driver's license may not be issued to a person while the person is
92 disqualified from driving a commercial motor vehicle, when a disqualification is pending in any
93 state or while the person's driver's license is suspended, revoked, or canceled in any state; nor
94 may a commercial driver's license be issued unless the person first surrenders in a manner
95 prescribed by the director any commercial driver's license issued by another state, which license
96 shall be returned to the issuing state for cancellation.

97 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this
98 section unless the director verifies that the applicant is lawfully present in the United States
99 before accepting the application. The director may, by rule or regulation, establish procedures
100 to verify the lawful presence of the applicant under this section. No rule or portion of a rule
101 promulgated pursuant to the authority of this section shall become effective unless it has been
102 promulgated pursuant to chapter 536, RSMo.

 302.755. 1. A person is disqualified from driving a commercial motor vehicle for a
2 period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled substance;

4 (2) Driving a commercial motor vehicle which causes a fatality through the negligent
5 operation of the commercial motor vehicle, including but not limited to the crimes of vehicular
6 manslaughter, homicide by motor vehicle, and negligent homicide;

7 (3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

8 (4) Leaving the scene of an accident involving a commercial or noncommercial motor
9 vehicle operated by the person;

10 (5) Using a commercial or noncommercial motor vehicle in the commission of any
11 felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

12 2. If any of the violations described in subsection 1 of this section occur while
13 transporting a hazardous material the person is disqualified for a period of not less than three
14 years.

15 3. Any person is disqualified from operating a commercial motor vehicle for life if
16 convicted of two or more violations of any of the offenses specified in subsection 1 of this
17 section, or any combination of those offenses, arising from two or more separate incidents. The
18 director may issue rules and regulations, in accordance with guidelines established by the
19 secretary, under which a disqualification for life under this section may be reduced to a period
20 of not less than ten years.

21 4. Any person is disqualified from driving a commercial motor vehicle for life who uses
22 a commercial or noncommercial motor vehicle in the commission of any felony involving the
23 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to
24 manufacture, distribute, or dispense a controlled substance.

25 5. Any person is disqualified from operating a commercial motor vehicle for a period
26 of not less than sixty days if convicted of two serious traffic violations or one hundred twenty
27 days if convicted of three serious traffic violations, arising from separate incidents occurring
28 within a three-year period.

29 6. Any person found to be operating a commercial motor vehicle while having any
30 measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour
31 out-of-service order by a law enforcement officer in this state.

32 7. Any person who is convicted of operating a commercial motor vehicle beginning at
33 the time of issuance of the out-of-service order until its expiration is guilty of a class A
34 misdemeanor.

35 8. Any person convicted for the first time of driving while out of service shall be
36 disqualified from driving a commercial motor vehicle [for a period of ninety days] **in the**
37 **manner prescribed in 49 CFR Part 383, or as amended by the Secretary of Transportation.**

38 9. Any person convicted of driving while out of service on a second occasion during any
39 ten-year period, involving separate incidents, shall be disqualified [for a period of one year] **in**

40 **the manner prescribed in 49 CFR Part 383, or as amended by the Secretary of**
41 **Transportation.**

42 10. Any person convicted of driving while out of service on a third or subsequent
43 occasion during any ten-year period, involving separate incidents, shall be disqualified for a
44 period of three years.

45 11. Any person convicted of a first violation of an out-of-service order while transporting
46 hazardous materials or while operating a motor vehicle designed to transport sixteen or more
47 passengers, including the driver, is disqualified for a period of one hundred eighty days.

48 12. Any person convicted of any subsequent violation of an out-of-service order in a
49 separate incident within ten years after a previous violation, while transporting hazardous
50 materials or while operating a motor vehicle designed to transport fifteen passengers, including
51 the driver, is disqualified for a period of three years.

52 13. Any person convicted of any other offense as specified by regulations promulgated
53 by the Secretary of Transportation shall be disqualified in accordance with such regulations.

54 14. After suspending, revoking, canceling or disqualifying a driver, the director shall
55 update records to reflect such action and notify a nonresident's licensing authority and the
56 commercial driver's license information system within ten days in the manner prescribed in 49
57 CFR Part 384, or as amended by the Secretary.

58 15. Any person disqualified from operating a commercial motor vehicle pursuant to
59 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license canceled, and
60 upon conclusion of the period of disqualification shall take the written and driving tests and meet
61 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation
62 shall not be withdrawn by the director until such person reapplies for a commercial driver's
63 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

64 16. The director shall disqualify a driver upon receipt of notification that the Secretary
65 has determined a driver to be an imminent hazard pursuant to 49 CFR, Part 383.52. Due process
66 of a disqualification determined by the Secretary pursuant to this section shall be held in
67 accordance with regulations promulgated by the Secretary. The period of disqualification
68 determined by the Secretary pursuant to this section shall be served concurrently to any other
69 period of disqualification which may be imposed by the director pursuant to this section. Both
70 disqualifications shall appear on the driving record of the driver.

71 **17. The director shall disqualify a commercial license holder or operator of a**
72 **commercial vehicle from operation of any commercial motor vehicle upon receipt of a**
73 **conviction for an offense of failure to appear or pay, and such disqualification shall remain**
74 **in effect until the director receives notice that the person has complied with the**
75 **requirement to appear or pay.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

- 2 (1) Any person driving a farm vehicle as defined in section 302.700;
- 3 (2) Any active duty military personnel, members of the reserves and national guard on
4 active duty, including personnel on full-time national guard duty, personnel on part-time training
5 and national guard military technicians, while driving [military] vehicles for military purposes;
- 6 (3) Any person who drives emergency or fire equipment necessary to the preservation
7 of life or property or the execution of emergency governmental functions under emergency
8 conditions;
- 9 (4) Any person qualified to operate the equipment under subdivision (3) of this section
10 when operating such equipment in other functions such as parades, special events, repair, service
11 or other authorized movements;
- 12 (5) Any person driving or pulling a recreational vehicle, as defined in sections 301.010
13 and 700.010, RSMo, for personal use; and
- 14 (6) Any other class of persons exempted by rule or regulation of the director, which rule
15 or regulation is in compliance with the Commercial Motor Vehicle Safety Act of 1986 and any
16 amendments or regulations drafted to that act.

**304.032. 1. For purposes of this section, "Utility vehicle" means any motorized
2 vehicle manufactured and used exclusively for off-highway use which is sixty-three inches
3 or less in width, with an unladen dry weight of one thousand nine hundred pounds or less,
4 traveling on four or six wheels, excluding all-terrain vehicles, to be used primarily for
5 agricultural, landscaping, lawn care, or maintenance purposes.**

**2. No person shall operate a utility vehicle, as defined in this section upon the
7 highways of this state, except as follows:**

- 8 (1) Utility vehicles owned and operated by a governmental entity for official use;
- 9 (2) Utility vehicles operated for agricultural purposes or industrial on-premises
10 purposes between the official sunrise and sunset on the day of operation;
- 11 (3) Utility vehicles operated by handicapped persons for short distances
12 occasionally only on the state's secondary roads when operated between the hours of
13 sunrise and sunset;
- 14 (4) Governing bodies of cities may issue special permits for utility vehicles to be
15 used on highways within the city limits by licensed drivers. Fees of fifteen dollars may be
16 collected and retained by cities for such permits;
- 17 (5) Governing bodies of counties may issue special permits for utility vehicles to be
18 used on county roads within the county by licensed drivers. Fees of fifteen dollars may be
19 collected and retained by the counties for such permits.

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

29 **4. A person operating a utility vehicle on a public road pursuant to an exception**
30 **covered in this section, or otherwise, shall exercise the highest degree of care as required**
31 **by this chapter and shall have a valid operator's or chauffeur's license, except that a**
32 **handicapped person operating such vehicle pursuant to subdivision (3) of subsection 2 of**
33 **this section, but shall not be required to have passed an examination for the operation of**
34 **a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour.**

35 **5. No persons shall operate a utility vehicle:**

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

37 **(2) While under the influence of alcohol or any controlled substance.**

38 **6. No operator of a utility vehicle shall carry a passenger, except for agricultural**
39 **purposes. The provisions of this subsection shall not apply to any utility vehicle in which**
40 **the seat of such vehicle is designed to carry more than one person.**

41 **7. Utility vehicles shall be exempt from the titling and registration provisions of**
42 **chapter 301, RSMo.**

43 **8. A violation of this section shall be a class C misdemeanor.**

304.070. 1. Any person who violates any of the provisions of subsections 1, 3, and 6 of
2 section 304.050 is guilty of a class A misdemeanor. In addition, beginning July 1, 2005, the
3 court may suspend the driver's license of any person who violates the provision of subsection 1
4 of section 304.050. If ordered by the court, the director shall suspend the driver's license for
5 [ninety] **one hundred twenty** days for a first offense of subsection 1 of section 304.050, and one
6 hundred [twenty] **eighty** days for a second or subsequent offense of subsection 1 of section
7 304.050. Any person who violates subsection 1 of section 304.050 where such violation results
8 in the injury of any child shall be guilty of a class D felony. Any person who violates subsection
9 1 of section 304.050 where such violation causes the death of any child shall be guilty of a class
10 C felony.

11 2. Any appeal of a suspension imposed under subsection 1 of this section shall be a
12 direct appeal of the court order and subject to review by the presiding judge of the circuit court

13 or another judge within the circuit other than the judge who issued the original order to suspend
14 the driver's license. The director of revenue's entry of the court-ordered suspension on the
15 driving record is not a decision subject to review pursuant to section 302.311, RSMo. Any
16 suspension of the driver's license ordered by the court under this section shall be in addition to
17 any other suspension that may occur as a result of the conviction pursuant to other provisions of
18 law.

304.170. 1. No vehicle operated upon the highways of this state shall have a width,
2 including load, in excess of ninety-six inches, except clearance lights, rearview mirrors or other
3 accessories required by federal, state or city law or regulation; except that, vehicles having a
4 width, including load, not in excess of one hundred two inches, exclusive of clearance lights,
5 rearview mirrors or other accessories required by law or regulations, may be operated on the
6 interstate highways and such other highways as may be designated by the highways and
7 transportation commission for the operation of such vehicles plus a distance not to exceed ten
8 miles from such interstate or designated highway. Provided however, a recreational vehicle as
9 defined in section 700.010, RSMo, may exceed the foregoing width limits if the appurtenances
10 on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only
11 extend the distance necessary to provide the required field of view before the appurtenances were
12 attached.

13 2. No vehicle operated upon the interstate highway system or upon any route designated
14 by the chief engineer of the state transportation department shall have a height, including load,
15 in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load,
16 in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles
17 transporting automobiles or other motor vehicles may have a height, including load, of not more
18 than fourteen feet.

19 3. No single motor vehicle operated upon the highways of this state shall have a length,
20 including load, in excess of forty-five feet, except as otherwise provided in this section.

21 4. No bus, recreational motor vehicle or trackless trolley coach operated upon the
22 highways of this state shall have a length in excess of forty-five feet, except that such vehicles
23 may exceed the forty-five feet length when such excess length is caused by the projection of a
24 front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the
25 length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more
26 than one foot in the front and one foot in the rear. The term "safety bumper" means any device
27 which may be fitted on an existing bumper or which replaces the bumper and is so constructed,
28 treated, or manufactured that it absorbs energy upon impact.

29 5. No combination of truck-tractor and semitrailer or truck-tractor equipped with
30 dromedary and semitrailer operated upon the highways of this state shall have a length, including

31 load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the
32 United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer or
33 truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway
34 system of this state shall have an overall length, including load, in excess of the length of the
35 truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The
36 length of such semitrailer shall not exceed fifty-three feet.

37 6. In order to comply with the provisions of Title 23 of the United States Code (Public
38 Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate
39 highway system of this state shall have an overall length, including load, in excess of the length
40 of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall
41 exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to
42 twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982,
43 within a sixty-five foot overall length limit in any state, may continue to be operated upon the
44 interstate highways of this state. On those primary highways not designated by the state
45 highways and transportation commission as provided in subsection 10 of this section, no
46 combination of truck-tractor, semitrailer and trailer shall have an overall length, including load,
47 in excess of sixty-five feet; provided, however, the state highways and transportation commission
48 may designate additional routes for such sixty-five foot combinations.

49 7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations,
50 stinger-steered combination automobile transporters and stinger-steered combination boat
51 transporters having a length not in excess of seventy-five feet may be operated on the interstate
52 highways of this state and such other highways as may be designated by the highways and
53 transportation commission for the operation of such vehicles plus a distance not to exceed ten
54 miles from such interstate or designated highway. All length provisions regarding automobile
55 or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations
56 shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear
57 overhang, which shall be no greater than a three-foot front overhang and no greater than a
58 four-foot rear overhang.

59 8. Driveaway saddlemount combinations having a length not in excess of [seventy-five]
60 **ninety-seven** feet may be operated on the interstate highways of this state and such other
61 highways as may be designated by the highways and transportation commission for the operation
62 of such vehicles plus a distance not to exceed ten miles from such interstate or designated
63 highway. Saddlemount combinations must comply with the safety requirements of Section
64 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three
65 saddlemounted vehicles and one fullmount.

66 9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the
67 interstate and designated primary highway system of this state shall have a semitrailer length in
68 excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and
69 lawful operation in any state on December 1, 1982, operating in a truck-tractor
70 semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement
71 of semitrailer length when used between the first and second semitrailer of a truck-tractor
72 semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the
73 B-train assembly, it shall be included in the length measurement of the semitrailer.

74 10. The highways and transportation commission is authorized to designate routes on
75 the state highway system other than the interstate system over which those combinations of
76 vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated.
77 Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this
78 section may be operated at a distance not to exceed ten miles from the interstate system and such
79 routes as designated under the provisions of this subsection.

80 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other
81 combination of vehicles operated upon the primary or interstate highways of this state plus a
82 distance of ten miles from a primary or interstate highway shall have an overall length, unladen
83 or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway,
84 except the state highways and transportation commission may designate additional routes for use
85 by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five
86 foot saddlemount combinations. Any vehicle or combination of vehicles transporting
87 automobiles, boats or other motor vehicles may carry a load which extends no more than three
88 feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of
89 vehicles.

90 12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural
91 implements operating occasionally on the highways for short distances, or to self-propelled
92 hay-hauling equipment or to implements of husbandry, or to the movement of farm products as
93 defined in section 400.9-109, RSMo, or to vehicles temporarily transporting agricultural
94 implements or implements of husbandry or roadmaking machinery, or road materials or towing
95 for repair purposes vehicles that have become disabled upon the highways; or to implement
96 dealers delivering or moving farm machinery for repairs on any state highway other than the
97 interstate system.

98 (2) Implements of husbandry and vehicles transporting such machinery or equipment and
99 the movement of farm products as defined in section 400.9.109, RSMo, may be operated
100 occasionally for short distances on state highways when operated between the hours of sunrise
101 and sunset by a driver licensed as an operator or chauffeur.

102 13. As used in this chapter the term "implements of husbandry" means all self-propelled
103 machinery operated at speeds of less than thirty miles per hour, specifically designed for, or
104 especially adapted to be capable of, incidental over-the-road and primary offroad usage and used
105 exclusively for the application of commercial plant food materials or agricultural chemicals, and
106 not specifically designed or intended for transportation of such chemicals and materials.

107 14. The purpose of this section is to permit a single trip per day by the implement of
108 husbandry from the source of supply to a given farm.

109 15. Sludge disposal units may be operated on all state highways other than the interstate
110 system. Such units shall not exceed one hundred thirty-eight inches in width and may be
111 equipped with over-width tires. Such units shall observe all axle weight limits. The chief
112 engineer of the state transportation department shall issue special permits for the movement of
113 such disposal units and may by such permits restrict the movements to specified routes, days and
114 hours.

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

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

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

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

24 indicated
 25 otherwise

26		Maximum load in pounds				
27	feet	2 axles	3 axles	4 axles	5 axles	6 axles
28	4	34,000				
29	5	34,000				
30	6	34,000				
31	7	34,000				
32	8	34,000	34,000			
33	More than 8	38,000	42,000			
34	9	39,000	42,500			
35	10	40,000	43,500			
36	11	40,000	44,000			
37	12	40,000	45,000	50,000		
38	13	40,000	45,500	50,500		
39	14	40,000	46,500	51,500		
40	15	40,000	47,000	52,000		
41	16	40,000	48,000	52,500	58,000	
42	17	40,000	48,500	53,500	58,500	
43	18	40,000	49,500	54,000	59,000	
44	19	40,000	50,000	54,500	60,000	
45	20	40,000	51,000	55,500	60,500	66,000
46	21	40,000	51,500	56,000	61,000	66,500
47	22	40,000	52,500	56,500	61,500	67,000
48	23	40,000	53,000	57,500	62,500	68,000
49	24	40,000	54,000	58,000	63,000	68,500
50	25	40,000	54,500	58,500	63,500	69,000

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

77	52	60,000	76,500	80,000	80,000
78	53	60,000	77,500	80,000	80,000
79	54	60,000	78,000	80,000	80,000
80	55	60,000	78,500	80,000	80,000
81	56	60,000	79,500	80,000	80,000
82	57	60,000	80,000	80,000	80,000

83

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

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

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

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

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

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

304.230. 1. It shall be the duty of the sheriff of each county or city to see that the
2 provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer
3 of any county or city or any highway patrol officer shall have the power to arrest on sight or upon
4 a warrant any person found violating or having violated the provisions of such sections.

5 2. The sheriff or any peace officer or any highway patrol officer is hereby given the
6 power to stop any such conveyance or vehicle as above described upon the public highway for
7 the purpose of determining whether such vehicle is loaded in excess of the provisions of sections
8 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions
9 thereof he or she shall have a right at that time and place to cause the excess load to be removed
10 from such vehicle; and provided further, that any regularly employed maintenance man of the
11 department of transportation shall have the right and authority in any part of this state to stop any
12 such conveyance or vehicle upon the public highway for the purpose of determining whether
13 such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or
14 she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right
15 at that time and place to cause the excess load to be removed from such vehicle. When only an
16 axle or a tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift
17 the load, if this will not overload some other axle or axles, without being charged with a
18 violation; provided, however, the privilege of shifting the weight without being charged with a
19 violation shall not extend to or include vehicles while traveling on the federal interstate system
20 of highways. When only an axle or tandem axle group of the vehicle traveling on the federal
21 interstate system of highways is overloaded and a court authorized to enforce the provisions of
22 sections 304.170 to 304.230 finds that the overloading was due to the inadvertent shifting of the
23 load changing axle weights in transit through no fault of the operator of the vehicle and that the
24 load thereafter had been shifted so that no axle had been overloaded, then the court may find that
25 no violation has been committed. The operator of any vehicle shall be permitted to back up and
26 reweigh, or to turn around and weigh from the opposite direction. Any operator whose vehicle
27 is weighed and found to be within five percent of any legal limit may request and receive a

28 weight ticket, memorandum or statement showing the weight or weights on each axle or any
29 combinations of axles. Once a vehicle is found to be within the limits of section 304.180 after
30 having been weighed on any state scale and there is no evidence that any cargo or fuel has been
31 added, no violation shall occur, but a presumption shall exist that cargo or fuel has been added
32 if upon reweighing on another state scale the total gross weight exceeds the applicable limits of
33 section 304.180 or 304.190. The highways and transportation commission of this state may
34 deputize and appoint any number of their regularly employed maintenance men to enforce the
35 provisions of such sections, and the maintenance men delegated and appointed in this section
36 shall report to the proper officers any violations of sections 304.170 to 304.230 for prosecution
37 by such proper officers.

38 3. The superintendent of the Missouri state highway patrol may assign qualified persons
39 who are not highway patrol officers to supervise or operate permanent or portable weigh stations
40 used in the enforcement of commercial vehicle laws. These persons shall be designated as
41 commercial vehicle inspectors and have limited police powers:

42 (1) To issue uniform traffic tickets at a permanent or portable weigh station for violations
43 of rules and regulations of the division of motor carrier [and railroad safety of the department of
44 economic development] **services of the highways and transportation commission** and
45 department of public safety, and laws, rules, and regulations pertaining to commercial motor
46 vehicles and trailers and related to size, weight, fuel tax, registration, equipment, driver
47 requirements, transportation of hazardous materials and operators' or chauffeurs' licenses, and
48 the provisions of sections 303.024 and 303.025, RSMo;

49 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
50 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
51 the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when
52 reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as
53 defined by Title 49 of the Code of Federal Regulations;

54 (3) To make arrests for violation of subdivisions (1) and (2) of this subsection.
55 Commercial vehicle inspectors shall not have the authority to exercise the powers granted in
56 subdivisions (1), (2) and (3) of this subsection until they have successfully completed training
57 approved by the superintendent of the Missouri state highway patrol; nor shall they have the right
58 as peace officers to bear arms.

59 4. The superintendent of the Missouri state highway patrol may appoint qualified
60 persons, who are not members of the highway patrol, designated as commercial vehicle
61 enforcement officers, with the powers:

62 (1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining
63 to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the
64 provisions of sections 303.024 and 303.025, RSMo;

65 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
66 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
67 compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a
68 cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting
69 hazardous materials as defined by Title 49 of the Code of Federal Regulations;

70 (3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this
71 subsection. **Commercial vehicle officers selected and designated as peace officers by the**
72 **superintendent of the Missouri state highway patrol are hereby declared to be peace**
73 **officers of the state of Missouri, with full power and authority to make arrests solely for**
74 **violations under the powers granted in subdivisions (1) to (3) of this subsection.**
75 Commercial vehicle enforcement officers shall not have the authority to exercise the powers
76 granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed
77 training approved by the superintendent of the Missouri state highway patrol **and have**
78 **completed the mandatory standards for the basic training and licensure of peace officers**
79 **established by the peace officers standards and training commission under subsection 1 of**
80 **section 590.030, RSMo. Commercial vehicle officers who are employed and performing**
81 **their duties on August 28, 2007, shall have until July 1, 2015, to comply with the mandatory**
82 **standards regarding police officer basic training and licensure.** Commercial vehicle
83 enforcement officers shall have the right as peace officers to bear arms.

84 5. Any additional employees needed for the implementation of this section shall be hired
85 in conformity with the provisions of the federal fair employment and antidiscrimination acts.

86 6. Any part of this section which shall be construed to be in conflict with the axle or
87 tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of
88 the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.

304.284. 1. Notwithstanding any provision of law to the contrary, including but not
2 **limited to, sections 304.271, 304.281, 304.361, and 304.570, any person who commits a**
3 **steady red light violation that is detected and enforced through an automated photo red**
4 **light enforcement system is guilty of an infraction.**

5 **2. A penalty imposed for a violation detected pursuant to an automated photo red**
6 **light enforcement system shall not be deemed a moving violation and shall not be made**
7 **part of the operating record of the person upon whom such liability is imposed, nor shall**
8 **such imposition of a penalty be subject to merit rating for insurance purposes and no**
9 **surcharge points shall be imposed in the provision of motor vehicle insurance coverage.**

10 **3. Signal phase timings at intersections equipped with a system shall be certified**
11 **by the Missouri department of transportation or other such appropriate agency before the**
12 **photo enforcement devices may be activated for enforcement purposes. Any such timing**
13 **shall be set by the department or other such appropriate agency and shall be consistent**
14 **with traffic engineering standards. In no case, however, shall a private vendor have the**
15 **ability to control the signal phase timing connected with a system.**

16 **4. In no case shall points be assessed against any person under section 302.302,**
17 **RSMo, for a violation detected by an automated photo red light enforcement system.**

18 **5. As used in this section, the term "automated photo red light enforcement system"**
19 **shall mean a device, consisting of a camera or cameras and a vehicle sensor or sensors,**
20 **installed to work in conjunction with a traffic control signal, which is used to produce**
21 **recorded images of motor vehicles entering an intersection against a red signal indication.**

306.015. 1. The owner of a vessel kept within this state shall cause it to be registered
2 in the office of the director of revenue who shall issue a certificate of title for the same.

3 2. The owner of any vessel acquired or brought into the state shall file his application
4 for title within sixty days after it is acquired or brought into this state. The director of revenue
5 may grant extensions of time for titling to any person in deserving cases.

6 3. The fee for the certificate of title shall be seven dollars fifty cents and shall be paid
7 to the director of revenue at the time of making application. If application for certificate of title
8 is not made within sixty days after the vessel is acquired or brought into the state, a delinquency
9 penalty fee of [ten] **twenty-five** dollars for each thirty days of delinquency, not to exceed a total
10 of [thirty] **two hundred** dollars, shall be imposed. If the director of revenue learns that any
11 person has failed to make application for certificate of title within sixty days after acquiring or
12 bringing into the state a vessel or has sold a vessel without obtaining a certificate of title, he shall
13 cancel the registration of all motorboats, vessels, and watercraft registered in the name of the
14 person, either as sole owner or as co-owner, and shall notify the person that the cancellation will
15 remain in force until the person pays the delinquency penalty fee provided in this section together
16 with all fees, charges, and payments which he should have paid in connection with the certificate
17 of title of the vessel.

306.016. 1. By January 1, 1995, the owner of any vessel documented by the United
2 States Coast Guard on August 28, 1994, and the new owner of any vessel purchased after August
3 28, 1994, who upon the sale or transfer of the vessel desires to document the vessel with the
4 United States Coast Guard, shall apply for a vessel certificate of registration and pay a
5 certification fee of seven dollars and fifty cents, an initial registration fee in an amount equal to
6 the amount required for a certificate of number under section 306.030 and all applicable state and
7 local or in lieu watercraft taxes as provided by law in effect on the date the vessel was

8 documented or submit proof that all applicable registration fees have been paid to the department
9 of revenue and all applicable taxes or in lieu watercraft taxes have been paid in this or another
10 state. Such application shall include the county in which such vessel will be normally
11 maintained by the new owner. A certificate of registration and a set of registration decals in a
12 form the director shall prescribe shall be issued for a documented vessel. A Missouri resident
13 shall make application for a vessel certificate of registration within thirty days of acquiring or
14 bringing the vessel into this state. A nonresident shall make application for a vessel certificate
15 of registration within sixty days after acquiring a vessel in this state or bringing a vessel into this
16 state if the vessel will be kept in this state for a period in excess of sixty consecutive days. A
17 delinquency penalty fee of [ten] **twenty-five** dollars shall be imposed for each thirty days of
18 delinquency, not to exceed a total of [thirty] **two hundred** dollars. If the director of revenue
19 learns that any person has failed to make application for a vessel certificate of registration in
20 accordance with this section or has sold a vessel documented by the United States Coast Guard
21 without obtaining a certificate of registration as provided in this section, the director shall cancel
22 the registration of all vessels and outboard motors registered in the name of the person, either as
23 sole owner or a co-owner, and shall notify the person that the cancellation will remain in force
24 until the person pays the delinquency penalty fee together with all fees, charges, and payments
25 which the person should have paid in connection with the vessel certificate of registration.

26 2. A boat or vessel documented by the United States Coast Guard or other agency of the
27 federal government and operated on the waters of this state shall not be liable for the payment
28 of any state or local sales or use tax on the purchase, but shall be liable for the payment of an
29 in-lieu watercraft tax, which is hereby imposed. The fee in lieu of tax imposed pursuant to this
30 section shall not apply to United States Coast Guard registered vessels purchased for purposes
31 of marine construction including, but not limited to, barges, dredges, marine cranes, and other
32 marine equipment utilized for construction or dredging of waterways. The in-lieu watercraft tax
33 shall be collected by the director of revenue and deposited in the state treasury to the credit of
34 general revenue and shall be appropriated for use by the Missouri state water patrol. Watercraft
35 dealers in this state shall report to the director of revenue on forms furnished by the director the
36 sale of each watercraft sold to a resident of this state. If the watercraft is registered and licensed
37 pursuant to the provisions of this chapter and all applicable sales taxes have been paid, the
38 director shall not collect the in-lieu tax imposed by this subsection. If the watercraft is registered
39 with the United States Coast Guard or other agency of the federal government and not under the
40 provisions of this chapter the director shall bill the purchaser of the watercraft for the in-lieu tax
41 imposed by this subsection. Any person who fails to pay the in-lieu tax due under this section,
42 within thirty days after receipt of the bill from the director of revenue, shall be liable to the same

43 penalties imposed by law for failure to pay sales and use taxes due the state. The in-lieu tax shall
 44 be determined as follows:

45 PURCHASE PRICE OF WATERCRAFT	TAX DUE
46 Less than \$15,000	\$ 500.00
47 \$15,001 to \$30,000	650.00
48 \$30,001 to \$50,000	1,000.00
49 \$50,001 to \$100,000	1,400.00
50 \$100,001 to \$150,000	2,000.00
51 \$150,001 to \$200,000	3,000.00
52 \$200,001 to \$250,000	4,000.00
53 \$250,001 to \$300,000	5,000.00
54 \$300,001 to \$350,000	5,500.00
55 \$350,001 to \$400,000	6,000.00
56 \$400,001 to \$450,000	6,500.00
57 \$450,001 to \$500,000	7,500.00
58 \$500,001 to \$550,000	8,500.00
59 \$550,001 to \$650,000	9,500.00
60 \$650,001 to \$750,000	10,500.00
61 \$750,001 and above	add an additional 1,500.00
62	for each \$100,000 increment

63 3. The registration decals for any vessel documented by the United States Coast Guard
 64 shall be in force and effect for a period of three years so long as the vessel is owned or held by
 65 the original holder of the certificate of registration and shall be renewed upon application and
 66 payment of a registration renewal fee equal to the amount required for a certificate of number
 67 under section 306.030. The owner shall attach the registration decals to both sides of the forward
 68 half of the bow of the documented vessel in a place that is fully visible.

69 4. The department of revenue may issue a temporary vessel certificate of registration
 70 authorizing the operation of a vessel to be documented by the United States Coast Guard for not
 71 more than sixty days. The temporary registration shall be made available by the department of
 72 revenue and may be purchased from the department of revenue or from a dealer upon proof of
 73 purchase of a vessel. The department shall make temporary certificates of registration available
 74 to registered dealers in this state in sets of ten. The fee for the temporary certificates of
 75 registration shall be five dollars each. No dealer shall charge more than five dollars for each
 76 temporary certificate of registration issued. The temporary registration shall be valid for a period
 77 of sixty days from the date of issuance by the department of revenue to the purchaser of the
 78 vessel or from the date of sale of the vessel by a dealer from which the purchaser obtains a

79 certificate of registration. The temporary certificate of registration shall be issued on a form
80 prescribed by the department of revenue and issued only for the purchaser's use in the operation
81 of the vessel purchased to enable the purchaser to legally operate the vessel while a certificate
82 of registration is being obtained, and shall be displayed on no other vessel. Temporary
83 certificates of registration issued under this section shall not be transferable or renewable and
84 shall not be valid upon issuance of a proper certificate of registration. The dealer or authorized
85 agent shall insert the date of issuance and expiration date, year, make and the manufacturer's
86 identification number of the vessel on the temporary registration when issued to the purchaser.
87 The dealer shall complete the information on the temporary registration in full. Every dealer that
88 issues a temporary certificate of registration shall keep, for inspection by authorized officers, a
89 correct record of each temporary certificate of registration issued by the dealer by recording the
90 registration number, purchaser's name and address, year, make and manufacturer's identification
91 number of the vessel on which the temporary certificate of registration is to be used and the date
92 of issuance.

93 5. Upon the sale or transfer of any vessel documented by the United States Coast Guard
94 for which a certificate of registration has been issued, the registration shall be terminated. If the
95 new owner elects to have the vessel documented by the United States Coast Guard, the new
96 owner shall submit, in addition to the properly assigned certificate of registration, proof of
97 release from the documentation provided by the United States Coast Guard and shall comply
98 with the provisions of this section. If the new owner elects not to document the vessel with the
99 United States Coast Guard, the owner shall comply with the applicable provisions of this chapter.

100 6. The certificate of registration shall be available at all times for inspection on the vessel
101 for which it is issued, whenever the vessel is in operation.

306.535. 1. Applications shall be made on forms prescribed and furnished to the
2 applicant, upon demand, by the director of revenue.

3 2. The application shall contain a brief description of the outboard motor to be registered,
4 the name of manufacturer, the factory number or serial number, the type and color of the
5 outboard motor, the amount of motive power stated in figures of horsepower, and the name and
6 address, including county, of the owner; and a declaration and affidavit of ownership, showing
7 the date and from whom purchased.

8 3. The fee for registering and issuing a license shall be two dollars, and the fee for a
9 certificate of title shall be five dollars, both of which fees shall be paid to the director of revenue
10 at the time of making the application.

11 4. If application for the certificate of title is not made within sixty days after the outboard
12 motor is acquired or brought into the state by the applicant, a delinquency penalty fee of [ten]
13 **twenty-five** dollars for each thirty days of delinquency, not to exceed a total of [thirty] **two**

14 **hundred** dollars, shall be imposed. If the director of revenue learns that any person has failed
15 to make application for a certificate of title within sixty days after acquiring or bringing into the
16 state an outboard motor or has sold an outboard motor without obtaining a certificate of title, he
17 shall cancel the registration of all outboard motors registered in the name of the person, either
18 as sole owner or as a co-owner, and shall notify the person that the cancellation shall remain in
19 force until the person pays the delinquency penalty fee provided in this subsection together with
20 all fees, charges and payments which he should have paid in connection with the certificate of
21 title and registration of the outboard motor.

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

12 **2. A motorcycle headlamp may be wired or equipped to allow either its upper beam**
13 **or its lower beam, but not both, to modulate from a higher intensity to a lower intensity at**
14 **a rate of modulation of two hundred to two hundred and eighty cycles per minute. A**
15 **headlamp modulator installed on a motorcycle with two headlamps shall be wired in a**
16 **manner to prevent the headlamps from modulating at different rates or not in**
17 **synchronization with each other. A headlamp modulator installed on a motorcycle shall**
18 **meet the standards prescribed in 49 CFR Part 571, Section 571.108 and Federal Motor**
19 **Vehicle Standard 571.108, as amended.**

20 **3.** Notwithstanding the provisions of section 307.120, violation of this section is an
21 infraction.

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

2 (1) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety
3 Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to
4 properly sit in a federally approved safety belt system;

5 (2) "Child passenger restraint system", a seating system which meets the Federal Motor
6 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either

7 permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal
8 attachment system;

9 (3) "Driver", a person who is in actual physical control of a motor vehicle.

10 2. Every driver transporting a child under the age of sixteen years shall be responsible,
11 when transporting such child in a motor vehicle operated by that driver on the streets or
12 highways of this state, for providing for the protection of such child as follows:

13 (1) Children less than four years of age, regardless of weight, shall be secured in a child
14 passenger restraint system appropriate for that child;

15 (2) Children weighing less than forty pounds, regardless of age, shall be secured in a
16 child passenger restraint system appropriate for that child;

17 (3) Children at least four years of age but less than eight years of age, who also weigh
18 at least forty pounds but less than eighty pounds, and who are also less than four feet, nine inches
19 tall, shall be secured in a child passenger restraint system or booster seat appropriate for that
20 child;

21 (4) Children at least eighty pounds or children more than four feet, nine inches in height
22 shall be secured by a vehicle safety belt or booster seat appropriate for that child;

23 (5) A child who otherwise would be required to be secured in a booster seat may be
24 transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of
25 the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat
26 installation;

27 (6) When transporting children in the immediate family when there are more children
28 than there are seating positions in the enclosed area of a motor vehicle, the children who are not
29 able to be restrained by a child safety restraint device appropriate for the child shall sit in the area
30 behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front
31 seat area. The driver transporting children referred to in this subsection is not in violation of this
32 section.

33 This subsection shall only apply to the use of a child passenger restraint system or vehicle safety
34 belt for children less than sixteen years of age being transported in a motor vehicle.

35 3. Any driver who violates subdivision (1), (2), or (3) of subsection 2 of this section is
36 guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty
37 dollars and court costs. Any driver who violates subdivision (4) of subsection 2 of this section
38 shall be subject to the penalty in subsection 5 of section 307.178. If a driver receives a citation
39 for violating subdivision (1), (2), or (3) of subsection 2 of this section, the charges shall be
40 dismissed or withdrawn if the driver prior to or at his or her hearing provides evidence of
41 acquisition of a child passenger restraint system or child booster seat which is satisfactory to the
42 court or the party responsible for prosecuting the driver's citation.

43 4. The provisions of this section shall not apply to any public carrier for hire.

44 5. The provisions of this section shall not apply to [students] **children** four years of age
45 or older who are passengers on a school bus designed for carrying eleven passengers or more and
46 which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses
47 as [school buses are defined in section 301.010, RSMo] **required under section 304.060,**
48 **RSMo. The exemption set forth in this subsection shall apply whether or not such bus is**
49 **being operated by a school district or other entity and regardless whether such bus is being**
50 **used for educational, religious, or other purposes.**

51 [5.] 6. The highways and transportation commission shall initiate and develop a program
52 of public information to develop understanding of, and ensure compliance with, the provisions
53 of this section.

307.365. 1. No permit for an official inspection station shall be assigned or transferred
2 or used at any location other than therein designated and every permit shall be posted in a
3 conspicuous place at the location designated. The superintendent of the Missouri state highway
4 patrol shall design and furnish each official inspection station, at no cost, one official sign made
5 of metal or other durable material to be displayed in a conspicuous location to designate the
6 station as an official inspection station. Additional signs may be obtained by an official
7 inspection station for a fee equal to the cost to the state. Each inspection station shall also be
8 supplied with one or more posters which must be displayed in a conspicuous location at the place
9 of inspection and which informs the public that required repairs or corrections need not be made
10 at the inspection station.

11 2. No person operating an official inspection station pursuant to the provisions of
12 sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle
13 except upon an official form furnished by the superintendent of the Missouri state highway patrol
14 for that purpose and only after inspecting the vehicle and determining that its brakes, lighting
15 equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,
16 wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety
17 equipment as required by the state are in proper condition and adjustment to be operated upon
18 the public highways of this state with safety to the driver or operator, other occupants therein,
19 as well as other persons and property upon the highways, as provided by sections 307.350 to
20 307.390 and the regulations prescribed by the superintendent of the Missouri state highway
21 patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake
22 testing. No person operating an official inspection station shall furnish, loan, give or sell a
23 certificate of inspection and approval to any other person except those entitled to receive it under
24 provisions of sections 307.350 to 307.390. No person shall have in such person's possession any

25 certificate of inspection and approval and/or inspection sticker with knowledge that the
26 certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

27 3. The superintendent of the Missouri state highway patrol may require officially
28 designated stations to furnish reports upon forms furnished by the superintendent for that purpose
29 as the superintendent considers reasonably necessary for the proper and efficient administration
30 of sections 307.350 to 307.390.

31 4. If, upon inspection, defects or unsafe conditions are found, the owner may correct
32 them or shall have them corrected at any place the owner chooses within twenty days after the
33 defect or unsafe condition is found, and shall have the right to remove the vehicle to such place
34 for correction, but before the vehicle is operated thereafter upon the public highways of this state,
35 a certificate of inspection and approval must be obtained. The inspecting personnel of the
36 official inspection station must inform the owner that the corrections need not be made at the
37 inspection station.

38 5. A fee, not to exceed twelve dollars, as determined by each official inspection station,
39 may be charged by an official inspection station for each official inspection including the
40 issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee,
41 not to exceed ten dollars, as determined by each official inspection station, may be charged for
42 an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate
43 of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted
44 on the premises of each such official inspection station. No owner shall be charged an additional
45 inspection fee upon having corrected defects or unsafe conditions found in an inspection
46 completed within the previous twenty consecutive days, excluding Saturdays, Sundays and
47 holidays, if such follow-up inspection is made by the station making the initial inspection. Every
48 inspection for which a fee is charged shall be a complete inspection, and upon completion of the
49 inspection, if any defects are found the owner of the vehicle shall be furnished a list of the
50 defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have
51 any necessary repairs or corrections made at the official inspection station, the owner shall be
52 furnished a written estimate of the cost of such repairs before such repairs or corrections are
53 made by the official inspection station. The written estimate shall have plainly written upon it
54 that the owner understands that the corrections need not be made by the official inspection
55 station and shall have a signature line for the owner. The owner must sign below the statement
56 on the signature line before any repairs are made.

57 6. Certificates of inspection and approval, sticker, seal or other device shall be purchased
58 by the official inspection stations from the superintendent of the Missouri state highway patrol.
59 The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty
60 cents for each certificate of inspection, sticker, seal or other device issued to the official

61 inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal
62 or other device issued to official inspection stations operated by governmental entities. All fees
63 collected shall be deposited in the state treasury with one dollar of each fee collected credited to
64 the state highway fund and, for the purpose of administering and enforcing the state motor
65 vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund"
66 which is hereby created. The moneys collected and deposited in the highway patrol inspection
67 fund shall be expended subject to appropriations by the general assembly for the administration
68 and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The
69 unexpended balance in the fund at the end of each biennium exceeding the amount of the
70 appropriations from the fund for the first two fiscal years shall be transferred to the state road
71 fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general
72 revenue fund at the end of the biennium, shall not apply to the fund.

73 7. The owner or operator of any inspection station who discontinues operation during
74 the period that a station permit is valid or whose station permit is suspended or revoked shall
75 return all official signs and posters and any current unused inspection stickers, seals or other
76 devices to the superintendent of the Missouri state highway patrol and shall receive a full refund
77 on request except for official signs and posters, provided the request is made during the calendar
78 year or within sixty days thereafter in the manner prescribed by the superintendent of the
79 Missouri state highway patrol. Stations which have a valid permit shall exchange unused
80 previous year issue inspection stickers and/or decals for an identical number of current year
81 issue, provided the unused stickers and/or decals are submitted for exchange not later than April
82 thirtieth of the current calendar year, in the manner prescribed by the superintendent of the
83 Missouri state highway patrol.

84 **8. The owner or operator of any inspection station shall maintain liability insurance**
85 **at all times to cover possible damage to vehicles during the inspection process.**

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

12 calendar year. The motor vehicles to be tested shall be all motor vehicles except those
13 specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and
14 those exempted pursuant to this section.

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

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

18 (2) Motorcycles and motortricycles;

19 (3) Model year vehicles manufactured twenty-six years or more prior to the current
20 model year;

21 (4) School buses;

22 (5) Diesel-powered vehicles;

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

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

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

35

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

40 3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,
41 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section
42 either:

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

44 or

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

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

54 (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the
55 purchaser may return the vehicle within ten days of the date of purchase, provided that the
56 vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails,
57 upon inspection, to meet the emissions standards specified by the commission and the dealer
58 shall have the vehicle inspected and approved without the option for a waiver of the emissions
59 standard and return the vehicle to the purchaser with a valid emissions certificate and sticker
60 within five working days or the purchaser and dealer may enter into any other mutually
61 acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and
62 approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the
63 purchaser has the option to return the vehicle within ten days, provided that the vehicle has no
64 more than one thousand additional miles since the time of sale, to have the dealer repair the
65 vehicle and provide an emissions certificate and sticker within five working days if the vehicle
66 fails, upon inspection, to meet the emissions standards established by the commission, or enter
67 into any mutually acceptable agreement with the dealer. A violation of this subsection shall be
68 an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be
69 required pursuant to this section for the sale of any motor vehicle which may be sold without a
70 certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

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

81 5. The air conservation commission shall establish, by rule, a waiver amount which may
82 be lower for older model vehicles and which shall be no greater than seventy-five dollars for

83 model year vehicles prior to 1981 and no greater than two hundred dollars for model year
84 vehicles of 1981 and all subsequent model years.

85 6. An owner whose vehicle fails upon reinspection to meet the emission standards
86 specified by the Missouri air conservation commission shall be issued a certificate of inspection
87 and an approval sticker or seal by the official emissions inspection station that provided the
88 inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements
89 of this subsection and the cost of emissions repairs and adjustments is equal to or greater than
90 the waiver amount established by the air conservation commission pursuant to this section. The
91 air conservation commission shall establish, by rule, a form and a procedure for verifying that
92 repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and
93 approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

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

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

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

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

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

113 10. The moneys collected and deposited in the Missouri air pollution control fund
114 pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol
115 and the Missouri department of natural resources, air pollution control program, and shall be
116 expended subject to appropriation by the general assembly for the administration and
117 enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of
118 each appropriation period shall not be transferred to the general revenue fund, except as directed

119 by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating
120 to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply
121 to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and
122 the interest shall be credited to the fund.

123 **11. Each official inspection station which conducts emissions inspections within the**
124 **area referred to in subsection 1 of this section shall maintain liability insurance at all times**
125 **to cover possible damage to vehicles during the emissions testing process.**

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

133 [12.] **13.** The provisions of this section shall not apply in any county for any time period
134 during which the air conservation commission has established a motor vehicle emissions
135 inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, except
136 where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo.
137 In counties where such option is available, the emissions inspection may be conducted in stations
138 conducting only an emissions inspection under contract to the state.

139 [13.] **14.** Notwithstanding the provisions of section 307.390, violation of this section
140 shall be deemed a class C misdemeanor.

311.326. After a period of not less than one year, or upon reaching the age of twenty-one,
2 whichever occurs first, a person who has pleaded guilty to or has been found guilty of violating
3 section 311.325 for the first time, and who since such conviction has not been convicted of any
4 other alcohol-related offense, may apply to the court in which he or she was sentenced for an
5 order to expunge all official records of his or her arrest, plea, trial and conviction. **No records**
6 **shall be expunged if the person who has plead guilty to or has been found guilty of**
7 **violating section 311.325 is licensed as a commercial motor vehicle driver or was operating**
8 **a commercial motor vehicle as defined in section 302.700, RSMo, at the time of the**
9 **violation.** If the court determines, upon review, that such person has not been convicted of any
10 other alcohol-related offense at the time of the application for expungement, and the person has
11 had no other alcohol-related enforcement contacts, as defined in section 302.525, RSMo, the
12 court shall enter an order of expungement. The effect of such an order shall be to restore such
13 person to the status he or she occupied prior to such arrest, plea or conviction, as if such event
14 had never happened. No person as to whom such order has been entered shall be held thereafter

15 under any provision of any law to be guilty of perjury or otherwise giving a false statement by
16 reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or
17 expungement in response to any inquiry made of him or her for any purpose whatsoever. A
18 person shall be entitled to only one expungement pursuant to this section. Nothing contained in
19 this section shall prevent courts or other state officials from maintaining such records as are
20 necessary to ensure that an individual receives only one expungement pursuant to this section.

385.400. Sections 385.400 to 385.436 shall be known and may be cited as the
2 **"Missouri Vehicle Protection Product Act".**

385.403. As used in sections 385.400 to 385.436, the following terms shall mean:

2 **(1) "Administrator", a third party other than the warrantor who is designated by**
3 **the warrantor to be responsible for the administration of vehicle protection product**
4 **warranties;**

5 **(2) "Department", the department of insurance, financial and professional**
6 **regulation;**

7 **(3) "Director", the director of the department of insurance, financial institutions,**
8 **and professional regulation;**

9 **(4) "Incidental costs", expenses specified in the warranty incurred by the warranty**
10 **holder related to the failure of the vehicle protection product to perform as provided in the**
11 **warranty. Incidental costs may include, without limitation, insurance policy deductibles,**
12 **rental vehicle charges, the difference between the actual value of the stolen vehicle at the**
13 **time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction**
14 **fees, and mechanical inspection fees;**

15 **(5) "Premium", the consideration paid to an insurer for a reimbursement**
16 **insurance policy;**

17 **(6) "Service contract", a contract or agreement for a separately stated**
18 **consideration or for a specific duration to perform the repair, replacement, or maintenance**
19 **of a motor vehicle or indemnification for repair, replacement, or maintenance, for the**
20 **operational or structural failure due to a defect in materials, workmanship, or normal**
21 **wear and tear, with or without additional provision for incidental payment of indemnity**
22 **under limited circumstances, including but not limited to towing, rental, and emergency**
23 **road service, but does not include mechanical breakdown insurance or maintenance**
24 **agreements;**

25 **(7) "Vehicle protection product", a vehicle protection device, system, or service**
26 **that:**

27 **(a) Is installed on or applied to a vehicle;**

28 **(b) Is designed to prevent loss or damage to a vehicle from a specific cause; and**

29 (c) Includes a written warranty.

30 For purposes of sections 385.400 to 385.436, the term "vehicle protection product" shall
31 include, without limitation, alarm systems, body part marking products, steering locks,
32 window etch products, pedal and ignition locks, fuel and ignition kill switches, and
33 electronic, radio, and satellite tracking devices;

34 (8) "Vehicle protection product warranty" or "warranty", a written agreement by
35 a warrantor that provides that if the vehicle protection product fails to prevent loss or
36 damage to a vehicle from a specific cause, then the warranty holder shall be paid specified
37 incidental costs by the warrantor as a result of the failure of the vehicle protection product
38 to perform pursuant to the terms of the warranty. Incidental costs may be reimbursed
39 under the provisions of the warranty in either a fixed amount specified in the warranty or
40 sales agreement or by the use of a formula itemizing specific incidental costs incurred by
41 the warranty holder;

42 (9) "Vehicle protection product warrantor" or "warrantor", a person who is
43 contractually obligated to the warranty holder under the terms of the vehicle protection
44 product warranty agreement. "Warrantor" does not include an authorized insurer
45 providing a warranty reimbursement insurance policy;

46 (10) "Warranty holder", the person who purchases a vehicle protection product
47 or who is a permitted transferee;

48 (11) "Warranty reimbursement insurance policy", a policy of insurance that is
49 issued to the vehicle protection product warrantor to provide reimbursement to the
50 warrantor or to pay on behalf of the warrantor all covered contractual obligations
51 incurred by the warrantor under the terms and conditions of the insured vehicle protection
52 product warranties sold by the warrantor.

385.406. 1. No vehicle protection product may be sold or offered for sale in this
2 state unless the seller, warrantor, and administrator, if any, comply with the provisions of
3 sections 385.400 to 385.436.

4 2. Vehicle protection product warrantors and related vehicle protection product
5 sellers and warranty administrators complying with sections 385.400 to 385.436 are not
6 required to comply with and are not subject to any other provisions of the state insurance
7 code.

8 3. Service contract providers who do not sell vehicle protection products are not
9 subject to the requirements of sections 385.400 to 385.436 and sales of vehicle protection
10 products are exempt from the requirements of sections 407.1200 to 407.1227, RSMo.

11 **4. Warranties, indemnity agreements, and guarantees that are not provided as a**
12 **part of a vehicle protection product are not subject to the provisions of sections 385.400 to**
13 **385.436.**

14 **5. Notwithstanding the provisions of sections 408.140 and 408.233, RSMo, a**
15 **business which is licensed and regulated under sections 367.100 to 367.215, RSMo, may**
16 **offer and sell service contracts, as defined in section 384.403, in conjunction with other**
17 **transactions.**

385.409. 1. A person may not operate as a warrantor or represent to the public that
2 **the person is a warrantor unless the person is registered with the department on a form**
3 **prescribed by the director.**

4 **2. Warrantor registration records shall be filed annually and shall be updated**
5 **within thirty days of any change. The registration records shall contain the following**
6 **information:**

7 **(1) The warrantor's name, any fictitious names under which the warrantor does**
8 **business in the state, principal office address, and telephone number;**

9 **(2) The name and address of the warrantor's agent for service of process in the**
10 **state if other than the warrantor;**

11 **(3) The names of the warrantor's executive officer or officers directly responsible**
12 **for the warrantor's vehicle protection product business;**

13 **(4) The name, address, and telephone number of any administrators designated by**
14 **the warrantor to be responsible for the administration of vehicle protection product**
15 **warranties in this state;**

16 **(5) A copy of the warranty reimbursement insurance policy or policies or other**
17 **financial information required by section 385.412;**

18 **(6) A copy of each warranty the warrantor proposes to use in this state; and**

19 **(7) A statement indicating under which provision of section 385.412 the warrantor**
20 **qualifies to do business in this state as a warrantor.**

21 **3. The director may charge each registrant a reasonable fee to offset the cost of**
22 **processing the registration and maintaining the records in an amount not to exceed five**
23 **hundred dollars annually or as set by regulation. The information in subdivisions (1) and**
24 **(2) of subsection 2 of this section shall be made available to the public.**

25 **4. If a registrant fails to register by the renewal deadline, the director shall give him**
26 **or her written notice of the failure and the registrant will have thirty days to complete the**
27 **renewal of his or her registration before he or she is suspended from being registered in**
28 **this state.**

29 **5. An administrator or person who sells or solicits a sale of a vehicle protection**
30 **product but who is not a warrantor shall not be required to register as a warrantor or be**
31 **licensed under the insurance laws of this state to sell vehicle protection products.**

385.412. No vehicle protection product shall be sold or offered for sale in this state
2 **unless the warrantor conforms to either subdivision (1) or (2) of this section in order to**
3 **ensure adequate performance under the warranty. No other financial security**
4 **requirements or financial standards for warrantors shall be required. The vehicle**
5 **protection product's warrantor may meet the requirements of this section by:**

6 **(1) Obtaining a warranty reimbursement insurance policy issued by an insurer**
7 **authorized to do business within this state which provides that the insurer will pay to, or**
8 **on behalf of, the warrantor one hundred percent of all sums that the warrantor is legally**
9 **obligated to pay according to the warrantor's contractual obligations under the**
10 **warrantor's vehicle protection product warranty. The warrantor shall file a true and**
11 **correct copy of the warranty reimbursement insurance policy with the director. The policy**
12 **shall contain the provisions required in section 385.415; or**

13 **(2) Maintaining a net worth or stockholder's equity of fifty million dollars. The**
14 **warrantor shall provide the director with a copy of the warrantor's or warrantor's parent**
15 **company's most recent Form 10-K or Form 20-F filed with the Securities and Exchange**
16 **Commission within the last calendar year, or if the warrantor does not file with the**
17 **Securities and Exchange Commission, a copy of the warrantor or the warrantor's parent**
18 **company's audited financial statements that shows a net worth of the warrantor or its**
19 **parent company of at least fifty million dollars. If the warrantor's parent company's Form**
20 **10-K, Form 20-F, or audited financial statements are filed to meet the warrantor's financial**
21 **stability requirement, then the parent company shall agree to guarantee the obligations of**
22 **the warrantor relating to warranties issued by the warrantor in this state. The financial**
23 **information filed under this subdivision shall be confidential as a trade secret of the entity**
24 **filing the information and not subject to public disclosure if the entity is not required to**
25 **file with the Securities and Exchange Commission.**

385.415. No warranty reimbursement insurance policy shall be issued, sold, or
2 **offered for sale in this state unless the policy meets the following conditions:**

3 **(1) The policy states that the issuer of the policy will reimburse or pay on behalf of**
4 **the vehicle protection product warrantor all covered sums which the warrantor is legally**
5 **obligated to pay or will provide that all service that the warrantor is legally obligated to**
6 **perform according to the warrantor's contractual obligations under the provisions of the**
7 **insured warranties sold by the warrantor;**

8 (2) The policy states that in the event payment due under the terms of the warranty
9 is not provided by the warrantor within sixty days after proof of loss has been filed
10 according to the terms of the warranty by the warranty holder, the warranty holder may
11 file directly with the warranty reimbursement insurance company for reimbursement;

12 (3) The policy provides that a warranty reimbursement insurance company that
13 insures a warranty shall be deemed to have received payment of the premium if the
14 warranty holder paid for the vehicle protection product and insurer's liability under the
15 policy shall not be reduced or relieved by a failure of the warrantor, for any reason, to
16 report the issuance of a warranty to the insurer; and

17 (4) The policy has the following provisions regarding cancellation of the policy:

18 (a) The issuer of a reimbursement insurance policy shall not cancel such policy
19 until a notice of cancellation in writing has been mailed or delivered to the director and
20 each insured warrantor sixty days prior to cancellation of the policy;

21 (b) The cancellation of a reimbursement insurance policy shall not reduce the
22 issuer's responsibility for vehicle protection products sold prior to the date of cancellation;
23 and

24 (c) In the event an insurer cancels a policy that a warrantor has filed with the
25 director, the warrantor shall do either of the following:

26 a. File a copy of a new policy with the director, before the termination of the prior
27 policy; or

28 b. Discontinue offering warranties as of the termination date of the policy until a
29 new policy becomes effective and is accepted by the director.

385.418. 1. Every vehicle protection product warranty shall be written in clear,
2 understandable language and shall be printed or typed in an easy-to-read point size and
3 font and shall not be issued, sold, or offered for sale in the state unless the warranty:

4 (1) States that the obligations of the warrantor to the warranty holder are
5 guaranteed under a warranty reimbursement insurance policy if the warrantor elects to
6 meet its financial responsibility obligations under subdivision (1) of section 385.412, or
7 states the obligations of the warrantor under this warranty are backed by the full faith and
8 credit of the warrantor if the warrantor elects to meet its financial responsibility under
9 subdivision (2) of section 385.412;

10 (2) States that in the event a warranty holder must make a claim against a party
11 other than the warrantor, the warranty holder is entitled to make a direct claim against
12 the warranty reimbursement insurer upon the failure of the warrantor to pay any claim
13 or meet any obligation under the terms of the warranty within sixty days after proof of loss

14 has been filed with the warrantor, if the warrantor elects to meet its financial responsibility
15 obligations under subdivision (1) of section 385.412;

16 (3) States the name and address of the insurer of the warranty reimbursement
17 insurance policy, and this information need not be preprinted on the warranty form but
18 may be stamped on the warranty, if the warrantor elects to meet its financial responsibility
19 obligations under subdivision (1) of section 385.412;

20 (4) Identifies the warrantor, the seller, and the warranty holder;

21 (5) Sets forth the total purchase price of the vehicle protection product and the
22 terms under which it is to be paid; however, the purchase price is not required to be
23 preprinted on the vehicle protection product warranty and may be negotiated with the
24 consumer at the time of sale;

25 (6) Sets forth the procedure for making a claim, including a telephone number;

26 (7) States the existence of a deductible amount, if any;

27 (8) Specifies the payments or performance to be provided under the warranty
28 including payments for incidental costs, the manner of calculation or determination of
29 payments or performance, and any limitations, exceptions, or exclusions;

30 (9) Sets forth all of the obligations and duties of the warranty holder such as the
31 duty to protect against further damage to the vehicle, the obligation to notify the warrantor
32 in advance of any repair, or other similar requirements, if any;

33 (10) Sets forth any terms, restrictions, or conditions governing transferability of the
34 warranty, if any; and

35 (11) Contains a disclosure that reads substantially as follows: "This agreement is
36 a product warranty and is not insurance".

37 2. At the time of sale, the seller or warrantor shall provide to the purchaser:

38 (1) A copy of the vehicle protection product warranty; or

39 (2) A receipt or other written evidence of the purchase of the vehicle protection
40 product and a copy of the warranty within thirty days of the date of purchase.

385.421. 1. No vehicle protection product may be sold or offered for sale in this
2 state unless the vehicle protection product warranty states the terms and conditions
3 governing the cancellation of the sale and warranty, if any.

4 2. The warrantor may only cancel the warranty if the warranty holder does any of
5 the following:

6 (1) Fails to pay for the vehicle protection product;

7 (2) Makes a material misrepresentation to the seller or warrantor;

8 (3) Commits fraud; or

9 (4) Substantially breaches the warranty holder's duties under the warranty.

10 **3. A warrantor canceling a warranty shall mail written notice of cancellation to the**
11 **warranty holder at the last known address of the warranty holder in the warrantor's**
12 **records at least thirty days prior to the effective date of the cancellation. The notice shall**
13 **state the effective date of the cancellation and the reason for the cancellation.**

385.424. 1. Unless licensed as an insurance company, a vehicle protection product
2 **warrantor shall not use in its name, contracts, or literature the words "insurance",**
3 **"casualty", "surety", "mutual", or any other word that is descriptive of the insurance,**
4 **casualty, or surety business or that is deceptively similar to the name or description of any**
5 **insurance or surety corporation or any other vehicle protection product warrantor. A**
6 **warrantor may use the term "guaranty" or a similar word in the warrantor's name. A**
7 **warrantor or its representative shall not in its vehicle protection product warranties or**
8 **literature make, permit, or cause to be made any false or misleading statement, or**
9 **deliberately omit any material statement that would be considered misleading if omitted,**
10 **in connection with the sale, offer to sell, or advertisement of a vehicle protection product**
11 **warranty.**

12 **2. A vehicle protection product seller or warrantor may not require as a condition**
13 **of financing that a retail purchaser of a motor vehicle purchase a vehicle protection**
14 **product.**

385.427. 1. All vehicle protection product warrantors shall keep accurate accounts,
2 **books, and records concerning transactions regulated under sections 385.400 to 385.436.**

3 **2. A vehicle protection product warrantor's accounts, books, and records shall**
4 **include:**

5 **(1) Copies of all vehicle protection product warranties;**

6 **(2) The name and address of each warranty holder; and**

7 **(3) Claims files which shall contain at least the dates, amounts, and descriptions of**
8 **all receipts, claims, and expenditures.**

9 **3. A vehicle protection product warrantor shall retain all required accounts, books,**
10 **and records pertaining to each warranty holder for at least three years after the specified**
11 **period of coverage has expired. A warrantor discontinuing business in the state shall**
12 **maintain its records until it furnishes the director satisfactory proof that it has discharged**
13 **all obligations to warranty holders in this state.**

14 **4. Vehicle protection product warrantors shall make all accounts, books, and**
15 **records concerning transactions regulated under sections 385.400 to 385.436 available to**
16 **the director for examination.**

385.430. 1. The director may conduct examinations of warrantors, administrators,
2 **or other persons to enforce sections 385.400 to 385.436 and protect warranty holders in this**

3 state. Upon request of the director, a warrantor shall make available to the director all
4 accounts, books, and records concerning vehicle protection products provided by the
5 warrantor that are necessary to enable the director to reasonably determine compliance
6 or noncompliance with sections 385.400 to 385.436.

7 2. If the director determines that a person has engaged, is engaging, or is about to
8 engage in a violation of sections 385.400 to 385.436 or a rule adopted or order issued
9 pursuant thereto, or a person has materially aided, is materially aiding, or is about to
10 materially aid an act, practice, omission, or course of business constituting a violation of
11 sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, the director
12 may issue such administrative orders as authorized under section 374.046, RSMo. A
13 violation of these sections is a level two violation under section 374.049, RSMo.

14 3. If the director believes that a person has engaged, is engaging, or is about to
15 engage in a violation of sections 385.400 to 385.436 or a rule adopted or order issued
16 pursuant thereto, or that a person has materially aided, is materially aiding, or is about to
17 materially aid an act, practice, omission, or course of business constituting a violation of
18 sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, the director
19 may maintain a civil action for relief authorized under section 374.048, RSMo. A violation
20 of these sections is a level two violation under section 374.049, RSMo.

 385.433. The director may promulgate rules and regulations to implement the
2 provisions of sections 385.400 to 385.436. Such rules and regulations shall include
3 disclosures for the benefit of the warranty holder, record keeping, and procedures for
4 public complaints. Any rule or portion of a rule, as that term is defined in section 536.010,
5 RSMo, that is created under the authority delegated in this section shall become effective
6 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
7 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
8 nonseverable and if any of the powers vested with the general assembly pursuant to
9 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
10 are subsequently held unconstitutional, then the grant of rulemaking authority and any
11 rule proposed or adopted after August 28, 2007, shall be invalid and void.

 385.436. Sections 385.400 to 385.436 applies to all vehicle protection products sold
2 or offered for sale on or after January 1, 2008. The failure of any person to comply with
3 sections 385.400 to 385.436 prior to January 1, 2008, shall not be admissible in any court
4 proceeding, administrative proceeding, arbitration, or alternative dispute resolution
5 proceeding and may not otherwise be used to prove that the action of any person or the
6 affected vehicle protection product was unlawful or otherwise improper. The adoption of
7 sections 385.400 to 385.436 does not imply that a vehicle protection product warranty was

8 insurance prior to January 1, 2008. The penalty provision of sections 385.400 to 385.436
9 do not apply to any violation of sections 385.400 to 385.436 relating to or in connection with
10 the sale or failure to disclose in a retail installment contract or lease, or contract or
11 agreement that provides for payments under a vehicle protection product warranty so long
12 as the sale of such product, contract, or agreement was otherwise disclosed to the
13 purchaser in writing at the time of the purchase or lease.

387.075. 1. Notwithstanding any provision of chapter 390, RSMo, chapter 622,
2 RSMo, or this chapter to the contrary, any common carrier that is authorized to transport
3 household goods by a certificate issued under section 390.051, RSMo, may file one or more
4 applications to the state highways and transportation commission for approval of rate
5 schedules, applicable to that carrier's intrastate transportation of household goods, that
6 authorize periodic rate adjustments outside of general rate proceedings to reflect increases
7 and decreases in the carrier's prudently incurred costs of providing transportation of
8 property by motor vehicle. The filing of applications by common carriers under this
9 section shall be authorized upon the same terms and conditions as provided in section
10 386.266, RSMo, with reference to the filing of applications to the public service commission
11 by an electrical, gas, or water corporation. These applications shall be made in such form,
12 and shall contain such information, as the state highways and transportation commission
13 reasonably may require.

2. Notwithstanding any provision of chapter 390, RSMo, chapter 622, RSMo, or
14 this chapter to the contrary, the state highways and transportation commission shall
15 consider and determine every application filed under subsection 1 of this section, upon the
16 same terms and conditions as provided in section 386.266, RSMo, with reference to the
17 public service commission's consideration and determination of applications by an
18 electrical, gas, or water corporation under that section.

3. In proceedings under this section, common carriers and the state highways and
20 transportation commission shall be governed by the statutes and rules of practice and
21 procedure that are applicable in motor carrier proceedings under chapters 387, 390, and
22 622, RSMo, except to the extent they are inconsistent with the requirements of this section.
23 The statutes and rules that generally govern public service commission proceedings
24 relating to electrical, gas, and water corporations shall not apply in proceedings under this
25 section.
26

390.021. 1. The provisions of this section shall be applicable, notwithstanding any
2 provisions of section 390.030 to the contrary.

2. As used in chapter 622, RSMo, and in this section, except when the context
3 clearly requires otherwise, the following terms shall mean:
4

5 (1) "UCR implementing regulations", includes the regulations issued by the United
6 States Secretary of Transportation under 49 U.S.C.A. Section 13908, the rules and
7 regulations issued by the board of directors of the Unified Carrier Registration (UCR) plan
8 under 49 U.S.C.A. Section 14504a, and the administrative rules adopted by the state
9 highways and transportation commission under this section;

10 (2) "Unified Carrier Registration Act", or "UCR Act", sections 4301 to 4308 of the
11 Unified Carrier Registration Act of 2005, within subtitle C of title IV of the "Safe,
12 Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users" or
13 "SAFETEA-LU", Public Law 109-59 (119 Stat. 1761), as those sections have been and
14 periodically may be amended.

15 3. Except when the context clearly requires otherwise, the definitions of words in
16 49 U.S.C. Sections 13102, 13908, and 14504a shall apply to and determine the meaning of
17 those words as used in this section.

18 4. In carrying out and being subject to the provisions of the UCR Act, the Unified
19 Carrier Registration (UCR) agreement, the UCR implementing regulations, and this
20 section, but notwithstanding any other provisions of law to the contrary, the state highways
21 and transportation commission may:

22 (1) Submit to the proper federal authorities, amend and carry out a state plan to
23 qualify as a base-state and to participate in the UCR plan and administer the UCR
24 agreement, and take other necessary actions as the designated representative of the state
25 of Missouri so that:

26 (a) Missouri domiciled entities who must register and pay UCR registration fees are
27 not required to register and pay those fees in a base-state other than the state of Missouri;

28 (b) The state of Missouri does not forfeit UCR registration fee revenues; and

29 (c) The state of Missouri may maintain its eligibility to receive the maximum
30 allowable allocations of revenues derived under the UCR agreement;

31 (2) Administer the UCR registration of Missouri domiciled motor carriers, motor
32 private carriers, brokers, freight forwarders and leasing companies, and such persons
33 domiciled in nonparticipating states who have designated this state as their base-state
34 under the UCR Act;

35 (3) Receive, collect, process, deposit, transfer, distribute, and refund UCR
36 registration fees relating to any of the persons and activities described in this section.
37 Notwithstanding any provisions of law to the contrary, these UCR registration fees
38 collected by the commission are hereby designated as "nonstate funds" within the meaning
39 of section 15, article IV, Constitution of Missouri, and the commission shall transmit these
40 funds to the state department of revenue for deposit to the credit of the state highways and

41 transportation department fund. The commission shall, from time to time, direct the
42 payment of, and the director of revenue shall pay, the fees so deposited, in accordance with
43 the provisions of the UCR Act, the UCR agreement, and the UCR implementing
44 regulations. The director of revenue shall credit all income derived from the investment
45 of these funds to the state highways and transportation department fund;

46 (4) Exercise all other powers, duties, and functions the UCR Act requires of or
47 allows a participating state or base-state;

48 (5) Promulgate administrative rules and issue specific orders relating to any of the
49 persons and activities described in this section. Any rule or portion of a rule, as that term
50 is defined in section 536.010, RSMo, that is created under the authority delegated in this
51 section shall become effective only if it complies with and is subject to all of the provisions
52 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
53 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
54 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
55 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
56 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and
57 void;

58 (6) Enter into agreements with any agencies or officers of the United States, or of
59 any state that participates or intends to enter into the UCR agreement; and

60 (7) Delegate any or all of the powers, duties, and functions of the commission under
61 this section to any agent or contractor.

62 5. After the commission has entered into the UCR plan on behalf of this state, the
63 requirements in the UCR agreement shall take precedence over any conflicting
64 requirements under chapter 622, RSMo, or this chapter.

65 6. Notwithstanding any other provisions of law to the contrary, every motor
66 carrier, motor private carrier, broker, freight forwarder, and leasing company that has its
67 principal place of business within this state, and every such person who has designated this
68 state as the person's base-state under the provisions of the UCR Act, shall timely complete
69 and file with the state highways and transportation commission all the forms required by
70 the UCR agreement and the UCR implementing regulations, and shall pay the required
71 UCR registration fees to the commission.

72 7. All powers of the commission under section 226.008, RSMo, are hereby made
73 applicable to the enforcement of this section with reference to any person subject to any
74 provision of this section. The chief counsel shall not be required to exhaust any
75 administrative remedies before commencing any enforcement actions under this section.

76 **The provisions of chapter 622, RSMo, shall apply to and govern the practice and**
77 **procedures before the courts in those actions.**

78 **8. Except as required by the UCR Act, the UCR agreement, or the UCR**
79 **implementing regulations, the provisions of this section and the rules adopted by the**
80 **commission under this section shall not be construed as exempting any motor carrier, or**
81 **any person controlled by a motor carrier, from any of the requirements of chapter 622,**
82 **RSMo, or this chapter, relating to the transportation of passengers or property in**
83 **intrastate commerce.**

390.030. 1. The provisions of this chapter shall not apply to:

- 2 (1) School buses;
- 3 (2) Taxicabs;
- 4 (3) Motor vehicles while being used exclusively to transport;
 - 5 (a) Stocker and feeder livestock from farm to farm, or from market to farm,
 - 6 (b) Farm or dairy products including livestock from a farm or dairy,
 - 7 (c) Agricultural limestone or fertilizer to farms,
 - 8 (d) Property from farm to farm,
 - 9 (e) Raw forest products from farm, or
 - 10 (f) Cotton, cottonseed, and cottonseed hulls;
- 11 (4) Motor vehicles when operated under contract with the federal government for
12 carrying the United States mail and when on a trip provided in the contract;
- 13 (5) Motor vehicles used solely in the distribution of newspapers from the publisher to
14 subscribers or distributors;
- 15 (6) The transportation of passengers or property performed by a carrier pursuant to a
16 contract between the carrier and the state of Missouri or any civil subdivision thereof, where the
17 transportation services are paid directly to the carrier by the state of Missouri or civil
18 subdivision;
- 19 (7) Freight-carrying motor vehicles duly registered and licensed in conformity with the
20 provisions of chapter 301, RSMo, for a gross weight of six thousand pounds or less;
- 21 (8) The transportation of passengers or property wholly within a municipality, or
22 between contiguous municipalities, or within a commercial zone as defined in section 390.020,
23 or within a commercial zone established by the division of motor carrier and railroad safety
24 pursuant to the provisions of subdivision (4) of section 390.041; provided, the exemption in this
25 subdivision shall not apply to motor carriers of persons operating to, from or between points
26 located wholly or in part in counties now or hereafter having a population of more than three
27 hundred thousand persons, where such points are not within the same municipality and to motor

28 carriers of commodities in bulk to include liquids, in tank or hopper type vehicles, and in a
29 commercial zone as defined herein or by the division;

30 (9) Street railroads and public utilities other than common carriers as defined in section
31 386.020, RSMo;

32 (10) Motor vehicles whose operations in the state of Missouri are interstate in character
33 and are limited exclusively to a municipality and its commercial zone;

34 (11) Motor vehicles, commonly known as tow trucks or wreckers, designed and
35 exclusively used in the business of towing or otherwise rendering assistance to abandoned,
36 disabled or wrecked vehicles;

37 (12) Motor vehicles while being used solely by a group of employees to commute to and
38 from their place or places of employment, except that the motor vehicle must be driven by a
39 member of the group.

40 2. Nothing contained in this section shall be deemed to exempt the vehicles of driveway
41 operators.

42 3. Except for the provisions of subdivision (5) of section 390.041, the provisions of this
43 chapter shall not apply to private carriers.

44 4. No agency of state government nor any county or municipality or their agencies shall
45 discriminate against any motor carrier or private carrier or deny any such carrier operating a
46 motor vehicle public access to any building, facility or area owned by or operated for the public
47 unless such discrimination or denial is based solely on reasonable vehicle size or weight
48 considerations. The provisions of this subsection shall only apply in cities not within a county
49 and first class counties with a charter form of government which adjoin any city not within a
50 county.

51 **5. Beginning January 1, 2008, the exemptions in subdivisions (8) and (10) of**
52 **subsection 1 of this section shall not apply to intrastate motor carriers that transport**
53 **household goods.**

390.372. 1. Notwithstanding any provision of law to the contrary, a provision,
2 clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier
3 transportation contract that purports to indemnify, defend, or hold harmless, or has the
4 effect of indemnifying, defending, or holding harmless, the promisee from or against any
5 liability for loss or damage resulting from the negligence or intentional acts or omissions
6 of the promisee is against the public policy of this state and is void and unenforceable.

7 2. For the purposes of this section, the following terms shall mean:

8 (1) "Motor carrier transportation contract", a contract, agreement, or
9 understanding covering:

10 (a) The transportation of property for compensation or hire by the motor carrier;

11 (b) The entrance on property by the motor carrier for the purpose of loading,
12 unloading, or transporting property for compensation or hire; or

13 (c) A service incidental to activity described in paragraphs (a) and (b) of this
14 subdivision, including but not limited to, storage of property;

15 "Motor carrier transportation contract" shall not include the Uniform Intermodal
16 Interchange and Facilities Access Agreement administered by the Intermodal Association
17 of North America or other agreements providing for the interchange, use or possession of
18 intermodal chassis, or other intermodal equipment;

19 (2) "Promisee", the promisee and any agents, employees, servants, or independent
20 contractors who are directly responsible to the promisee except for motor carriers party
21 to a motor carrier transportation contract with a promisee, and such motor carrier's
22 agents, employees, servants, or independent contractors directly responsible to such motor
23 carrier.

407.730. As used in sections 407.730 to 407.748, the following terms mean:

2 (1) "Advertisement", oral, written, graphic or pictorial statements made in the course of
3 solicitation of business including, without limitation, any statement or representation made in
4 a newspaper, magazine, the car rental company's proprietary web site, or other publication, or
5 contained in any notice, sign, poster, display, circular, pamphlet, or letter which may collectively
6 be called "print advertisements", or on radio or television, which may be referred to as "broadcast
7 commercials";

8 (2) "Authorized driver":

9 (a) The renter;

10 (b) The renter's spouse if the spouse is a licensed driver and satisfies the car rental
11 company's minimum age requirement;

12 (c) The renter's employee or co-worker if they are engaged in business activity with the
13 person to whom the vehicle is rented, are licensed drivers, and satisfy the rental company's
14 minimum age requirements;

15 (d) Any person who operates the vehicle during an emergency situation; and

16 (e) Any person expressly listed by the car rental company on the renter's contract as an
17 authorized driver;

18 (3) "Blackout date", any date on which an advertised price is totally unavailable to the
19 public;

20 (4) "Car rental company", any person or entity in the business of renting private
21 passenger vehicles to the public;

22 (5) "Car rental insurance", products and services that are offered in connection with and
23 incidental to the rental of a motor vehicle under subdivision (10) of subsection 1 of section

24 375.786, RSMo. This definition of optional car rental insurance or any other definition of
25 insurance shall not include collision damage waiver;

26 (6) "Clear and conspicuous", that the statement, representation or term being disclosed
27 is of such size, color contrast, and audibility and is so presented as to be readily noticed and
28 understood by the person to whom it is being disclosed. All language and terms should be used
29 in accordance with their common or ordinary usage and meaning;

30 (7) "Collision damage waiver", any product a consumer purchases from a car rental
31 company in order to waive all or part of his responsibility for damages, or loss of, a rental
32 vehicle;

33 (8) "Limited time availability", that the advertised rental price is only available for a
34 specific period of time or that the price is not available during certain blackout periods;

35 (9) "Mandatory charge", any charge, fee, or surcharge consumers must generally pay in
36 order to obtain or operate a rental vehicle;

37 (10) "Master rental agreement", those documents used by a car rental company for
38 expedited service to members in a program sponsored by the car rental company in which renters
39 establish a profile and select preferences for rental needs which establish the terms and
40 conditions governing the use of a rental car rented by a car rental company by a participant in a
41 master rental agreement;

42 (11) "Material restriction", a restriction, limitation or other requirement which
43 significantly affects the price of, use of, or a consumer's financial responsibility for a rental car;

44 (12) "Rental agreement", any document or combination of documents, which, when read
45 together and incorporated by reference to each other, relate to and establish the terms and
46 conditions of the rental of a motor vehicle by an individual; or when such a combination of
47 documents is entered into as part of any written master, corporate, group or individual agreement
48 setting forth the terms and conditions governing the use of a rental car rented by a car rental
49 company;

50 **(13) "Vehicle license fees", charges that may be imposed upon any transaction**
51 **originating in the state of Missouri to recoup costs incurred by a car rental company to**
52 **license, title, inspect, register, plate, and pay personal property taxes on rental vehicles.**

407.732. 1. Any advertisement shall be nondeceptive and in plain language. Deception
2 may result not only from a direct statement in the advertisement and from reasonable inferences
3 therefrom, but also from omitting or obscuring a material restriction or fact.

4 2. Print advertisements that include prices for car rentals shall make clear and
5 conspicuous disclosure of the following applicable restrictions:

6 (1) The expiration date of the price offered if it is available for less than thirty days after
7 the last date of publication of the advertisement;

- 8 (2) The existence of any geographical limitations on use;
- 9 (3) The extent of any advance reservation or advance payment requirements;
- 10 (4) Airport access fee disclosure;
- 11 (5) The existence of any penalties or higher rates that may apply for early or late returns
- 12 for weekly or weekend rentals;
- 13 (6) Existence of additional driver fee;
- 14 (7) The existence of blackout dates or specific blackout dates for location specific
- 15 advertisements;
- 16 (8) Nonavailability of offer at all locations;
- 17 (9) Disclosure of mileage caps and charges;
- 18 (10) Disclosure of collision damage waiver costs.

19

20 Print advertisements that include prices for car rentals, where mileage fees apply to the
21 advertised price, shall prominently disclose this extraordinary material restriction. Print
22 advertisements that include prices for car rentals, where a company sells collision damage waiver
23 to the public and does not include this cost in the advertised rate, shall prominently disclose the
24 price for collision damage waiver.

25 3. Broadcast commercials that include prices shall indicate whether substantial
26 restrictions apply and shall include:

- 27 (1) The expiration date of the price offered if the advertised price is available for less
- 28 than thirty days;
- 29 (2) Nonavailability of the advertised price in certain locations if that is the case;
- 30 (3) Mileage limitations and charges, if any;
- 31 (4) Price or price range for collision damage waiver.

32 4. Any advertised price shall be available in sufficient quantity to meet reasonably
33 expected public demand for the rental cars advertised for the entire advertised period, beginning
34 on the day on which the advertisement appears and continuing at least thirty days thereafter,
35 unless the advertisement clearly and conspicuously discloses a shorter or longer expiration date
36 for the offer, and in that event, through the expiration date. Prices may be advertised although
37 less cars are available than would be required to meet the expected demand, as long as this
38 limitation is clearly and conspicuously set forth in the advertisement and a reasonable number
39 of cars are made available at the advertised price.

40 5. [Any surcharge or fee, including, but not limited to, fuel surcharges, airport access
41 fees, and surcharges in lieu of sales tax that consumers must generally pay at any location in
42 order to obtain or operate a rental vehicle shall be clearly and conspicuously disclosed when a
43 price is advertised] **Additional fees, charges, and surcharges which may be imposed as a**

44 **separately stated charge on a rental transaction including, but in no way to be construed**
45 **as limited to, airport fees and vehicle license fees, shall be clearly and conspicuously**
46 **disclosed on the rental agreement.**

47 6. A photograph of a rental car shall not be used in a price advertisement unless the
48 advertisement clearly and conspicuously discloses, in immediate proximity to the photograph,
49 the cost to rent the car depicted. A photograph of a rental car shall not be used in an
50 advertisement if the advertisement states directly or by implication that the automobile depicted
51 may be rented under certain conditions and that is not the case.

52 7. Any price advertised as a "daily price" or "price per day" shall be available for rentals
53 of a single day or more, and any price advertised as a "weekly" rate shall be available for the first
54 week and for subsequent weeks of the same rental. A rental company shall not charge more than
55 a weekly price which was advertised if a customer on a weekly rental returns the car earlier than
56 seven days. A price advertised as a "weekend rate" shall be available on both Saturday and
57 Sunday.

58 8. Any car rental advertising promotion which extends a free offer or promises a gift or
59 other incentive shall clearly and conspicuously disclose all the terms and conditions for receiving
60 the offer, gift or incentive. A gift, incentive, or other merchandise or service shall not be
61 advertised as free, if the cost of the item, in whole or in part, is included in the advertised rental
62 rate. If the gift or offer is provided by a third party, the car rental company shall be fully
63 responsible for providing the gift or offer under the terms and conditions disclosed.

64 9. A rental car shall not be advertised using the words "unlimited mileage" or other terms
65 that suggest there are absolutely no mileage restrictions on the use of the rental vehicle only
66 unless there are no geographical restrictions on the use of the vehicle.

67 10. At the time of the car rental transaction, the car rental company shall disclose the
68 following:

- 69 (1) The total cost, including any airport access fees;
- 70 (2) Geographical limitations;
- 71 (3) Advance reservation or payment requirements;
- 72 (4) Penalties or higher rates that may apply for early or late returns for weekly or
73 weekend rentals;
- 74 (5) Cost of additional driver fee;
- 75 (6) Blackout dates.

407.815. As used in sections 407.810 to 407.835, unless the context otherwise requires,
2 the following terms mean:

- 3 (1) "Administrative hearing commission", the body established in chapter 621, RSMo,
4 to conduct administrative hearings;

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

9 (3) "Coerce", to force a person to act in a given manner or to compel by pressure or
10 threat but shall not be construed to include the following:

11 (a) Good faith recommendations, exposition, argument, persuasion or attempts at
12 persuasion;

13 (b) Notice given in good faith to any franchisee of such franchisee's violation of terms
14 or provisions of such franchise or contractual agreement;

15 (c) Any other conduct set forth in section 407.830 as a defense to an action brought
16 pursuant to sections 407.810 to 407.835; or

17 (d) Any other conduct set forth in sections 407.810 to 407.835 that is permitted of the
18 franchisor or is expressly excluded from coercion or a violation of sections 407.810 to 407.835;

19 (4) "Franchise" or "franchise agreement", a written arrangement or contract for a definite
20 or indefinite period, in which a person grants to another person a license to use, or the right to
21 grant to others a license to use, a trade name, trademark, service mark, or related characteristics,
22 in which there is a community of interest in the marketing of goods or services, or both, at
23 wholesale or retail, by agreement, lease or otherwise, and in which the operation of the
24 franchisee's business with respect to such franchise is substantially reliant on the franchisor for
25 the continued supply of franchised new motor vehicles, parts and accessories for sale at
26 wholesale or retail;

27 (5) "Franchisee", a person to whom a franchise is granted;

28 (6) "Franchisor", a person who grants a franchise to another person;

29 (7) "Motor vehicle", for the purposes of sections 407.810 to 407.835, any motor-driven
30 vehicle required to be registered pursuant to the provisions of chapter 301, RSMo, **or any**
31 **engine, transmission, or rear axle, regardless of whether attached to a vehicle, chassis,**
32 **manufactured for installation in any motor-driven vehicle required to be registered under**
33 **the provisions of chapter 301, RSMo, that has the transport of a person or persons, or**
34 **property, on a public highway as its primary purpose and a gross vehicle weight rating of**
35 **more than sixteen thousand pounds**, except that, motorcycles and all-terrain vehicles as
36 defined in section 301.010, RSMo, shall not be included;

37 (8) "New", when referring to motor vehicles or parts, means those motor vehicles or
38 parts which have not been held except as inventory, as that term is defined in subdivision (4) of
39 section 400.9-109, RSMo;

40 (9) "Person", a natural person, sole proprietor, partnership, corporation, or any other
41 form of business entity or organization.

577.051. 1. A record of the disposition in any court proceeding involving a violation of
2 any of the provisions of sections 577.005 to 577.023, or violation of county or municipal
3 ordinances involving alcohol- or drug-related driving offenses shall be forwarded to the
4 [Missouri state highway patrol, or at the written direction of the Missouri state highway patrol,
5 to the] department of revenue, within [fifteen] **seven** days by the clerk of the court in which the
6 proceeding was held. **The records shall be forwarded by the department of revenue within**
7 **fifteen days of receipt to the Missouri state highway patrol** and shall be entered by the
8 highway patrol [or department of revenue] in the Missouri uniform law enforcement system
9 records. Dispositions that shall be reported are pleas of guilty, findings of guilty, suspended
10 imposition of sentence, suspended execution of sentence, probation, conditional sentences,
11 sentences of confinement, and any other such dispositions that may be required under state or
12 federal regulations. The record forwarded by the clerk shall clearly show the court, the court
13 case number, the name, address, and motor vehicle operator's or chauffeur's license number of
14 the person who is the subject of the proceeding, the code or number identifying the particular
15 arrest, and any court action or requirements pertaining thereto.

16 2. All records received by the Missouri state highway patrol or the department of revenue
17 under the provisions of this section shall be entered in the Missouri uniform law enforcement
18 system records and maintained by the Missouri state highway patrol. Records placed in the
19 Missouri uniform law enforcement system under the provisions of this section shall be made
20 available to any law enforcement officer in this state, any prosecuting or circuit attorney in this
21 state, or to any judge of a municipal or state court upon request.

22 3. Any person required by this section to furnish records to the Missouri state highway
23 patrol or department of revenue who willfully refuses to furnish such records [shall be] **is** guilty
24 of a class C misdemeanor.

25 4. Records required to be filed with the Missouri state highway patrol or the department
26 of revenue under the provisions of sections 302.225, RSMo, and 577.001 to 577.051 shall be
27 filed beginning July 1, 1983, and no penalties for nonfiling of records shall be applied prior to
28 July 1, 1983.

29 5. Forms and procedures for filing of records with the Missouri state highway patrol or
30 department of revenue as required in this chapter shall be promulgated by the director of the
31 department of public safety or department of revenue, as applicable, and approved by the
32 Missouri supreme court.

33 6. All record-keeping procedures required under the provisions of sections 577.005 to
34 577.023 shall be in accordance with this section, chapter 610, RSMo, to the contrary
35 notwithstanding.

577.600. 1. In addition to any other provisions of law, a court [may] **shall** require that
2 any person who is found guilty of or pleads guilty to [a first] **any** intoxication-related traffic
3 offense, as defined in section 577.023, [and a court shall require that any person who is found
4 guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense, as defined
5 in section 577.023,] shall not operate any motor vehicle unless that vehicle is equipped with a
6 functioning, certified ignition interlock device **that they must use** for a period of not less than
7 [one month] **twelve months** from the date of reinstatement of the person's driver's license. In
8 addition, any court authorized to grant a limited driving privilege under section 302.309, RSMo,
9 to any person who is found guilty of or pleads guilty to [a second or subsequent] **an**
10 intoxication-related traffic offense shall require the use of an ignition interlock device on all
11 vehicles operated by the person as a required condition of the limited driving privilege. Any
12 person required to use an ignition interlock device shall comply with the court order, subject to
13 the penalties provided by this section.

14 2. No person shall knowingly rent, lease or lend a motor vehicle to a person known to
15 have had that person's driving privilege restricted as provided in subsection 1 of this section,
16 unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person
17 whose driving privilege is restricted as provided in subsection 1 of this section shall notify any
18 other person who rents, leases or loans a motor vehicle to that person of the driving restriction
19 imposed pursuant to this section.

20 3. Any person convicted of a violation of this section shall be guilty of a class A
21 misdemeanor.

577.602. 1. If a court imposes a fine and requires the use of an ignition interlock device
2 for the same offense, the amount of the fine may be reduced by the cost of the ignition interlock
3 device.

4 2. If the court requires the use of an ignition interlock device, it shall order the
5 installation of the device on any vehicle which the offender operates during the period of
6 probation or limited driving privilege.

7 3. If the court imposes the use of an ignition interlock device on a person having full or
8 limited driving privileges, the court shall require the person to provide proof of compliance with
9 the order to the court or the probation officer within thirty days of this court's order or sooner,
10 as required by the court, **in addition to any proof required to be filed with the director of**
11 **revenue under chapter 302, RSMo.** If the person fails to provide proof of installation within
12 that period, absent a finding by the court of good cause for that failure which is entered in the

13 court record, the court shall revoke or terminate the person's probation or limited driving
14 privilege.

15 4. Nothing in sections 577.600 to 577.614 shall be construed to authorize a person to
16 operate a motor vehicle whose driving privileges have been suspended or revoked, unless the
17 person has obtained a limited driving privilege or restricted driving privilege under other
18 provisions of law.

19 5. The person whose driving privilege is restricted pursuant to section 577.600 shall
20 report to the court or the probation officer at least once annually, or more frequently as the court
21 may order, on the operation of each ignition interlock device in the person's vehicle or vehicles.
22 Such person shall be responsible for the cost and maintenance of the ignition interlock device.
23 If such device is broken, destroyed or stolen, such person shall also be liable for the cost of
24 replacement of the device.

25 6. The court may require a person whose driving privilege is restricted under section
26 577.600 to report to any officer appointed by the court in lieu of a probation officer.

27 7. The court shall require periodic calibration checks that are needed for the proper
28 operation of the ignition interlock device.

577.612. 1. It is unlawful for any person whose driving privilege is restricted pursuant
2 to section 577.600 or chapter 302, RSMo, to request or solicit any other person to blow into an
3 ignition interlock device or to start a motor vehicle equipped with the device for the purpose of
4 providing the person so restricted with an operable motor vehicle.

5 2. It is unlawful to blow into an ignition interlock device or to start a motor vehicle
6 equipped with the device for the purpose of providing an operable motor vehicle to a person
7 whose driving privilege is restricted pursuant to section 577.600 or chapter 302, RSMo.

8 3. It is unlawful to tamper with, or circumvent the operation of, an ignition interlock
9 device.

10 4. Any person who violates any provision of this section is guilty of a class A
11 misdemeanor.

**Section 1. 1. Notwithstanding any rule or law to the contrary, the department of
2 revenue shall promulgate a uniform and simplified rule for all motor fuel tax exemptions.
3 This uniform and simplified rule shall preempt all similar existing rules, shall minimize,
4 if applicable, the time between requesting a refund and receiving a refund, and shall
5 ensure that any document and administrative burdens be kept to a minimum and be
6 shared equitably by the fuel wholesaler or fuel retailer and the tax exempt entity.**

**7 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
8 that is created under the authority delegated in this section shall become effective only if
9 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**

10 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
11 **and if any of the powers vested with the general assembly under chapter 536, RSMo, to**
12 **review, to delay the effective date, or to disapprove and annul a rule are subsequently held**
13 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
14 **after August 28, 2007, shall be invalid and void.**
15

[390.071. 1. No person shall engage in the business of a motor carrier
2 in interstate commerce on any public highway in this state unless there is in force
3 with respect to such carrier a permit issued by the division of motor carrier and
4 railroad safety authorizing such operations.

5 2. Upon application to the division in writing, containing such
6 information as the division may by rule require, accompanied by a copy of
7 applicant's certificate of public convenience and necessity or permit issued by the
8 Interstate Commerce Commission, the filing of such liability insurance policy or
9 bond and other formal documents as the division shall by rule require, the
10 division, if it finds applicant qualified, shall, with or without hearing, issue a
11 permit authorizing the proposed interstate operations.]
12

[622.095. 1. In addition to its other powers, the state highways and
2 transportation commission may negotiate and enter into fair and equitable
3 cooperative agreements or contracts with other states, the District of Columbia,
4 territories and possessions of the United States, foreign countries, and any of their
5 officials, agents or instrumentalities, to promote cooperative action and mutual
6 assistance between the participating jurisdictions with regard to the uniform
7 administration and registration, through a single base jurisdiction for each
8 registrant, of Federal Motor Carrier Safety Administration operating authority
9 and exempt operations by motor vehicles operated in interstate commerce.
10 Notwithstanding any other provision of law to the contrary, and in accordance
11 with the provisions of such agreements or contracts between participating
12 jurisdictions, the commission may:

13 (1) Delegate to other participating jurisdictions the authority and
14 responsibility to collect and pay over statutory registration, administration or
15 license fees; to receive, approve and maintain the required proof of public
16 liability insurance coverage; to receive, process, maintain and transmit
17 registration information and documentation; to issue evidence of proper
18 registration in lieu of certificates, licenses, or permits which the commission may
19 issue motor vehicle licenses or identifiers in lieu of regulatory licenses under
20 section 390.136, RSMo; and to suspend or revoke any credential, approval,
21 registration, certificate, permit, license, or identifier referred to in this section, as
22 agents on behalf of the commission with regard to motor vehicle operations by
23 persons having a base jurisdiction other than this state;

24 (2) Assume the authority and responsibility on behalf of other
25 jurisdictions participating in such agreements or contracts to collect and direct the
26 department of revenue to pay over to the appropriate jurisdictions statutory
27 registration, administration or license fees, and to perform all other activities
28 described in subdivision (1) of this subsection, on its own behalf or as an agent
29 on behalf of other participating jurisdictions, with regard to motor vehicle
30 operations in interstate commerce by persons having this state as their base
31 jurisdiction;

32 (3) Establish or modify dates for the payment of fees and the issuance of
33 annual motor vehicle licenses or identifiers in conformity with such agreements
34 or contracts, notwithstanding any provisions of section 390.136, RSMo, to the
35 contrary; and

36 (4) Modify, cancel or terminate any of the agreements or contracts.

37 2. Notwithstanding the provisions of section 390.136, RSMo, statutory
38 registration, administration or license fees collected by the commission on behalf
39 of other jurisdictions under such agreements or contracts are hereby designated
40 as "nonstate funds" within the meaning of section 15, article IV, Constitution of
41 Missouri, and shall be immediately transmitted to the department of revenue of
42 the state for deposit to the credit of a special fund which is hereby created and
43 designated as the "Base State Registration Fund". The commission shall direct
44 the payment of, and the director of revenue shall pay, the fees so collected to the
45 appropriate other jurisdictions. All income derived from the investment of the
46 base state registration fund by the director of revenue shall be credited to the state
47 highways and transportation department fund.

48 3. "Base jurisdiction", as used in this section, means the jurisdiction
49 participating in such agreements or contracts where the registrant has its principal
50 place of business.

51 4. Every person who has properly registered his or her interstate
52 operating authority or exempt operations with his or her base jurisdiction and
53 maintains such registration in force in accordance with such agreements or
54 contracts is authorized to operate in interstate commerce within this state any
55 motor vehicle which is accompanied by a valid annual license or identifier issued
56 by his base jurisdiction in accordance with such agreements or contracts,
57 notwithstanding any provision of section 390.071, 390.126 or 390.136, RSMo,
58 or rules of the commission to the contrary.

59 5. Notwithstanding any provision of law to the contrary, the commission
60 may stagger and prorate the payment and collection of license fees pursuant to
61 this section for the purposes of:

62 (1) Coordinating the issuance of regulatory licenses under this section
63 with the issuance of other motor carrier credentials; and

64 (2) Complying with any federal law or regulation.]

65

Section B. The repeal and reenactment of sections 302.272, 302.275, and 302.321 of this act shall become effective January 1, 2008.

Section C. Because of the need to ensure that private organizations are not financially restrained from providing transportation services to children in buses that otherwise address the safety concerns of the child passenger restraint law, and because of the need to provide Missouri motorists with a method to replace stolen license plate tabs without administrative red tape and because of the need to verify the payment of registration fees, the repeal and reenactment of sections 301.301 and 307.179 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency within the meaning of the constitution, and the repeal and reenactment of sections 301.301 and 307.179 of section A of this act shall be in full force and effect upon its passage and approval.

Section D. The provisions of sections 385.400 to 385.436 are severable. If any part of sections 385.400 to 385.436 is declared invalid or unconstitutional, it is the intent of the legislature that the remaining portions of sections 385.400 to 385.436 shall remain and be in full force and effect.

Section E. The enactment of sections 385.400 to 385.436 shall become effective on January 1, 2008.

Bill ✓

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