

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 239, 24 & 445
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Tax Reform April 23, 2007 with recommendation that House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 239, 24 & 445 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1295L.26C

AN ACT

To repeal sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.530, 144.030, 144.062, 144.517, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230, 238.275, 301.010, 301.130, 301.131, 301.142, 301.144, 301.150, 301.221, 301.225, 301.229, 301.301, 301.310, 301.420, 301.440, 301.444, 301.451, 301.550, 301.560, 301.640, 301.716, 302.010, 302.140, 302.177, 302.178, 302.272, 302.275, 302.321, 302.341, 302.545, 302.700, 302.720, 302.755, 302.775, 303.415, 304.022, 304.070, 304.170, 304.190, 304.281, 306.010, 306.015, 306.016, 306.535, 307.010, 307.015, 307.090, 307.100, 307.120, 307.125, 307.155, 307.172, 307.173, 307.179, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 379.204, 390.030, 390.071, 407.730, 407.732, 407.815, 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, 407.1227, 556.021, 568.052, 577.029, 577.039, and 622.095, RSMo, and to enact in lieu thereof one hundred forty-six 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:

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.

Section A. Sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.530, 144.030, 144.062, 144.517, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230, 238.275, 301.010, 301.130, 301.131, 301.142, 301.144, 301.150, 301.221, 301.225, 301.229, 301.301, 301.310, 301.420, 301.440, 301.444, 301.451, 301.550, 301.560, 301.640, 301.716, 302.010, 302.140, 302.177, 302.178, 302.272, 302.275, 302.321, 302.341, 302.545, 302.700, 302.720, 302.755, 302.775, 303.415, 304.022, 304.070, 304.170, 304.190, 304.281, 306.010, 306.015, 306.016, 306.535, 307.010, 307.015, 307.090, 307.100, 307.120, 307.125, 307.155, 307.172, 307.173, 307.179, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 379.204, 390.030, 390.071, 407.730, 407.732, 407.815, 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, 407.1227, 556.021, 568.052, 577.029, 577.039, and 622.095, RSMo, are repealed and one hundred forty-six new sections enacted in lieu thereof, to be known as sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.530, 43.546, 43.547, 135.670, 135.710, 142.816, 142.817, 143.114, 143.128, 144.030, 144.062, 170.310, 227.295, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230, 238.275, 301.007, 301.010, 301.029, 301.037, 301.130, 301.131, 301.142, 301.144, 301.150, 301.221, 301.225, 301.229, 301.301, 301.310, 301.420, 301.440, 301.444, 301.451, 301.550, 301.560, 301.640, 301.716, 302.010, 302.140, 302.145, 302.177, 302.178, 302.272, 302.275, 302.305, 302.321, 302.341, 302.545, 302.700, 302.720, 302.755, 302.775, 303.415, 304.022, 304.032, 304.070, 304.170, 304.190, 304.232, 304.281, 304.810, 306.010, 306.015, 306.016, 306.535, 307.010, 307.015, 307.090, 307.100, 307.120, 307.125, 307.155, 307.172, 307.173, 307.179, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 379.204, 379.206, 385.200, 385.202, 385.204, 385.206, 385.208, 385.210, 385.212, 385.214, 385.216, 385.218, 385.220, 385.300, 385.302, 385.304, 385.306, 385.308, 385.310, 385.312, 385.314, 385.316, 385.318, 385.320, 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433, 385.436, 387.075, 390.021, 390.030, 390.372, 407.730, 407.732, 407.815, 488.006, 537.055, 556.021, 568.052, 577.029, and 577.039, to read as follows:

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

- (1) ["Commission", the Missouri state highways and transportation commission;
- (2) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway patrol;
- (3) (2) "MULES", Missouri uniform law enforcement system, a statewide-computerized communications system provided by the patrol designed to provide services, information, and capabilities to the law enforcement and criminal justice community 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 **from the uniformed membership of the patrol** by the governor by and with the advice and
3 consent of the senate. The superintendent shall hold office at the pleasure of the governor. The
4 superintendent shall be a citizen of the United States and a resident taxpaying citizen of this state
5 for a period of three years previous to being appointed as superintendent and shall be at least
6 thirty years of age. The superintendent shall 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, regulation, and conduct background investigations**
11 **authorized under the laws of this state, and enforce the regulations of licensed gaming**
12 **activities governed by chapter 313, RSMo. A notice of either party to terminate or modify**
13 **the provisions of such agreement shall be in writing and executed no less than one year**
14 **from the effective date of the termination or modification, unless mutually agreed upon by**
15 **the superintendent and the Missouri gaming commission.** Members of the patrol hired in
16 conjunction with any agreement with the Missouri gaming commission shall not be subject to
17 the personnel cap referenced in subsection 1 of this section. If such agreement is subsequently
18 terminated or modified to reduce the number of personnel used in such agreement, those
19 members affected by such termination or modification shall not be subject to the personnel cap
20 referenced in 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, **communication, telephone**, and other subordinates for the
9 headquarters of each [district] **troop or division** of the patrol. The state highway patrol [radio
10 network] **communications division** shall be under the control of and at the service of the
11 superintendent for such regular and emergency [bulletins] **communications**, and service as the
12 superintendent may require [from 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 shall have the authority to direct members
24 and other employees of the patrol to carry out any public safety duty or service authorized
25 or appropriated by 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 member before the court or associate circuit judge, **or such court's or judge's designee**, having jurisdiction of the crime whereof such person so arrested is charged there to be dealt with according to law.

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

43.530. **1.** For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than [five] **nine** dollars per request for criminal history record information not based on a fingerprint search [when the requesting entity is required to obtain such information by any provision of state or federal law and pay a fee of not more than fourteen dollars per request for criminal history record information based on a fingerprint search when the requesting entity is required to obtain such information by any provision of state or federal law; provided that, when the requesting entity is not required to obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars per request for criminal history record information not based on a fingerprint search and] . **In each year beginning on or after January 1, 2010, the superintendent may increase the fee paid by requesting entities by an amount not to exceed one dollar per year, however, under no circumstance shall the fee paid by requesting entities exceed fifteen dollars per request.**

2. For each request requiring payment of a fee received by the central repository, **the requesting entity shall** pay a fee of not more than twenty dollars per request for criminal history record information based on a fingerprint search[. Each such] , **unless the request is required for persons licensed under the provisions of subdivision (6) of section 210.481, RSMo, section 210.487, RSMo, or section 571.101, RSMo, in which case, the fee shall be fourteen dollars.**

3. A request **made under subsections 1 and 2 of this section** shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, money order, or electronic payment payable to the state of Missouri-criminal record system or payment shall be made in a manner approved by the highway patrol. The highway patrol may establish procedures for receiving requests for criminal history record information for classification and search for fingerprints, from courts and other entities, and for the payment of such requests. There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in sections 43.500 to 43.543, the unexpended

29 moneys in such fund shall remain in the fund and the balance shall be kept in the fund to
30 accumulate from year to year.

**43.546. 1. Any state agency, board, commission may require the fingerprinting of
2 applicants in specified occupations or appointments within the state agency, board, or
3 commission for the purpose of positive identification and receiving criminal history record
4 information when determining an applicant's ability or fitness to serve in such occupation
5 or appointment.**

**6 2. In order to facilitate the criminal background check under subsection 1 of this
7 section on any person employed or appointed by a state agency, board, or commission, and
8 in accordance with section 43.523, the applicant or employee shall submit a set of
9 fingerprints collected under the standards determined by the Missouri highway patrol.
10 The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded
11 to the highway patrol to be used to search the state criminal history repository and the
12 fingerprints shall be forwarded to the Federal Bureau of Investigation for a national
13 criminal background check. Notwithstanding the provisions of section 310.120, RSMo, all
14 records related to any criminal history information discovered shall be accessible and
15 available to the state agency making the request.**

**43.547. 1. The Missouri state highway patrol, at the direction of the governor, shall
2 conduct, name or fingerprint background investigations of gubernatorial appointees. The
3 governor's directive shall state whether the background investigation shall be a name
4 background investigation or a fingerprint background investigation. In addition, the
5 patrol may, at the governor's direction, conduct other appropriate investigations to
6 determine if an applicant or appointee is in compliance with section 105.262, RSMo, and
7 other necessary inquiries to determine the person's suitability for positions of public trust.**

**8 2. In order to facilitate the fingerprint background investigation under subsection
9 1 of this section, and in accordance with the provisions of section 43.543, the appointee
10 shall submit a set of fingerprints collected under the standards determined by the Missouri
11 highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall
12 be forwarded to the highway patrol to be used to search the state criminal history
13 repository and the fingerprints shall be forwarded to the Federal Bureau of Investigation
14 for a national criminal background check. Any background investigation conducted at the
15 direction of the governor under subsection 1 of this section may include criminal history
16 record information and other source information obtained by the highway patrol.**

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

**2 (1) "Class 8 truck", a heavy duty vehicle, as defined in 42 U.S.C. Section 16104, as
3 amended, that has a gross vehicle weight in excess of thirty three thousand pounds;**

4 (2) "Department", the department of revenue;

5 (3) "Idle reduction technology", shall have the same meaning as defined in 42
6 U.S.C. Section 16104, as amended;

7 (4) "State tax liability", in the case of a business taxpayer, any liability incurred by
8 such taxpayer under the provisions of chapters 143, 147, and 153, RSMo, excluding
9 sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual
10 taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143,
11 RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

12 (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder
13 in an S corporation doing business in the state of Missouri and subject to the state income
14 tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual
15 corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an express
16 company which pays an annual tax on its gross receipts in this state under chapter 153,
17 RSMo, or an individual subject to the state income tax imposed by the provisions of
18 chapter 143, RSMo.

19 2. For all tax years beginning on or after January 1, 2007, a taxpayer shall be
20 allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal
21 to fifty percent of the amount such taxpayer paid to purchase and install idle reduction
22 technology on a class 8 truck after January 1, 2007. In no case shall the tax credit exceed
23 thirty five hundred dollars per truck.

24 3. The amount of the tax credit claimed shall not exceed the amount of the
25 taxpayer's state tax liability for the taxable year for which the credit is claimed. However,
26 any tax credit that cannot be claimed in the taxable year the purchase and installation was
27 made may be carried over to the next three succeeding taxable years until the full credit
28 has been claimed. The tax credit allowed under this section shall be nontransferable.

29 4. Not less than one hundred and twenty days from the effective date of this section,
30 the department shall promulgate rules necessary for the implementation of the provisions
31 of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
32 RSMo, that is created under the authority delegated in this section shall become effective
33 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
34 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
35 nonseverable and if any of the powers vested with the general assembly pursuant to
36 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
37 are subsequently held unconstitutional, then the grant of rulemaking authority and any
38 rule proposed or adopted after August 28, 2007, shall be invalid and void.

39 5. Under section 23.253, RSMo, of the Missouri sunset act:

40 (1) The provisions of the new program authorized under this section shall
41 automatically sunset two years after the effective date of this section unless reauthorized
42 by an act of the general assembly; and

43 (2) If such program is reauthorized, the program authorized under this section
44 shall automatically sunset two years after the effective date of the reauthorization of this
45 section; and

46 (3) This section shall terminate on September first of the calendar year immediately
47 following the calendar year in which the program authorized under this section is sunset.

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

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

4 (a) Ethanol;

5 (b) Natural gas;

6 (c) Compressed natural gas;

7 (d) Liquefied natural gas;

8 (e) Liquefied petroleum gas;

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

10 (2) "Department", the department of natural resources;

11 (3) "Eligible applicant", a business entity that is the owner of a qualified
12 alternative fuel vehicle refueling property;

13 (4) "Qualified alternative fuel vehicle refueling property", property in this state
14 owned by a firm or corporation and used for storing alternative fuels and for dispensing
15 such alternative fuels into fuel tanks of motor vehicles owned by such firm or corporation
16 or private citizens.

17 2. For all tax years beginning on or after January 1, 2008, but before January 1,
18 2011, any eligible applicant who installs and operates a qualified alternative fuel vehicle
19 refueling property shall be allowed a credit against the tax otherwise due under chapter
20 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or
21 due under chapter 147, RSMo, or chapter 148, RSMo, for any tax year in which the
22 applicant is constructing the refueling property. The credit allowed in this section per
23 eligible applicant shall not exceed the lesser of twenty thousand dollars or twenty percent
24 of the total costs directly associated with the purchase and installation of any alternative
25 fuel storage and dispensing equipment on any qualified alternative fuel vehicle refueling
26 property, which shall not include the following:

27 (1) Costs associated with the purchase of land upon which to place a qualified
28 alternative fuel vehicle refueling property;

29 (2) Costs associated with the purchase of an existing qualified alternative fuel
30 vehicle refueling property; or

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

32 3. The tax credits allowed by this section shall be claimed by the eligible applicant
33 at the time such applicant files a return for the tax year in which the storage and
34 dispensing facilities were placed in service at a qualified alternative fuel vehicle refueling
35 property, and shall be applied against the income tax liability imposed by chapter 143,
36 RSMo, chapter 147, RSMo, or chapter 148, RSMo, after all other credits provided by law
37 have been applied. The cumulative amount of tax credits which may be claimed by eligible
38 applicants claiming all credits authorized in this section shall not exceed the following
39 amounts:

40 (1) In taxable year 2008, three million dollars;

41 (2) In taxable year 2009, two million dollars; and

42 (3) In taxable year 2010, one million dollars.

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

48 5. An alternative fuel vehicle refueling property, for which an eligible applicant
49 receives tax credits under this section, which ceases to sell alternative fuel shall cause the
50 forfeiture of such eligible applicant's tax credits provided under this section for the taxable
51 year in which the alternative fuel vehicle refueling property ceased to sell alternative fuel
52 and for future taxable years with no recapture of tax credits obtained by an eligible
53 applicant with respect to such applicant's tax years which ended before the sale of
54 alternative fuel ceased.

55 6. The director of revenue shall establish the procedure by which the tax credits in
56 this section may be claimed, and shall establish a procedure by which the cumulative
57 amount of tax credits is apportioned equally among all eligible applicants claiming the
58 credit. To the maximum extent possible, the director of revenue shall establish the
59 procedure described in this subsection in such a manner as to ensure that eligible
60 applicants can claim all the tax credits possible up to the cumulative amount of tax credits
61 available for the taxable year. No eligible applicant claiming a tax credit under this section
62 shall be liable for any interest or penalty for filing a tax return after the date fixed for
63 filing such return as a result of the apportionment procedure under this subsection.

64 **7. Any eligible applicant desiring to claim a tax credit under this section shall**
65 **submit the appropriate application for such credit with the department. The application**
66 **for a tax credit under this section shall include any information required by the**
67 **department. The department shall review the applications and certify to the department**
68 **of revenue each eligible applicant that qualifies for the tax credit.**

69 **8. The department and the department of revenue may promulgate rules to**
70 **implement the provisions of this section. Any rule or portion of a rule, as that term is**
71 **defined in section 536.010, RSMo, that is created under the authority delegated in this**
72 **section shall become effective only if it complies with and is subject to all of the provisions**
73 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
74 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
75 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
76 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
77 **authority and any rule proposed or adopted after August 28, 2007, shall be invalid and**
78 **void.**

79 **9. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

80 **(1) The provisions of the new program authorized under this section shall**
81 **automatically sunset six years after the effective date of this section unless reauthorized by**
82 **an act of the general assembly; and**

83 **(2) If such program is reauthorized, the program authorized under this section**
84 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
85 **section; and**

86 **(3) This section shall terminate on December thirty-first of the calendar year**
87 **immediately following the calendar year in which the program authorized under this**
88 **section is sunset.**

142.816. 1. Motor fuel sold to any school district within this state and used to
2 **operate buses used solely to transport students to or from school or to transport students**
3 **to or from any place for educational purposes is exempt from the fuel tax imposed by this**
4 **chapter.**

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.

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

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

- 2 (1) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
3 tracks, except farm tractors;
4 (2) "Qualified hybrid motor vehicle", any motor vehicle licensed under chapter
5 301, RSMo; and:
6 (a) Which meets the definition of new qualified hybrid motor vehicle in section
7 30B(d)(3)(A) of the Internal Revenue Code of 1986, as amended;
8 (b) The original use of which commences with the taxpayer; and
9 (c) Which is acquired for use by the taxpayer and not for resale.

10 2. For the tax year beginning on January 1, 2008, any taxpayer who purchases a
11 qualified hybrid vehicle shall be allowed to subtract from the taxpayer's Missouri adjusted
12 gross income to determine Missouri taxable income, for the tax year in which the taxpayer
13 purchases the vehicle, an amount equal to one thousand five hundred dollars or ten percent
14 of the purchase price of the vehicle, whichever is less.

15 3. The director of revenue shall establish the procedure by which the deduction in
16 this section may be claimed, and shall promulgate rules to provide for the submission of
17 documents by the taxpayer proving the purchase price and date of the qualified hybrid
18 motor vehicle and to implement the provisions of this section.

19 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
20 that is created under the authority delegated in this section shall become effective only if
21 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
22 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable

23 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
24 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
25 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
26 adopted after August 28, 2007, shall be invalid and void.

143.128. 1. For purposes of this section the term "E-85 gasoline" shall mean
2 ethanol blended gasoline formulated with a minimum percentage of between seventy-five
3 and eighty-five percent by volume of ethanol. For all tax years beginning on or after
4 January 1, 2008, a taxpayer who purchases E-85 gasoline in a tax year shall be allowed to
5 claim a tax credit against the tax otherwise due under this chapter, excluding sections
6 143.191 to 143.265, in the following amounts:

7 (1) For calendar year 2008, the amount of the credit shall be equal to twenty-five
8 cents per gallon of E-85 gasoline purchased by the taxpayer;

9 (2) For calendar years 2009 and 2010, the amount of the credit shall be equal to
10 twenty cents per gallon of E-85 gasoline purchased by the taxpayer;

11 (3) For calendar year 2011 and each subsequent calendar year, the amount of the
12 credit shall be equal to fifteen cents per gallon of E-85 gasoline purchased by the taxpayer.

13 2. The amount of credits claimed per taxpayer annually shall not exceed five
14 hundred dollars. The minimum amount of tax credits a taxpayer may claim shall not be
15 less than fifty dollars. A taxpayer shall claim the credit allowed by this section at the time
16 such taxpayer files a return. In the event the amount of the tax credit provided under this
17 section exceeds a taxpayer's income tax liability, no refund shall result, but such excess tax
18 credits may be carried forward to any of the taxpayer's three subsequent tax years. The
19 aggregate amount of tax credits which may be redeemed in any fiscal year shall not exceed
20 five hundred thousand dollars. The tax credit shall be available regardless of whether the
21 taxpayer opts to take a standard deduction. The department of revenue is authorized to
22 adopt any rule or regulations deemed necessary for the effective administration of this
23 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
24 that is created under the authority delegated in this section shall become effective only if
25 it complies with and is subject to all of the provisions of chapter 536, RSMo, and if
26 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
27 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
28 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
29 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
30 adopted after August 28, 2007, shall be invalid and void.

31 3. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

32 **(1) The provisions of the new program authorized under this section shall sunset**
33 **automatically six years after the effective date of this section unless reauthorized by an act**
34 **of the general assembly; and**

35 **(2) If such program is reauthorized, the program authorized under this section**
36 **shall sunset automatically twelve years after the effective date of the reauthorization of this**
37 **section; and**

38 **(3) This section shall terminate on September first of the calendar year immediately**
39 **following the calendar year in which the program authorized under this section is sunset.**

144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and
11 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to
12 the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections
13 144.010 to 144.525 and 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824, RSMo; or upon the sale at retail of fuel
16 to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with
23 the growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,

29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation, slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) Replacement machinery, equipment, and parts and the materials and supplies solely
39 required for the installation or construction of such replacement machinery, equipment, and
40 parts, used directly in manufacturing, mining, fabricating or producing a product which is
41 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
42 the materials and supplies required solely for the operation, installation or construction of such
43 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
44 material recovery processing plants in this state. For the purposes of this subdivision, a "material
45 recovery processing plant" means a facility that has as its primary purpose the recovery of
46 materials into a useable product or a different form which is used in producing a new product and
47 shall include a facility or equipment which are used exclusively for the collection of recovered
48 materials for delivery to a material recovery processing plant but shall not include motor vehicles
49 used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall
50 have the same meaning pursuant to section 301.010, RSMo. Material recovery is not the reuse
51 of materials within a manufacturing process or the use of a product previously recovered. The
52 material recovery processing plant shall qualify under the provisions of this section regardless
53 of ownership of the material being recovered;

54 (5) Machinery and equipment, and parts and the materials and supplies solely required
55 for the installation or construction of such machinery and equipment, purchased and used to
56 establish new or to expand existing manufacturing, mining or fabricating plants in the state if
57 such machinery and equipment is used directly in manufacturing, mining or fabricating a product
58 which is intended to be sold ultimately for final use or consumption;

59 (6) Tangible personal property which is used exclusively in the manufacturing,
60 processing, modification or assembling of products sold to the United States government or to
61 any agency of the United States government;

62 (7) Animals or poultry used for breeding or feeding purposes;

63 (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and
64 other machinery, equipment, replacement parts and supplies used in producing newspapers
65 published for dissemination of news to the general public;

66 (9) The rentals of films, records or any type of sound or picture transcriptions for public
67 commercial display;

68 (10) Pumping machinery and equipment used to propel products delivered by pipelines
69 engaged as common carriers;

70 (11) Railroad rolling stock for use in transporting persons or property in interstate
71 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
72 more or trailers used by common carriers, as defined in section 390.020, RSMo, [solely] in the
73 transportation of persons or property [in interstate commerce];

74 (12) Electrical energy used in the actual primary manufacture, processing, compounding,
75 mining or producing of a product, or electrical energy used in the actual secondary processing
76 or fabricating of the product, or a material recovery processing plant as defined in subdivision
77 (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
78 energy so used exceeds ten percent of the total cost of production, either primary or secondary,
79 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
80 contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo.
81 **There shall be a rebuttable presumption that the raw materials used in the manufacture**
82 **of automobiles contain at least twenty-five percent recovered materials.** For purposes of this
83 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
84 materials to transform and reduce them to a different state or thing, including treatment necessary
85 to maintain or preserve such processing by the producer at the production facility;

86 (13) Anodes which are used or consumed in manufacturing, processing, compounding,
87 mining, producing or fabricating and which have a useful life of less than one year;

88 (14) Machinery, equipment, appliances and devices purchased or leased and used solely
89 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies
90 solely required for the installation, construction or reconstruction of such machinery, equipment,
91 appliances and devices, and so certified as such by the director of the department of natural
92 resources, except that any action by the director pursuant to this subdivision may be appealed to
93 the air conservation commission which may uphold or reverse such action;

94 (15) Machinery, equipment, appliances and devices purchased or leased and used solely
95 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies
96 solely required for the installation, construction or reconstruction of such machinery, equipment,
97 appliances and devices, and so certified as such by the director of the department of natural

98 resources, except that any action by the director pursuant to this subdivision may be appealed to
99 the Missouri clean water commission which may uphold or reverse such action;

100 (16) Tangible personal property purchased by a rural water district;

101 (17) All amounts paid or charged for admission or participation or other fees paid by or
102 other charges to individuals in or for any place of amusement, entertainment or recreation, games
103 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a
104 municipality or other political subdivision where all the proceeds derived therefrom benefit the
105 municipality or other political subdivision and do not inure to any private person, firm, or
106 corporation;

107 (18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1,
108 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
109 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
110 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
111 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
112 administer those items, including samples and materials used to manufacture samples which may
113 be dispensed by a practitioner authorized to dispense such samples and all sales of medical
114 oxygen, home respiratory equipment and accessories, hospital beds and accessories and
115 ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers,
116 electronic Braille equipment and, if purchased by or on behalf of a person with one or more
117 physical or mental disabilities to enable them to function more independently, all sales of
118 scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and
119 augmentative communication devices, and items used solely to modify motor vehicles to permit
120 the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or
121 nonprescription drugs to individuals with disabilities;

122 (19) All sales made by or to religious and charitable organizations and institutions in
123 their religious, charitable or educational functions and activities and all sales made by or to all
124 elementary and secondary schools operated at public expense in their educational functions and
125 activities;

126 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce
127 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,
128 including fraternal organizations which have been declared tax-exempt organizations pursuant
129 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or
130 charitable functions and activities and all sales made to eleemosynary and penal institutions and
131 industries of the state, and all sales made to any private not-for-profit institution of higher
132 education not otherwise excluded pursuant to subdivision (19) of this subsection or any

133 institution of higher education supported by public funds, and all sales made to a state relief
134 agency in the exercise of relief functions and activities;

135 (21) All ticket sales made by benevolent, scientific and educational associations which
136 are formed to foster, encourage, and promote progress and improvement in the science of
137 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
138 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
139 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
140 fair conducted by a county agricultural and mechanical society organized and operated pursuant
141 to sections 262.290 to 262.530, RSMo;

142 (22) All sales made to any private not-for-profit elementary or secondary school, all sales
143 of feed additives, medications or vaccines administered to livestock or poultry in the production
144 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
145 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
146 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
147 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as
148 defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new
149 generation cooperative or an eligible new generation processing entity as defined in section
150 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor
151 vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible
152 personal property which, when mixed with feed for livestock or poultry, is to be used in the
153 feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes
154 adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used
155 to improve or enhance the effect of a pesticide and the foam used to mark the application of
156 pesticides and herbicides for the production of crops, livestock or poultry. As used in this
157 subdivision, the term "farm machinery and equipment" means new or used farm tractors and such
158 other new or used farm machinery and equipment and repair or replacement parts thereon, and
159 supplies and lubricants used exclusively, solely, and directly for producing crops, raising and
160 feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale
161 at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel
162 therefor which is:

- 163 (a) Used exclusively for agricultural purposes;
- 164 (b) Used on land owned or leased for the purpose of producing farm products; and
- 165 (c) Used directly in producing farm products to be sold ultimately in processed form or
166 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
167 ultimately in processed form at retail;

168 (23) Except as otherwise provided in section 144.032, all sales of metered water service,
169 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil
170 for domestic use and in any city not within a county, all sales of metered or unmetered water
171 service for domestic use;

172 (a) "Domestic use" means that portion of metered water service, electricity, electrical
173 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
174 within a county, metered or unmetered water service, which an individual occupant of a
175 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
176 service through a single or master meter for residential apartments or condominiums, including
177 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
178 Each seller shall establish and maintain a system whereby individual purchases are determined
179 as exempt or nonexempt;

180 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
181 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
182 with and approved by the Missouri public service commission. Sales and purchases made
183 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
184 of the occupants of residential apartments or condominiums through a single or master meter,
185 including service for common areas and facilities and vacant units, shall be considered as sales
186 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
187 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
188 service rate classification and the provision of service thereunder shall be conclusive as to
189 whether or not the utility must charge sales tax;

190 (c) Each person making domestic use purchases of services or property and who uses any
191 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
192 of the fourth month following the year of purchase, and without assessment, notice or demand,
193 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
194 nondomestic purchases of services or property and who uses any portion of the services or
195 property so purchased for domestic use, and each person making domestic purchases on behalf
196 of occupants of residential apartments or condominiums through a single or master meter,
197 including service for common areas and facilities and vacant units, under a nonresidential utility
198 service rate classification may, between the first day of the first month and the fifteenth day of
199 the fourth month following the year of purchase, apply for credit or refund to the director of
200 revenue and the director shall give credit or make refund for taxes paid on the domestic use
201 portion of the purchase. The person making such purchases on behalf of occupants of residential
202 apartments or condominiums shall have standing to apply to the director of revenue for such
203 credit or refund;

204 (24) All sales of handicraft items made by the seller or the seller's spouse if the seller or
205 the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such
206 sales do not constitute a majority of the annual gross income of the seller;

207 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,
208 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of
209 revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local
210 sales taxes on such excise taxes;

211 (26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne
212 vessels which are used primarily in or for the transportation of property or cargo, or the
213 conveyance of persons for hire, on navigable rivers bordering on or located in part in this state,
214 if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while
215 it is afloat upon such river;

216 (27) All sales made to an interstate compact agency created pursuant to sections 70.370
217 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and
218 activities of such agency as provided pursuant to the compact;

219 (28) Computers, computer software and computer security systems purchased for use
220 by architectural or engineering firms headquartered in this state. For the purposes of this
221 subdivision, "headquartered in this state" means the office for the administrative management
222 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

223 (29) All livestock sales when either the seller is engaged in the growing, producing or
224 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering
225 or leasing of such livestock;

226 (30) All sales of barges which are to be used primarily in the transportation of property
227 or cargo on interstate waterways;

228 (31) Electrical energy or gas, whether natural, artificial or propane, water, or other
229 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
230 products or in any material recovery processing plant as defined in subdivision (4) of subsection
231 2 of this section;

232 (32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or
233 herbicides used in the production of crops, aquaculture, livestock or poultry;

234 (33) Tangible personal property purchased for use or consumption directly or exclusively
235 in the research and development of prescription pharmaceuticals consumed by humans or
236 animals;

237 (34) All sales of grain bins for storage of grain for resale;

238 (35) All sales of feed which are developed for and used in the feeding of pets owned by
239 a commercial breeder when such sales are made to a commercial breeder, as defined in section
240 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

241 (36) All purchases by a contractor on behalf of an entity located in another state,
242 provided that the entity is authorized to issue a certificate of exemption for purchases to a
243 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
244 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
245 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
246 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
247 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
248 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
249 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
250 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
251 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
252 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
253 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
254 or remodeling facilities for the following:

255 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
256 project exemption certificates in accordance with the provisions of section 144.062; or

257 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
258 an exemption certificate to contractors in accordance with the provisions of that state's law and
259 the applicable provisions of this section;

260 (37) Tangible personal property purchased for use or consumption directly or exclusively
261 in research or experimentation activities performed by life science companies and so certified
262 as such by the director of the department of economic development or the director's designees;
263 except that, the total amount of exemptions certified pursuant to this section shall not exceed one
264 million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of
265 this subdivision, the term "life science companies" means companies whose primary research
266 activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North
267 American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech
268 research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary
269 services). The exemption provided by this subdivision shall expire on June 30, 2003;

270 (38) All sales or other transfers of tangible personal property to a lessor who leases the
271 property under a lease of one year or longer executed or in effect at the time of the sale or other
272 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo,
273 or sections 238.010 to 238.100, RSMo; and

274 (39) Sales of tickets to any collegiate athletic championship event that is held in a facility
275 owned or operated by a governmental authority or commission, a quasi-governmental agency,
276 a state university or college or by the state or any political subdivision thereof, including a
277 municipality, and that is played on a neutral site and may reasonably be played at a site located
278 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
279 is not located on the campus of a conference member institution participating in the event;

280 (40) **Sales of textbooks, as defined by section 170.051, RSMo, when such textbook**
281 **is purchased for use by a person at any Missouri public or private university, college, or**
282 **other postsecondary institution of higher learning offering a course of study leading to a**
283 **degree in the liberal arts, humanities, or sciences or in a professional, vocational, or**
284 **technical field, provided that the books which are exempt from state and local sales and use**
285 **tax are those required or recommended for a class. Upon request, the institution or**
286 **department shall provide at least one list of textbooks to the bookstore each semester;**

287 (41) **For fiscal year 2008, sales of new motor vehicles designed to operate on eighty-**
288 **five percent ethanol fuel.**

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.

**170.310. 1. Every school district shall make a driver's education course available
2 to students of the age of fifteen or older. The requirement for offering a course may be met
3 by the district offering the course with its own resources or by entering into an agreement
4 with another district or with the Missouri Virtual School, created under section 161.670,
5 RSMo.**

**6 2. The department of elementary and secondary education shall develop a driver's
7 education course to be offered by the Missouri Virtual School.**

**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, the month and year in which the victim of the drunk driving accident was killed,**
30 **and the phrase, "Who's next?". The overall design of the sign, including size, color, and**
31 **lettering, shall conform to the guidelines and regulations established by the department.**
32 **The signs shall be placed 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.**

238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

2 (1) "Board", the board of directors of a district;

3 (2) "Commission", the Missouri highways and transportation commission;

4 (3) "District", a transportation development district organized under sections 238.200
5 to 238.275;

6 (4) "Local transportation authority", a county, city, town, village, county highway
7 commission, special road district, interstate compact agency, or any local public authority or
8 political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake
9 or river port, airport, railroad, light rail or other transit improvement or service;

10 (5) "Project" includes any bridge, street, road, highway, access road, interchange,
11 intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar,
12 shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit
13 and any similar or related improvement or infrastructure.

14 2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of
15 Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following
16 terms shall have the meanings given:

17 (1) "Approval of the required majority" or "direct voter approval", a simple majority;

18 (2) "Qualified electors", "qualified voters" or "voters", [if] **within the proposed or**
19 **established district**, any persons [eligible to be registered voters reside within the proposed
20 district, such persons] **residing therein** who have registered to vote pursuant to chapter 115,
21 RSMo, [or if no persons eligible to be registered voters reside within the proposed district, the
22 owners of real property located within the proposed district] **who shall receive one vote per**
23 **acre, provided that any registered voter who also owns property must elect whether to vote**
24 **as an owner or a registered voter;**

25 (3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115,
26 RSMo.

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered
2 voters from each county partially or totally within the proposed district may file a petition
3 requesting the creation of a district. However, if no persons eligible to be registered voters reside
4 within the district, the owners of record of all of the real property, except public streets, located
5 within the proposed district may file a petition requesting the creation of a district. The petition
6 shall be filed in the circuit court of any county partially or totally within the proposed district.

7 2. Alternatively, the governing body of any local transportation authority within any
8 county in which a proposed project may be located may file a petition in the circuit court of that
9 county, requesting the creation of a district.

10 3. The proposed district area shall be contiguous and may contain all or any portion of
11 one or more municipalities and counties; provided:

12 (1) Property separated only by public streets, easements or rights-of-way shall be
13 considered contiguous;

14 (2) In the case of a district formed pursuant to a petition filed by the owners of record
15 of all of the real property located within the proposed district, the proposed district area need not
16 contain contiguous properties if:

17 (a) The petition provides that the only funding method for project costs will be a sales
18 tax;

19 (b) The court finds that all of the real property located within the proposed district will
20 benefit by the projects to be undertaken by the district; and

21 (c) Each parcel within the district is within five miles of every other parcel; and

22 (3) In the case of a district created pursuant to subsection 5 of this section, property
23 separated only by public streets, easements, or rights-of-way or connected by a single public
24 street, easement, or right-of-way shall be considered contiguous.

25 4. The petition shall set forth:

26 (1) The name, voting residence and county of residence of each individual petitioner, or,
27 if no persons eligible to be registered voters reside within the proposed district, the name and
28 address of each owner of record of real property located within the proposed district, or shall
29 recite that the petitioner is the governing body of a local transportation authority acting in its
30 official capacity;

31 (2) The name and address of each respondent. Respondents must include the
32 commission and each affected local transportation authority within the proposed district, except
33 a petitioning local transportation authority;

34 (3) A specific description of the proposed district boundaries including a map illustrating
35 such boundaries;

36 (4) A general description of each project proposed to be undertaken by that district,
37 including a description of the approximate location of each project;

38 (5) **The estimated project costs and the anticipated revenues to be collected from**
39 **the project;**

40 (6) The name of the proposed district;

41 [(6)] (7) The number of members of the board of directors of the proposed district,
42 which shall be not less than five or more than fifteen;

43 [(7)] (8) A statement that the terms of office of initial board members shall be staggered
44 in approximately equal numbers to expire in one, two or three years;

45 [(8)] (9) If the petition was filed by registered voters or by a governing body, a request
46 that the question be submitted to the qualified voters within the limits of the proposed district
47 whether they will establish a transportation development district to develop a specified project
48 or projects;

49 [(9)] (10) A proposal for funding the district initially, pursuant to the authority granted
50 in sections 238.200 to 238.275, together with a request that the funding proposal be submitted
51 to the qualified voters residing within the limits of the proposed district; provided, however, the
52 funding method of special assessments may also be approved as provided in subsection 1 of
53 section 238.230; and

54 [(10)] (11) A statement that the proposed district shall not be an undue burden on any
55 owner of property within the district and is not unjust or unreasonable.

56 5. (1) As an alternative to the methods described in subsections 1 and 2 of this section,
57 if two or more local transportation authorities have adopted resolutions calling for the joint
58 establishment of a district, the governing body of any one such local transportation authority may
59 file a petition in the circuit court of any county in which the proposed project is located
60 requesting the creation of a district; **or, if not less than fifty registered voters from each of two**
61 **or more counties sign a petition calling for the joint establishment of a district for the**
62 **purpose of developing a project that lies in whole or in part within those same counties, the**
63 **petition may be filed in the circuit court of any of those counties in which not less than fifty**
64 **registered voters have signed the petition.**

65 (2) The proposed district area shall be contiguous and may contain all or any portion of
66 one or more municipalities and counties. Property separated only by public streets, easements,
67 or rights-of-way or connected by a single public street, easement, or right-of-way shall be
68 considered contiguous.

69 (3) The petition shall set forth:

70 (a) That the petitioner is the governing body of a local transportation authority acting in
71 its official capacity; **or, if the petition was filed by obtaining the signatures of not less than**
72 **fifty registered voters in each of two or more counties, it shall set forth the name, voting**
73 **residence, and county of residence of each individual petitioner;**

74 (b) The name of each local transportation authority within the proposed district. The
75 resolution of the governing body of each local transportation authority calling for the joint
76 establishment of the district shall be attached to the petition;

77 (c) The name and address of each respondent. Respondents must include the
78 commission and each affected local transportation authority within the proposed district, except
79 a petitioning local transportation authority;

80 (d) A specific description of the proposed district boundaries including a map illustrating
81 such boundaries;

82 (e) A general description of each project proposed to be undertaken by the district,
83 including a description of the approximate location of each project;

84 (f) The name of the proposed district;

85 (g) The number of members of the board of directors of the proposed district;

86 (h) A request that the question be submitted to the qualified voters within the limits of
87 the proposed district whether they will establish a transportation development district to develop
88 the projects described in the petition;

89 (i) A proposal for funding the district initially, pursuant to the authority granted in
90 sections 238.200 to 238.275, together with a request that the imposition of the funding proposal
91 be submitted to the qualified voters residing within the limits of the proposed district; provided,
92 however, the funding method of special assessments may also be approved as provided in
93 subsection 1 of section 238.230; and

94 (j) A statement that the proposed district shall not be an undue burden on any owner of
95 property within the district and is not unjust or unreasonable.

238.208. 1. The owners of property adjacent to a transportation district formed under
2 the Missouri transportation development district act may petition the court by unanimous petition
3 to add their property to the district. If the property owners within the transportation development
4 district unanimously approve of the addition of property, the adjacent properties in the petition
5 shall be added to the district. Any property added under this section shall be subject to all
6 projects, taxes, and special assessments in effect as of the date of the court order adding the
7 property to the district. The owners of the added property shall be allowed to vote at the next
8 election scheduled for the district to fill vacancies on the board and on any other question
9 submitted to them by the board under this chapter. The owners of property added under this
10 section shall have one vote per acre in the same manner as provided in subdivision (2) of
11 subsection 2 of section 238.220.

12 **2. The owners of all of the property located in a transportation development district**
13 **formed under this chapter may, by unanimous petition filed with the board of directors of**
14 **the district, remove any property from the district, so long as such removal will not**
15 **materially affect any obligations of the district.**

238.210. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve
2 a copy of the petition on the respondents who shall have thirty days after receipt of service to file

3 an answer stating agreement with or opposition to the creation of the district. If any respondent
4 files its answer opposing the creation of the district, it shall recite legal reasons why the petition
5 is defective, why the proposed district is illegal or unconstitutional, or why the proposed method
6 for funding the district is illegal or unconstitutional. The respondent shall ask the court for a
7 declaratory judgment respecting these issues. The answer of each respondent shall be served on
8 each petitioner and every other respondent named in the petition. Any resident, taxpayer, any
9 other entity, or any local transportation authority within the proposed district may join in or file
10 a petition supporting or answer opposing the creation of the district and seeking a declaratory
11 judgment respecting these same issues within thirty days after the date notice is last published
12 by the circuit clerk.

13 2. The court shall hear the case without a jury. If the court shall thereafter determine the
14 petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue
15 burden on any owner of property within the district or is unjust and unreasonable, it shall enter
16 its declaratory judgment to that effect and shall refuse to make the certifications requested in the
17 pleadings. If the court determines that any proposed funding method is illegal or
18 unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the
19 court determines the petition is not legally defective and the proposed district and method of
20 funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect.
21 If the petition was filed by registered voters or by a governing body, the court shall then certify
22 the questions regarding district creation, project development, and proposed funding for voter
23 approval. If the petition was filed by a governing body, **or by no less than fifty registered**
24 **voters of two or more counties**, pursuant to subsection 5 of section 238.207, the court shall then
25 certify the single question regarding district creation, project development, and proposed funding
26 for voter approval. If the petition was filed by the owners of record of all of the real property
27 located within the proposed district, the court shall declare the district organized and certify the
28 funding methods stated in the petition for qualified voter approval; provided, however, the
29 funding method of special assessments may also be approved as provided in subsection 1 of
30 section 238.230. In either case, if no objections to the petition are timely filed, the court may
31 make such certifications based upon the pleadings before it without any hearing.

32 3. Any party having filed an answer or petition may appeal the circuit court's order or
33 declaratory judgment in the same manner provided for other appeals.

238.225. 1. Before construction or funding of any project, the district shall submit the
2 proposed project[, together with the proposed plans and specifications,] to the commission for
3 its prior approval [of the project]. If the commission by minute finds that the project will
4 improve or is a necessary or desirable extension of the state highways and transportation system,
5 the commission may **preliminarily** approve the project subject to the district **providing plans**

6 **and specifications for the proposed project and** making any revisions in the plans and
 7 specifications required by the commission and the district and commission entering into a
 8 mutually satisfactory agreement regarding development and future maintenance of the project.
 9 **After such preliminary approval, the district may impose and collect such taxes and**
 10 **assessments as may be included in the commission's preliminary approval.** After the
 11 commission approves the final construction plans and specifications, the district shall obtain
 12 prior commission approval of any modification of such plans or specifications.

13 2. If the proposed project is not intended to be merged into the state highways and
 14 transportation system under the commission's jurisdiction, the district shall also submit the
 15 proposed project and proposed plans and specifications to the local transportation authority that
 16 will become the owner of the project for its prior approval.

17 3. In those instances where a local transportation authority is required to approve a
 18 project and the commission determines that it has no direct interest in that project, the
 19 commission may decline to consider the project. Approval of the project shall then vest
 20 exclusively with the local transportation authority subject to the district making any revisions in
 21 the plans and specifications required by the local transportation authority and the district and the
 22 local transportation authority entering into a mutually satisfactory agreement regarding
 23 development and future maintenance of the project. After the local transportation authority
 24 approves the final construction plans and specifications, the district shall obtain prior approval
 25 of the local transportation authority before modifying such plans or specifications.

238.230. 1. If approved by:

- 2 (1) A majority of the qualified voters voting on the question in the district; or
- 3 (2) The owners of record of all of the real property located within the district who shall
- 4 indicate their approval by signing a special assessment petition;
- 5 the district may make one or more special assessments for those project improvements which
- 6 specially benefit the properties within the district. Improvements which may confer special
- 7 benefits within a district include but are not limited to improvements which are intended
- 8 primarily to serve traffic originating or ending within the district, to reduce local traffic
- 9 congestion or circuitry of travel, or to improve the safety of motorists or pedestrians within the
- 10 district.

11 2. The ballot question shall be substantially in the following form:

12 Shall the Transportation Development District be authorized to levy special
 13 assessments against property benefited within the district for the purpose of providing revenue
 14 for the development of a project (or projects) in the district (insert general description of the
 15 project or projects, if necessary), said special assessments to be levied ratably against each tract,
 16 lot or parcel of property within the district which is benefited by such project in proportion to the

17 (insert method of allocating special assessments), in an amount not to exceed \$ per
18 annum per (insert unit of measurement)?

19 3. The special assessment petition shall be substantially in the following form:

20 The Transportation Development District shall be authorized to levy
21 special assessments against property benefited within the district for the purpose of providing
22 revenue for the development of a project (or projects) in the district (insert general description
23 of the project or projects, if necessary), said special assessments to be levied pro rata against each
24 tract, lot or parcel or property within the district which is benefited by such project in proportion
25 to the (insert method of allocating special assessments), in an amount not to exceed \$..... per
26 annum per (insert unit of measurement).

27 4. If a proposal for making a special assessment fails, the district board of directors may,
28 with the prior approval of the commission or the local transportation authority which will assume
29 ownership of the completed project, delete from the project any portion which was to be funded
30 by special assessment and which is not otherwise required for project integrity.

31 **5. A district may establish different classes of real property within the district for**
32 **purposes of levying differing rates of special assessments. The levy rate for special**
33 **assessments may vary for each class or subclass based on the level of benefit derived by**
34 **each class or subclass of real property from projects funded by the district.**

238.275. 1. Within six months after development and initial maintenance costs of its
2 completed project have been paid, the district shall pursuant to contract transfer ownership and
3 control of the project to the commission or a local transportation authority which shall be
4 responsible for all future maintenance costs pursuant to contract. **Such transfer may be made**
5 **sooner with the consent of the recipient.**

6 2. At such time as a district has completed its project and has transferred ownership of
7 the project to the commission or other local transportation authority for maintenance, or at such
8 time as the board determines that it is unable to complete its project due to lack of funding or for
9 any other reason, the board shall submit for a vote in an election held throughout the district the
10 question of whether the district should be abolished. The question shall be submitted in
11 substantially the following form:

12 Shall the Transportation Development District be abolished?

13 3. The district board shall not propose the question to abolish the district while there are
14 outstanding claims or causes of action pending against the district, while the district liabilities
15 exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the
16 bankruptcy court. Prior to submitting the question to abolish the district to a vote, the state
17 auditor shall audit the district to determine the financial status of the district, and whether the
18 district may be abolished pursuant to law.

19 4. While the district still exists, it shall continue to accrue all revenues to which it is
20 entitled at law.

21 5. Upon receipt of certification by the appropriate election authorities that the majority
22 of those voting within the district have voted to abolish the district, and if the state auditor has
23 determined that the district's financial condition is such that it may be abolished pursuant to law,
24 then the board shall:

25 (1) Sell any remaining district real or personal property it wishes, and then transfer the
26 proceeds and any other real or personal property owned by the district, including revenues due
27 and owing the district, to the commission or any appropriate local transportation authority
28 assuming maintenance and control of the project, for its further use and disposition;

29 (2) Terminate the employment of any remaining district employees, and otherwise
30 conclude its affairs;

31 (3) At a public meeting of the district, declare by a majority vote that the district has been
32 abolished effective that date; and

33 (4) Cause copies of that resolution under seal to be filed with the secretary of state, the
34 director of revenue, the commission, and with each local transportation authority affected by the
35 district. Upon the completion of the final act specified in this subsection, the legal existence of
36 the district shall cease.

**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.

**301.037. In addition to submitting a personal property tax receipt, proof of
2 financial responsibility, a heavy highway vehicle use tax receipt, and any other documents
3 or information which may be required by law, the owner of a commercial motor vehicle
4 with a licensed gross weight over fifty thousand pounds shall, prior to obtaining or
5 renewing the plates for such vehicle, submit proof in a manner satisfactory to the director,
6 that the vehicle is registered with the motor carrier division of the department of
7 transportation. An owner may demonstrate proof of registration by submitting a copy of
8 his or her U.S. Department of Transportation number or a lease paper showing that the
9 vehicle is leased by another registered motor carrier. Any owner of a vehicle described in
10 this section that is not required by law to be registered with the motor carrier division of
11 the department of transportation shall attest under penalty of perjury to such fact on the
12 application.**

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 **during the period of reissuance**, and applicants for registration of vehicles that are to be issued
103 new license plates **during the period of reissuance** shall pay [an additional fee, based on the
104 actual cost of the reissuance, to cover] the cost of [the newly reissued plates] **reissuance** required
105 by this subsection. The additional [fee] **cost** prescribed in this subsection shall not be charged
106 to persons receiving special license plates issued under section 301.073 or 301.443. Historic
107 motor vehicle license plates registered pursuant to section 301.131 and specialized license plates
108 are exempt from the provisions of this subsection.

301.131. 1. Any motor vehicle over twenty-five years old which is owned solely as a
2 collector's item and which is used and intended to be used for exhibition and educational
3 purposes shall be permanently registered upon payment of a registration fee of twenty-five
4 dollars. Upon the transfer of the title to any such vehicle the registration shall be canceled and
5 the license plates issued therefor shall be returned to the director of revenue.

6 2. The owner of any such vehicle shall file an application in a form prescribed by the
7 director, if such vehicle meets the requirements of this section, and a certificate of registration
8 shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

9 3. The director shall issue to the owner of any motor vehicle registered pursuant to this
10 section the same number of license plates which would be issued with a regular annual
11 registration, containing the number assigned to the registration certificate issued by the director
12 of revenue. Such license plates shall be made with fully reflective material with a common color
13 scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as
14 prescribed by section 301.130.

15 4. Historic vehicles may be driven to and from repair facilities one hundred miles from
16 the vehicle's location, and in addition may be driven up to one thousand miles per year for
17 personal use. The owner of the historic vehicle shall be responsible for keeping a log of the
18 miles driven for personal use each calendar year. Such log must be kept in the historic vehicle
19 when the vehicle is driven on any state road. The historic vehicle's mileage driven in an antique
20 auto tour or event and mileage driven to and from such a tour or event shall not be considered
21 mileage driven for the purpose of the mileage limitations in this section. Violation of this section
22 [is a class C misdemeanor] **shall be punishable under section 301.440** and in addition to any

23 other penalties prescribed by law, upon [conviction] **plea or finding of guilt** thereof, the director
24 of revenue shall revoke the historic motor vehicle license plates of such violator which were
25 issued pursuant to this section.

26 5. Notwithstanding any provisions of this section to the contrary, any person possessing
27 a license plate issued by the state of Missouri that is over twenty-five years old, in which the year
28 of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the
29 owner of the vehicle may register such plate as an historic vehicle plate as set forth in
30 subsections 1 and 2 of this section, provided that the configuration of letters, numbers or
31 combination of letters and numbers of such plate are not identical to the configuration of letters,
32 numbers or combination of letters and numbers of any plates already issued to an owner by the
33 director. Such license plate shall not be required to possess the characteristic features of
34 reflective material and common color scheme and design as prescribed in section 301.130. The
35 owner of the historic vehicle registered pursuant to this subsection shall keep the certificate of
36 registration in the vehicle at all times. The certificate of registration shall be prima facie
37 evidence that the vehicle has been properly registered with the director and that all fees have
38 been paid.

301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

- 2 (1) "Department", the department of revenue;
- 3 (2) "Director", the director of the department of revenue;
- 4 (3) "Other authorized health care practitioner" includes advanced practice registered
5 nurses licensed pursuant to chapter 335, RSMo, chiropractors licensed pursuant to chapter 331,
6 RSMo, podiatrists licensed pursuant to chapter 330, RSMo, and optometrists licensed pursuant
7 to chapter 336, RSMo;
- 8 (4) "Physically disabled", a natural person who is blind, as defined in section 8.700,
9 RSMo, or a natural person with medical disabilities which prohibits, limits, or severely impairs
10 one's ability to ambulate or walk, as determined by a licensed physician or other authorized
11 health care practitioner as follows:
 - 12 (a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to
13 a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling
14 condition; or
 - 15 (b) The person cannot ambulate or walk without the use of, or assistance from, a brace,
16 cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
 - 17 (c) Is restricted by a respiratory or other disease to such an extent that the person's forced
18 respiratory expiratory volume for one second, when measured by spirometry, is less than one
19 liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
 - 20 (d) Uses portable oxygen; or

21 (e) Has a cardiac condition to the extent that the person's functional limitations are
22 classified in severity as class III or class IV according to standards set by the American Heart
23 Association; or

24 (f) A person's age, in and of itself, shall not be a factor in determining whether such
25 person is physically disabled or is otherwise entitled to disabled license plates and/or disabled
26 windshield hanging placards within the meaning of sections 301.141 to 301.143;

27 (5) "Physician", a person licensed to practice medicine pursuant to chapter 334, RSMo;

28 (6) "Physician's statement", a statement personally signed by a duly authorized person
29 which certifies that a person is disabled as defined in this section;

30 (7) "Temporarily disabled person", a disabled person as defined in this section whose
31 disability or incapacity is expected to last no more than one hundred eighty days;

32 **(8) "Temporary windshield placard", a placard to be issued to persons who are**
33 **temporarily disabled persons as defined in this section, certification of which shall be**
34 **indicated on the physician's statement;**

35 **(9) "Windshield placard", a placard to be issued to persons who are physically**
36 **disabled as defined in this section, certification of which shall be indicated on the**
37 **physician's statement.**

38 2. Other authorized health care practitioners may furnish to a disabled or temporarily
39 disabled person a physician's statement for only those physical health care conditions for which
40 such health care practitioner is legally authorized to diagnose and treat.

41 3. A physician's statement shall:

42 (1) Be on a form prescribed by the director of revenue;

43 (2) Set forth the specific diagnosis and medical condition which renders the person
44 physically disabled or temporarily disabled as defined in this section;

45 (3) Include the physician's or other authorized health care practitioner's license number;
46 and

47 (4) Be personally signed by the issuing physician or other authorized health care
48 practitioner.

49 4. If it is the professional opinion of the physician or other authorized health care
50 practitioner issuing the statement that the physical disability of the applicant, user, or member
51 of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the
52 physician or other authorized health care practitioner shall note on the statement the anticipated
53 length of the disability which period may not exceed one hundred eighty days. If the physician
54 or health care practitioner fails to record an expiration date on the physician's statement, the
55 director shall issue a temporary windshield placard for a period of thirty days.

56 5. A physician or other authorized health care practitioner who issues or signs a
57 physician's statement so that disabled plates or a disabled windshield placard may be obtained
58 shall maintain in such disabled person's medical chart documentation that such a certificate has
59 been issued, the date the statement was signed, the diagnosis or condition which existed that
60 qualified the person as disabled pursuant to this section and shall contain sufficient
61 documentation so as to objectively confirm that such condition exists.

62 6. The medical or other records of the physician or other authorized health care
63 practitioner who issued a physician's statement shall be open to inspection and review by such
64 practitioner's licensing board, in order to verify compliance with this section. Information
65 contained within such records shall be confidential unless required for prosecution, disciplinary
66 purposes, or otherwise required to be disclosed by law.

67 7. Owners of motor vehicles who are residents of the state of Missouri, and who are
68 physically disabled, owners of motor vehicles operated at least fifty percent of the time by a
69 physically disabled person, or owners of motor vehicles used to primarily transport physically
70 disabled members of the owner's household may obtain disabled person license plates. Such
71 owners, upon application, accompanied by the documents and fees provided for in this section,
72 a current physician's statement which has been issued within ninety days proceeding the date the
73 application is made and proof of compliance with the state motor vehicle laws relating to
74 registration and licensing of motor vehicles, shall be issued motor vehicle license plates for
75 vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand
76 pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the
77 word "DISABLED" in addition to a combination of letters and numbers. Such license plates
78 shall be made with fully reflective material with a common color scheme and design, shall be
79 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

80 8. The director shall further issue, upon request, to such applicant one, and for good
81 cause shown, as the director may define by rule and regulations, not more than two, removable
82 disabled windshield hanging placards for use when the disabled person is occupying a vehicle
83 or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or
84 collect the physically disabled person issued the disabled motor vehicle license plate or disabled
85 windshield hanging placard.

86 9. No additional fee shall be paid to the director for the issuance of the special license
87 plates provided in this section, except for special personalized license plates and other license
88 plates described in this subsection. Priority for any specific set of special license plates shall be
89 given to the applicant who received the number in the immediately preceding license period
90 subject to the applicant's compliance with the provisions of this section and any applicable rules
91 or regulations issued by the director. If determined feasible by the advisory committee

92 established in section 301.129, any special license plate issued pursuant to this section may be
93 adapted to also include the international wheelchair accessibility symbol and the word
94 "DISABLED" as prescribed in this section and such plate may be issued to any applicant who
95 meets the requirements of this section and the other appropriate provision of this chapter, subject
96 to the requirements and fees of the appropriate provision of this chapter.

97 10. Any physically disabled person, or the parent or guardian of any such person, or any
98 not-for-profit group, organization, or other entity which transports more than one physically
99 disabled person, may apply to the director of revenue for a removable windshield placard. The
100 placard may be used in motor vehicles which do not bear the permanent handicap symbol on the
101 license plate. Such placards must be hung from the front, middle rearview mirror of a parked
102 motor vehicle and may not be hung from the mirror during operation. These placards may only
103 be used during the period of time when the vehicle is being used by a disabled person, or when
104 the vehicle is being used to pick up, deliver, or collect a disabled person. When there is no
105 rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

106 11. The removable windshield placard shall conform to the specifications, in respect to
107 size, color, and content, as set forth in federal regulations published by the Department of
108 Transportation. The fee for each removable windshield placard shall be four dollars and the
109 removable windshield placard shall be renewed every two years. The director may stagger the
110 expiration dates to equalize workload. Only one removable placard may be issued to an
111 applicant who has been issued disabled person license plates. Upon request, one additional
112 windshield placard may be issued to an applicant who has not been issued disabled person
113 license plates, at the appropriate fee.

114 12. A temporary windshield placard shall be issued to any physically disabled person,
115 or the parent or guardian of any such person who otherwise qualifies except that the physical
116 disability, in the opinion of the physician, is not expected to exceed a period of one hundred
117 eighty days. The temporary windshield placard shall conform to the specifications, in respect
118 to size, color, and content, as set forth in federal regulations published by the Department of
119 Transportation. The fee for the temporary windshield placard shall be two dollars. Upon
120 request, and for good cause shown, one additional temporary windshield placard may be issued
121 to an applicant. Temporary windshield placards shall be issued upon presentation of the
122 physician's statement provided by this section and shall be displayed in the same manner as
123 removable windshield placards. A person or entity shall be qualified to possess and display a
124 temporary removable windshield placard for six months and the placard may be renewed once
125 for an additional six months if a physician's statement pursuant to this section is supplied to the
126 director of revenue at the time of renewal.

127 13. Application for license plates or windshield placards issued pursuant to this section
128 shall be made to the director of revenue and shall be accompanied by a statement signed by a
129 licensed physician or other authorized health care practitioner which certifies that the applicant,
130 user, or member of the applicant's household is a physically disabled person as defined by this
131 section.

132 14. The placard shall be renewable only by the person or entity to which the placard was
133 originally issued. Any placard issued pursuant to this section shall only be used when the
134 physically disabled occupant for whom the disabled plate or placard was issued is in the motor
135 vehicle at the time of parking or when a physically disabled person is being delivered or
136 collected. A disabled license plate and/or a removable windshield hanging placard are not
137 transferable and may not be used by any other person whether disabled or not.

138 15. At the time the disabled plates or windshield hanging placards are issued, the director
139 shall issue a registration certificate which shall include the applicant's name, address, and other
140 identifying information as prescribed by the director, or if issued to an agency, such agency's
141 name and address. This certificate shall further contain the disabled license plate number or, for
142 windshield hanging placards, the registration or identifying number stamped on the placard. The
143 validated registration receipt given to the applicant shall serve as the registration certificate.

144 16. The director shall, upon issuing any disabled registration certificate for license plates
145 and/or windshield hanging placards, provide information which explains that such plates or
146 windshield hanging placards are nontransferable, and the restrictions explaining who and when
147 a person or vehicle which bears or has the disabled plates or windshield hanging placards may
148 be used or be parked in a disabled reserved parking space, and the penalties prescribed for
149 violations of the provisions of this act.

150 17. Every new applicant for a disabled license plate or placard shall be required to
151 present a new physician's statement dated no more than ninety days prior to such application.
152 Renewal applicants will be required to submit a physician's statement dated no more than ninety
153 days prior to such application upon their first renewal occurring on or after August 1, 2005.
154 Upon completing subsequent renewal applications, a physician's statement dated no more than
155 ninety days prior to such application shall be required every fourth year. Such physician's
156 statement shall state the expiration date for the temporary windshield placard. If the physician
157 fails to record an expiration date on the physician's statement, the director shall issue the
158 temporary windshield placard for a period of thirty days.

159 18. The director of revenue upon receiving a physician's statement pursuant to this
160 subsection shall check with the state board of registration for the healing arts created in section
161 334.120, RSMo, or the Missouri state board of nursing established in section 335.021, RSMo,
162 with respect to physician's statements signed by advanced practice registered nurses, or the

163 Missouri state board of chiropractic examiners established in section 331.090, RSMo, with
164 respect to physician's statements signed by licensed chiropractors, or with the board of optometry
165 established in section 336.130, RSMo, with respect to physician's statements signed by licensed
166 optometrists, or the state board of podiatric medicine created in section 330.100, RSMo, with
167 respect to physician's statements signed by physicians of the foot or podiatrists to determine
168 whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining
169 a disabled license plate or placard presents proof of disability in the form of a statement from the
170 United States Veterans' Administration verifying that the person is permanently disabled, the
171 applicant shall be exempt from the four-year certification requirement of this subsection for
172 renewal of the plate or placard. Initial applications shall be accompanied by the physician's
173 statement required by this section. **Notwithstanding the provisions of paragraph (f) of**
174 **subdivision (4) of subsection 1 of this section, any person sixty-five years of age or older**
175 **who provided the physician's statement with the original application shall not be required**
176 **to provide a physician's statement for the purpose of renewal of disabled persons license**
177 **plates or windshield placards.**

178 19. The boards shall cooperate with the director and shall supply information requested
179 pursuant to this subsection. The director shall, in cooperation with the boards which shall assist
180 the director, establish a list of all Missouri physicians and other authorized health care
181 practitioners and of any other information necessary to administer this section.

182 20. Where the owner's application is based on the fact that the vehicle is used at least
183 fifty percent of the time by a physically disabled person, the applicant shall submit a statement
184 stating this fact, in addition to the physician's statement. The statement shall be signed by both
185 the owner of the vehicle and the physically disabled person. The applicant shall be required to
186 submit this statement with each application for license plates. No person shall willingly or
187 knowingly submit a false statement and any such false statement shall be considered perjury and
188 may be punishable pursuant to section 301.420.

189 21. The director of revenue shall retain all physicians' statements and all other documents
190 received in connection with a person's application for disabled license plates and/or disabled
191 windshield placards.

192 22. The director of revenue shall enter into reciprocity agreements with other states or
193 the federal government for the purpose of recognizing disabled person license plates or
194 windshield placards issued to physically disabled persons.

195 23. When a person to whom disabled person license plates or a removable or temporary
196 windshield placard or both have been issued dies, the personal representative of the decedent or
197 such other person who may come into or otherwise take possession of the disabled license plates

198 or disabled windshield placard shall return the same to the director of revenue under penalty of
199 law. Failure to return such plates or placards shall constitute a class B misdemeanor.

200 24. The director of revenue may order any person issued disabled person license plates
201 or windshield placards to submit to an examination by a chiropractor, osteopath, or physician,
202 or to such other investigation as will determine whether such person qualifies for the special
203 plates or placards.

204 25. If such person refuses to submit or is found to no longer qualify for special plates or
205 placards provided for in this section, the director of revenue shall collect the special plates or
206 placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

207 26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated,
208 the lawful holder thereof shall, within five days, file with the director of revenue an application
209 and an affidavit stating such fact, in order to purchase a new placard. The fee for the
210 replacement windshield placard shall be four dollars.

211 27. Fraudulent application, renewal, issuance, procurement or use of disabled person
212 license plates or windshield placards shall be a class A misdemeanor. It is a class B
213 misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual
214 or family member is qualified for a license plate or windshield placard based on a disability, the
215 diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.

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.

301.150. 1. License plates issued to owners of motor vehicles registered pursuant to the
2 monthly series system of registration as provided in section 301.030 shall be removed on the sale
3 or transfer of ownership of such vehicles. The plates, if still current, may thereafter be retained
4 and preserved by the person to whom issued, to be fastened to such other motor vehicles as such
5 person shall thereafter register in the person's name.

6 2. If application for registration of another motor vehicle is not made to the director of
7 revenue within one year following the sale or transfer of ownership of a motor vehicle, the
8 license plates held by the person who sold or transferred ownership of such motor vehicle shall
9 be declared void, and new license plates bearing the same numbers may be issued to another
10 registrant.

11 3. It shall be unlawful to fasten voided plates to any motor vehicle. Violation of this
12 section shall be [deemed a class C misdemeanor] **punishable under section 301.440.**

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.**

301.310. 1. Whenever a law enforcement officer observes a plate to be in such condition
2 as to hinder or make difficult identification of same, he shall notify the director of revenue and
3 instruct the owner to apply for a duplicate plate.

4 2. If the owner has not made application within fifteen days, the director of revenue may
5 cancel such registration and notify the registrant and such cancellation shall remain in force until
6 the application has been filed.

7 3. The director of revenue may at his discretion replace worn plates without cost to the
8 registrant.

9 4. Failure to surrender a mutilated or worn plate for which duplicate has been issued
10 shall be [deemed a misdemeanor] **punishable under section 301.440.**

301.420. No person shall willfully or knowingly make a false statement in any
2 application for the registration of a motor vehicle or trailer, or as a dealer, or in an application
3 for or assignment of a certificate of ownership. All blanks or forms issued by the director of
4 revenue for the purpose of making application for registration of certificate of ownership shall
5 conspicuously bear on the face thereof the following words: "Any false statement in this
6 application is a violation of the law and may be punished by fine or imprisonment or both".
7 **Violation of this section shall be a class C misdemeanor.**

301.440. Any person who violates any provision of sections 301.010 to 301.440 for
2 which no specific punishment is provided shall upon [conviction] **a plea or finding of guilt**
3 thereof be [punished] **guilty of an infraction punishable** by a fine of not less than five dollars
4 or more than five hundred dollars [or by imprisonment in the county jail for a term not exceeding
5 one year, or by both the fine and imprisonment].

301.444. 1. [Any person, as defined in subsection 3 of this section, may apply for special
2 license plates for any motor vehicle such person owns, either solely or jointly, other than an
3 apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen
4 thousand pounds gross weight. The firefighter memorial foundation of Missouri hereby
5 authorizes the use of its official emblem to be affixed on multiyear personalized license plates
6 as provided in this section.

7 2. Upon application and payment of a one-time twenty-five dollar emblem-use
8 contribution to the firefighter memorial foundation of Missouri, the foundation shall issue to the
9 vehicle owner, without further charge, an emblem-use authorization statement, which shall be
10 presented to the department of revenue at the time of registration of a motor vehicle.

11 3. As used in this section, the term "person" shall mean:

12 (1) A director of a fire protection district;

13 (2) Persons compensated, partially compensated, or volunteer members of any fire
14 department, fire protection district, or voluntary fire protection association of this state;

15 (3) A person wounded in the line of duty as a firefighter; or

16 (4) A surviving spouse, parent, brother, sister, or adult child, including an adopted child
17 or stepchild, of a person killed in the line of duty as a firefighter.

18 4. Upon presentation of the emblem-use authorization statement and payment of a fifteen
19 dollar fee in addition to the regular registration fees and presentation of other documents which
20 may be required by law, the department of revenue shall issue a personalized license plate to the
21 vehicle owner, which shall bear the emblem of the firefighter memorial foundation of Missouri
22 and the word "FIREFIGHTER" in place of the words "SHOW-ME STATE". Such license plates
23 shall be made with fully reflective material with a common color scheme and design, shall be
24 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.
25 Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the
26 personalization of license plates pursuant to this section.

27 5. The director of revenue may promulgate rules and regulations for the administration
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.] **Owners or a joint owner of motor vehicles who are residents of the**
36 **state of Missouri, and who are directors of a fire protection district or who are**
37 **compensated, partially compensated, or volunteer members of any fire department, fire**
38 **protection district, or voluntary fire protection association in this state, upon application**
39 **accompanied by affidavit as prescribed in this section, complying with the state motor**
40 **vehicle laws relating to registration and licensing of motor vehicles, and upon payment of**
41 **a fee as prescribed in this section, shall be issued a set of license plates for any motor**
42 **vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle**
43 **or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**
44 **The license plates shall be inscribed with a variation of the Maltese cross that signifies the**
45 **universally recognized symbol for firefighters. In addition, upon such set of license plates**
46 **shall be inscribed, in lieu of the words "Show-me State", the word "FIREFIGHTER".**
47 **Such license plates shall be made with will fully reflective material, shall be clearly visible**
48 **at night, and shall be aesthetically attractive, as prescribed by section 301.130.**

49 2. Applications for license plates issued under this section shall be made to the
50 director of revenue and shall be accompanied by an affidavit stating that the applicant is
51 a person described in subsection 1 of this section. Any person who is lawfully in possession
52 of such plates who resigns, is removed, or otherwise terminates or is terminated from his

53 **association with such fire department, fire protection district, or voluntary fire protection**
54 **association shall return such special plates to the director within fifteen days.**

55 **3. An additional annual fee equal to that charged for personalized license plates in**
56 **section 301.144 shall be paid to the director of revenue for the issuance of the license plates**
57 **provided for in this section.**

301.451. Any person who has been awarded the purple heart medal may apply for special
2 motor vehicle license plates for any vehicle he owns, either solely or jointly, other than
3 commercial vehicles weighing over twelve thousand pounds. Any such person shall make
4 application for the special license plates on a form provided by the director of revenue and
5 furnish such proof as a recipient of the purple heart medal as the director may require. The
6 director shall then issue license plates bearing letters or numbers or a combination thereof, with
7 the words "PURPLE HEART" in place of the words "SHOW-ME STATE" in a form prescribed
8 by the advisory committee established in section 301.129. Such license plates shall be made
9 with fully reflective material with a common color scheme and design, shall be clearly visible
10 at night, and shall be aesthetically attractive, as prescribed by section 301.130. [There shall be
11 an additional fee charged for each set of special purple heart license plates issued equal to the
12 fee charged for personalized license plates, but the additional fee shall only have to be paid once
13 by the qualified applicant at the time of initial application.] There shall be no limit on the
14 number of license plates any person qualified under this section may obtain so long as each set
15 of license plates issued under this section is issued for vehicles owned solely or jointly by such
16 person. License plates issued under the provisions of this section shall not be transferable to any
17 other person except that any registered co-owner of the motor vehicle shall be entitled to operate
18 the motor vehicle for the duration of the year licensed in the event of the death of the qualified
19 person.

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 an
34 intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases
35 or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of
36 motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person;
37 provided, however, an individual auctioneer or auction conducted by an auctioneer licensed
38 pursuant to chapter 343, RSMo, shall not be included within the definition of a motor vehicle
39 dealer. The sale of six or more motor vehicles or trailers in any calendar year shall be required
40 as evidence that such person is engaged in the motor vehicle business and is eligible for licensure
41 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 from
43 a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this
44 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 unincorporated
52 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 (14) "Recreational motor vehicle dealer", a dealer of new or used motor designed,
62 constructed or substantially modified for use as temporary housing quarters, including
63 sleeping and eating facilities which are either permanently attached to the motor vehicle
64 or attached to a unit which is securely attached to the motor vehicle;

65 [(13)] (15) "Storage lot", an area, within the same city or county where a dealer may
66 store excess vehicle inventory;

67 [(14)] (16) "Used motor vehicle", any motor vehicle which is not a new motor vehicle,
68 as defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given
69 away or which may have had a title issued in this state or any other state, or a motor vehicle so
70 used as to be what is commonly known as a secondhand motor vehicle. In the event of an
71 assignment of the statement of origin from an original franchise dealer to any individual or other
72 motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the
73 vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership
74 shall be obtained in the assignee's name. The term "used motor vehicle" shall not include
75 manufactured homes, as defined in section 700.010, RSMo;

76 [(15)] (17) "Used motor vehicle dealer", any motor vehicle dealer who is not a new
77 motor vehicle franchise dealer;

78 [(16)] (18) "Vessel", every boat and watercraft defined as a vessel in section 306.010,
79 RSMo;

80 [(17)] (19) "Vessel trailer", any trailer, as defined by section 301.010 which is designed
81 and manufactured for the purposes of transporting vessels;

82 [(18)] (20) "Wholesale motor vehicle auction", any person, firm or corporation in the
83 business of providing auction services solely in wholesale transactions at its established place
84 of business in which the purchasers are motor vehicle dealers licensed by this or any other
85 jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary
86 course of its business. Except as required by law with regard to the auction sale of a government
87 owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in
88 connection with the retail sale of a motor vehicle;

89 [(19)] (21) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor
90 vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via
91 auctions limited to other dealers of any class.

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

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

- 95 (1) Boat dealers;
- 96 (2) Franchised new motor vehicle dealers;
- 97 (3) Used motor vehicle dealers;
- 98 (4) Wholesale motor vehicle dealers;
- 99 (5) Recreational motor vehicle dealers;
- 100 (6) Historic motor vehicle dealers;
- 101 (7) Classic motor vehicle dealers; and
- 102 (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,] **Such application shall include an annual certification that the applicant has a**
8 **bona fide established place of business for the first three years and only for every other**
9 **year thereafter. The certification shall be performed by a uniformed member of the Missouri**
10 **state highway patrol or authorized or designated employee** stationed in the troop area in which
11 the applicant's place of business is located; except, that in counties of the first classification,
12 certification may be performed by an officer of a metropolitan police department when the
13 applicant's established place of business of distributing or selling motor vehicles or trailers is in
14 the metropolitan area where the certifying metropolitan police officer is employed. When the
15 application is being made for licensure as a boat manufacturer or boat dealer, certification shall

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

45 (2) [If] The **initial** application [is] for licensure [as a manufacturer, boat manufacturer,
46 new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle auction,
47 boat dealer or a public motor vehicle auction,] **shall include** a photograph, not to exceed eight
48 inches by ten inches **but no less than five inches by seven inches**, showing the business
49 building, **lot**, and sign [shall accompany the initial application. In the case of a manufacturer,
50 new motor vehicle franchise dealer or used motor vehicle dealer, the photograph shall include
51 the lot of the business]. A new motor vehicle franchise dealer applicant who has purchased a

52 currently licensed new motor vehicle franchised dealership shall be allowed to submit a
53 photograph of the existing dealership building, lot and sign but shall be required to submit a new
54 photograph upon the installation of the new dealership sign as required by sections 301.550 to
55 301.573. Applicants shall not be required to submit a photograph annually unless the business
56 has moved from its previously licensed location, or unless the name of the business or address
57 has changed, or unless the class of business has changed;

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

64 (4) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle
65 dealer, **a powersport dealer**, a wholesale motor vehicle dealer, **trailer dealer**, or boat dealer
66 shall furnish with the application a corporate surety bond or an irrevocable letter of credit as
67 defined in section 400.5-103, RSMo, issued by any state or federal financial institution in the
68 penal sum of [twenty-five] **thirty** thousand dollars on a form approved by the department. The
69 bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the
70 provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle
71 dealers, **powersport dealers**, wholesale motor vehicle dealers, **trailer dealers**, and boat dealers,
72 and the bond shall be an indemnity for any loss sustained by reason of the acts of the person
73 bonded when such acts constitute grounds for the suspension or revocation of the dealer's license.
74 The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved
75 parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary;
76 except, that the aggregate liability of the surety or financial institution to the aggrieved parties
77 shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds
78 of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final
79 judgment from a Missouri court of competent jurisdiction against the principal and in favor of
80 an aggrieved party. **Additionally, every applicant as a new motor vehicle franchise dealer,**
81 **a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer**
82 **dealer, or boat dealer shall furnish with the application a copy of a current dealer garage**
83 **policy bearing the policy number and name of the insurer and the insured, and a copy of**
84 **a current property and casualty policy bearing the policy number and name of the insurer**
85 **and the insured from an insurance carrier registered with the director of the Missouri**
86 **department of insurance, financial institutions and professional registration;**

87 [(5)] (4) Payment of all necessary license fees as established by the department. In
88 establishing the amount of the annual license fees, the department shall, as near as possible,
89 produce sufficient total income to offset operational expenses of the department relating to the
90 administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of
91 sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or
92 certificates of number collected pursuant to subsection 6 of this section, shall be collected by the
93 department for deposit in the state treasury to the credit of the "Motor Vehicle Commission
94 Fund", which is hereby created. The motor vehicle commission fund shall be administered by
95 the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary
96 notwithstanding, money in such fund shall not be transferred and placed to the credit of the
97 general revenue fund until the amount in the motor vehicle commission fund at the end of the
98 biennium exceeds two times the amount of the appropriation from such fund for the preceding
99 fiscal year or, if the department requires permit renewal less frequently than yearly, then three
100 times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the
101 fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation
102 from such fund for the preceding fiscal year.

103 2. In the event a new **vehicle** manufacturer, boat manufacturer, motor vehicle dealer,
104 wholesale motor vehicle dealer, boat dealer, **powersport dealer**, wholesale motor vehicle
105 auction, **trailer dealer**, or a public motor vehicle auction submits an application for a license for
106 a new business and the applicant has complied with all the provisions of this section, the
107 department shall make a decision to grant or deny the license to the applicant within eight
108 working hours after receipt of the dealer's application, notwithstanding any rule of the
109 department.

110 3. Upon the initial issuance of a license by the department, the department shall assign
111 a distinctive dealer license number or certificate of number to the applicant and the department
112 shall issue one number plate or certificate bearing the distinctive dealer license number or
113 certificate of number **and two additional number plates or certificates of number** within eight
114 working hours after presentment of the application. Upon [the] renewal [of a boat dealer, boat
115 manufacturer, manufacturer, motor vehicle dealer, public motor vehicle auction, wholesale motor
116 vehicle dealer or wholesale motor vehicle auction], the department shall issue the distinctive
117 dealer license number or certificate of number as quickly as possible. The issuance of such
118 distinctive dealer license number or certificate of number shall be in lieu of registering each
119 motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer,
120 manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor
121 vehicle auction or **new or used** motor vehicle dealer.

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

- 124 New motor vehicle franchise dealers D-0 through D-999
- 125 New [motor vehicle franchise and commercial motor vehicle] **powersport dealers and**
- 126 **motorcycle franchise dealers** D-1000 through D-1999
- 127 Used motor vehicle, **used powersport, and used motorcycle**
- 128 dealers D-2000 through [D-5399 and D-6000 through] D-9999
- 129 Wholesale motor vehicle dealers [W-1000] **W-0** through W-1999
- 130 Wholesale motor vehicle auctions [W-2000] **WA-0** through [W-2999] **WA-999**
- 131 **New and used** trailer dealers T-0 through T-9999
- 132 Motor vehicle [and] , trailer, **and boat**
- 133 manufacturers [M-0] **DM-0** through [M-9999] **DM-999**
- 134 [Motorcycle dealers D-5400 through D-5999]
- 135 Public motor vehicle auctions [A-1000] **A-0** through A-1999
- 136 Boat dealers [and boat manufacturers] [B-0] **M-0** through [B-9999] **M-9999**
- 137 **New and used recreational motor vehicle dealers** **RV-0** through **RV-999**

138

139 **For purposes of this subsection, qualified transactions shall include the purchase of salvage**
 140 **titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a**
 141 **salvage dealers license shall be allowed one additional plate or certificate number per fifty-**
 142 **unit qualified transactions annually. In order for salvage dealers to obtain number plates**
 143 **or certificates under this section, dealers shall submit to the department of revenue on**
 144 **August first of each year a statement certifying, under penalty of perjury, the dealer's**
 145 **number of purchases during the reporting period of July first of the immediately preceding**
 146 **year to June thirtieth of the present year. The provisions of this subsection shall become**
 147 **effective on the date the director of the department of revenue begins to reissue new license**
 148 **plates under section 301.130, or on December 1, 2008, whichever occurs first. If the**
 149 **director of revenue begins reissuing new license plates under the authority granted under**
 150 **section 301.130 prior to December 1, 2008, the director of the department of revenue shall**
 151 **notify the revisor of statutes of such fact.**

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

155 6. In the case of **new motor vehicle** manufacturers [and] , motor vehicle dealers,
156 **powersport dealers, recreational motor vehicle dealers, and trailer dealers**, the department
157 shall [also] issue one number plate bearing the distinctive dealer license number **and two**

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

193 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any
194 motor vehicle owned by **a new motor vehicle manufacturer. The plates issued pursuant to**
195 **subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned** and
196 held for resale by [the] a motor vehicle dealer [or manufacturer, and used] **for use** by a customer
197 who is test driving the motor vehicle, [or is used] **for use and display purposes during, but not**
198 **limited to, parades, private events, charitable events, or for use** by an employee or officer,
199 but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any
200 regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates
201 on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. **Trailer dealers**
202 **may display their dealer license plates in like manner, except such plates may only be**
203 **displayed on trailers owned and held for resale by the trailer dealer.**

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

212 9. (1) [Beginning August 28, 2006,] Every application for the issuance of a used motor
213 vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve
214 months, has completed an educational seminar course approved by the department as prescribed
215 by subdivision (2) of this subsection. Wholesale and [retail] **public auto auctions and**
216 **applicants currently holding a new or used license for a separate dealership** shall be exempt
217 from the requirements of this subsection. The provisions of this subsection shall not apply to
218 **current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants**
219 **for a new motor vehicle franchise [dealers] or a motor vehicle leasing agency.** The provisions
220 of this subsection shall not apply to used motor vehicle dealers who were licensed prior to
221 August 28, 2006.

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

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.

301.716. 1. **Any violation of the provisions of sections 301.700 to 301.714 shall be**
2 **an infraction.** An arrest **or service of summons** for violations of the provisions of sections
3 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304,
4 RSMo, or 307, RSMo, as such provisions relate to all-terrain vehicles may be made by the duly
5 authorized law enforcement officer of any political subdivision of the state, the highway patrol
6 and the state water patrol.

7 2. Violations of sections 301.700 to 301.714 and section 577.065, RSMo, or the
8 provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to
9 all-terrain vehicles or any rule or order hereunder may be referred to the proper prosecuting
10 attorney or circuit attorney who may, with or without such reference, institute appropriate
11 [criminal] proceedings.

12 3. Nothing in sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions
13 of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to all-terrain
14 vehicles limits the power of the state to punish any person for any conduct which constitutes a
15 crime by statute or at common law.

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 place at which**
50 **a person has been physically present and that the person regards as home; a person's true,**
51 **fixed, principal, and permanent home, to which that person intends to return and remain**
52 **even though currently residing elsewhere;**

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;

57 [(19)] (20) "School bus", when used in sections 302.010 to 302.540, means any motor
58 vehicle, either publicly or privately owned, used to transport students to and from school, or to
59 transport pupils properly chaperoned to and from any place within the state for educational
60 purposes. The term "school bus" shall not include a bus operated by a public utility, municipal
61 corporation or common carrier authorized to conduct local or interstate transportation of
62 passengers when such bus is not traveling a specific school bus route but is:

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

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

66 [(20)] (21) "School bus operator", an operator who operates a school bus as defined in
67 subdivision [(19)] (20) of this section in the transportation of any schoolchildren and who
68 receives compensation for such service. The term "school bus operator" shall not include any
69 person who transports schoolchildren as an incident to employment with a school or school
70 district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such
71 person is under contract with or employed by a school or school district as a school bus operator;

72 [(21)] (22) "Signature", any method determined by the director of revenue for the
73 signing, subscribing or verifying of a record, report, application, driver's license, or other related
74 document that shall have the same validity and consequences as the actual signing by the person
75 providing the record, report, application, driver's license or related document;

76 [(22)] (23) "Substance abuse traffic offender program", a program certified by the
77 division of alcohol and drug abuse of the department of mental health to provide education or
78 rehabilitation services pursuant to a professional assessment screening to identify the individual
79 needs of the person who has been referred to the program as the result of an alcohol- or
80 drug-related traffic offense. Successful completion of such a program includes participation in
81 any education or rehabilitation program required to meet the needs identified in the assessment

82 screening. The assignment recommendations based upon such assessment shall be subject to
83 judicial review as provided in subsection 13 of section 302.304 and subsections 1 and 5 of
84 section 302.540;

85 [(23)] (24) "Vehicle", any mechanical device on wheels, designed primarily for use, or
86 used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human
87 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
88 wheelchairs operated by handicapped persons.

302.140. 1. Every application for an instruction permit shall be made upon a form
2 furnished by the director, which application shall be certified by the applicant to be true and
3 correct, and every such application shall be accompanied by a fee of [one dollar] **three dollars**.
4 **Two dollars of this fee shall go to the driver's education fund established under section**
5 **302.145.**

6 2. In addition to the fee prescribed in subsection 1 of this section, applicants for a
7 motorcycle instruction permit under section 302.132 shall pay a special motorcycle safety
8 education fee of two dollars and seventy-five cents.

302.145. 1. There is hereby created in the state treasury the "Driver's Education
2 **Fund", which shall consist of money collected under subsection 1 of section 302.140,**
3 **subsections 7 and 8 of section 302.177, and subsection 4 of section 302.178. The state**
4 **treasurer shall be custodian of the fund and shall approve disbursements from the fund**
5 **in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the**
6 **fund shall be used solely for the administration of section 170.310, RSMo. Specifically, the**
7 **money in the fund shall be used by the department of elementary and secondary education**
8 **to develop the driver's education course required under section 170.310, RSMo, and to**
9 **provide course cost subsidies to parents of students who qualify for reduced price lunch.**

10 2. **Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
11 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
12 **the general revenue fund.**

13 3. **The state treasurer shall invest moneys in the fund in the same manner as other**
14 **funds are invested. Any interest and moneys earned on such investments shall be credited**
15 **to the fund.**

302.177. 1. To all applicants for a license or renewal to transport persons or property
2 classified in section 302.015 who are at least twenty-one years of age and under the age of
3 seventy, and who submit a satisfactory application and meet the requirements of sections
4 302.010 to 302.605, the director shall issue or renew such license; except that no license shall
5 be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or
6 deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year

7 of issuance, unless the license must be issued for a shorter period due to other requirements of
8 law or for transition or staggering of work as determined by the director. The license must be
9 renewed on or before the date of expiration, which date shall be shown on the license.

10 2. To all applicants for a license or renewal to transport persons or property classified
11 in section 302.015 who are less than twenty-one years of age or greater than sixty-nine years of
12 age, and who submit a satisfactory application and meet the requirements of sections 302.010
13 to 302.605, the director shall issue or renew such license; except that no license shall be issued
14 if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in
15 lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance,
16 unless the license must be issued for a shorter period due to other requirements of law or for
17 transition or staggering of work as determined by the director. The license must be renewed on
18 or before the date of expiration, which date shall be shown on the license. A license issued under
19 this section to an applicant who is over the age of sixty-nine and contains a school bus
20 endorsement shall not be issued for a period that exceeds one year.

21 3. To all other applicants for a license or renewal of a license who are at least twenty-one
22 years of age and under the age of seventy, and who submit a satisfactory application and meet
23 the requirements of sections 302.010 to 302.605, the director shall issue or renew such license;
24 except that no license shall be issued if an applicant's license is currently suspended, canceled,
25 revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's
26 birthday in the sixth year of issuance, unless the license must be issued for a shorter period due
27 to other requirements of law or for transition or staggering of work as determined by the director.
28 The license must be renewed on or before the date of expiration, which date shall be shown on
29 the license.

30 4. To all other applicants for a license or renewal of a license who are less than
31 twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory
32 application and meet the requirements of sections 302.010 to 302.605, the director shall issue
33 or renew such license; except that no license shall be issued if an applicant's license is currently
34 suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire
35 on the applicant's birthday in the third year of issuance, unless the license must be issued for a
36 shorter period due to other requirements of law or for transition or staggering of work as
37 determined by the director. The license must be renewed on or before the date of expiration,
38 which date shall be shown on the license.

39 5. The fee for a license issued for a period which exceeds three years under subsection
40 1 of this section shall be thirty dollars.

41 6. The fee for a license issued for a period of three years or less under subsection 2 of
42 this section shall be fifteen dollars, except that the fee for a license issued for one year or less
43 which contains a school bus endorsement shall be five dollars.

44 7. The fee for a license issued for a period which exceeds three years under subsection
45 3 of this section shall be [fifteen] **seventeen** dollars. **Two dollars of this fee shall go to the**
46 **driver's education fund established under section 302.145.**

47 8. The fee for a license issued for a period of three years or less under subsection 4 of
48 this section shall be [seven] **nine** dollars and fifty cents. **Two dollars of this fee shall go to the**
49 **driver's education fund established under section 302.145.**

50 9. Beginning July 1, 2005, the director shall not issue a driver's license for a period that
51 exceeds an applicant's lawful presence in the United States. The director may establish
52 procedures to verify the lawful presence of the applicant and establish the duration of any driver's
53 license issued under this section.

54 10. The director of revenue may adopt any rules and regulations necessary to carry out
55 the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority
56 of this section shall become effective unless it has been promulgated pursuant to the provisions
57 of chapter 536, RSMo.

302.178. 1. Any person between the ages of sixteen and eighteen years who is qualified
2 to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the director shall
3 issue, an intermediate driver's license entitling the applicant, while having such license in his or
4 her possession, to operate a motor vehicle of the appropriate class upon the highways of this state
5 in conjunction with the requirements of this section. An intermediate driver's license shall be
6 readily distinguishable from a license issued to those over the age of eighteen. All applicants for
7 an intermediate driver's license shall:

- 8 (1) Successfully complete the examination required by section 302.173;
- 9 (2) Pay the fee required by subsection 4 of this section;
- 10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section
11 302.130 for at least a six-month period or a valid license from another state; and
- 12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least forty
15 hours of supervised driving experience under a temporary instruction permit issued pursuant to
16 subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over
17 twenty-one years of age who supervised such driving. For purposes of this section, the term
18 "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen
19 years of age, who:

20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
21 section 451.080, RSMo;

22 (b) Has been declared emancipated by a court of competent jurisdiction;

23 (c) Enters active duty in the armed forces;

24 (d) Has written consent to the emancipation from the custodial parent or legal guardian;

25 or

26 (e) Through employment or other means provides for such person's own food, shelter
27 and other cost-of-living expenses;

28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
29 during the preceding twelve months; and

30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate that
33 classification of motor vehicle as a license issued pursuant to section 302.177, except that no
34 person shall operate a motor vehicle on the highways of this state under such an intermediate
35 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person
36 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle
37 without being accompanied if the travel is to or from a school or educational program or activity,
38 a regular place of employment or in emergency situations as defined by the director by
39 regulation.

40 3. Each intermediate driver's license shall be restricted by requiring that the driver and
41 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction
42 shall not apply to a person operating a motorcycle. For the first six months after issuance of the
43 intermediate driver's license, the holder of the license shall not operate a motor vehicle with more
44 than one passenger who is under the age of nineteen who is not a member of the holder's
45 immediate family. As used in this subsection, an intermediate driver's license holder's immediate
46 family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted
47 or foster children residing in the same household of the intermediate driver's license holder.
48 After the expiration of the first six months, the holder of an intermediate driver's license shall
49 not operate a motor vehicle with more than three passengers who are under nineteen years of age
50 and who are not members of the holder's immediate family. The passenger restrictions of this
51 subsection shall not be applicable to any intermediate driver's license holder who is operating
52 a motor vehicle being used in agricultural work-related activities.

53 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
54 intermediate driver's license shall be [five] **seven** dollars and such license shall be valid for a

55 period of two years. **Two dollars of this fee shall go to the driver's education fund**
56 **established under section 302.145.**

57 5. Any intermediate driver's licensee accumulating six or more points in a twelve-month
58 period may be required to participate in and successfully complete a driver-improvement
59 program approved by the director of the department of public safety. The driver-improvement
60 program ordered by the director of revenue shall not be used in lieu of point assessment.

61 6. (1) (a) An intermediate driver's licensee who has, for the preceding twelve-month
62 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic
63 convictions for which points are assessed, upon reaching the age of eighteen years or within the
64 thirty days immediately preceding [their] **his or her** eighteenth birthday may apply for and
65 receive without further examination, other than a vision test as prescribed by section 302.173,
66 a license issued pursuant to this chapter granting full driving privileges. Such person shall pay
67 the required fee for such license as prescribed in section 302.177; **or**

68 (b) **An intermediate driver's licensee who has, for the preceding twelve-month**
69 **period, had no alcohol-related enforcement contacts, as defined in section 302.525, and no**
70 **traffic convictions for which points are assessed, and who has completed a driver's**
71 **education course under section 170.310, RSMo, within ninety days immediately preceding**
72 **his or her eighteenth birthday may apply for and receive without further examination,**
73 **other than a vision test as prescribed by section 302.173, a license issued under this chapter**
74 **granting full driving privileges. Such person shall pay the required fee for such license as**
75 **prescribed in section 302.177.**

76 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
77 such license shall remain valid for the five business days immediately following the expiration
78 date. In no case shall a licensee whose intermediate driver's license expires on a Saturday,
79 Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's
80 license if such offense occurred within five business days immediately following an expiration
81 date that occurs on a Saturday, Sunday, or legal holiday.

82 (3) The director of revenue shall deny an application for a full driver's license until the
83 person has had no traffic convictions for which points are assessed for a period of twelve months
84 prior to the date of application for license or until the person is eligible to apply for a six-year
85 driver's license as provided for in section 302.177, provided the applicant is otherwise eligible
86 for full driving privileges. An intermediate driver's license shall expire when the licensee is
87 eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

88 7. No person upon reaching the age of eighteen years whose intermediate driver's license
89 and driving privilege is denied, suspended, canceled or revoked in this state or any other state
90 for any reason may apply for a full driver's license until such license or driving privilege is fully

91 reinstated. Any such person whose intermediate driver's license has been revoked pursuant to
92 the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the
93 revocation from the director, pass the complete driver examination, apply for a new license, and
94 pay the proper fee before again operating a motor vehicle upon the highways of this state.

95 8. A person shall be exempt from the intermediate licensing requirements if the person
96 has reached the age of eighteen years and meets all other licensing requirements.

97 9. Any person who violates any of the provisions of this section relating to intermediate
98 drivers' licenses or the provisions of section 302.130 relating to temporary instruction permits
99 is guilty of an infraction, and no points shall be assessed to his or her driving record for any such
100 violation.

101 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
102 is created under the authority delegated in this section shall become effective only if it complies
103 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
104 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
105 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
106 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
107 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
108 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.

302.305. 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.**

302.321. 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.

302.341. **1.** If a Missouri resident charged with a moving traffic violation of this state
2 or any county or municipality of this state fails to dispose of the charges of which he is accused
3 through authorized prepayment of fine and court costs and fails to appear on the return date or
4 at any subsequent date to which the case has been continued, or without good cause fails to pay
5 any fine or court costs assessed against him **or her** for any such violation within the period of
6 time specified or in such installments as approved by the court or as otherwise provided by law,
7 any court having jurisdiction over the charges shall within ten days of the failure to comply
8 inform the defendant by ordinary mail at the last address shown on the court records that the
9 court will order the director of revenue to suspend the defendant's driving privileges if the
10 charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter,
11 if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and
12 court costs, the court shall notify the director of revenue of such failure and of the pending
13 charges against the defendant. Upon receipt of this notification, the director shall suspend the
14 license of the driver, effective immediately, and provide notice of the suspension to the driver
15 at the last address for the driver shown on the records of the department of revenue. Such
16 suspension shall remain in effect until the court with the subject pending charge requests setting
17 aside the noncompliance suspension pending final disposition, or satisfactory evidence of
18 disposition of pending charges and payment of fine and court costs, if applicable, is furnished
19 to the director by the individual. Upon proof of disposition of charges and payment of fine and
20 court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304,

21 the director shall reinstate the license. The filing of financial responsibility with the bureau of
22 safety responsibility, department of revenue, shall not be required as a condition of reinstatement
23 of a driver's license suspended solely under the provisions of this section. If any city, town or
24 village receives more than [forty-five] **thirty-five** percent of its [total] **general operating**
25 revenue from fines **and court costs** for traffic violations occurring on state highways, all
26 revenues from such violations in excess of [forty-five] **thirty-five** percent of the [total] annual
27 **general operating** revenue of the city, town or village shall be sent to the director of the
28 department of revenue and shall be distributed annually to the schools of the county in the same
29 manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal
30 laws of the state are distributed. For the purpose of this section the words "state highways" shall
31 mean any state or federal highway, including any such highway continuing through the
32 boundaries of a city, town or village with a designated street name other than the state highway
33 number.

34 **2. If any city, town, or village fails to send such excess revenues to the director of**
35 **the department of revenue in a timely fashion which shall be set forth by the director by**
36 **rule, such city, town, or village may submit to an annual audit by the state auditor**
37 **pursuant to the authority of article IV, section 13 of the Missouri Constitution. Any rule**
38 **or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under**
39 **the authority delegated in this section shall become effective only if it complies with and**
40 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
41 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
42 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
43 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
44 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
45 **2007, shall be invalid and void.**

46 **3. The provisions of this section shall not be applicable prior to January 1, 2010,**
47 **for any county with a charter form of government and with more than six hundred**
48 **thousand but fewer than seven hundred thousand inhabitants.**

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
2 section, no person may drive a commercial motor vehicle unless the person has been issued a
3 commercial driver's license with applicable endorsements valid for the type of vehicle being
4 operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit
5 shall allow the holder of a valid license to operate a commercial motor vehicle when
6 accompanied by the holder of a commercial driver's license valid for the vehicle being operated
7 and who occupies a seat beside the individual, or reasonably near the individual in the case of
8 buses, for the purpose of giving instruction in driving the commercial motor vehicle. A
9 commercial driver's instruction permit shall be valid for the vehicle being operated for a period
10 of not more than six months, and shall not be issued until the permit holder has met all other

11 requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless
12 otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee
13 for such permit or renewal shall be five dollars. In the alternative, a commercial driver's
14 instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's
15 license to operate a commercial motor vehicle if the applicant has completed all other
16 requirements except the driving test. The permit may be renewed for one additional thirty-day
17 period and the fee for the permit and for renewal shall be five dollars.

18 2. No person may be issued a commercial driver's license until he has passed written and
19 driving tests for the operation of a commercial motor vehicle which complies with the minimum
20 federal standards established by the Secretary and has satisfied all other requirements of the
21 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any
22 other requirements imposed by state law. Applicants for a hazardous materials endorsement
23 must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)
24 as specified and required by regulations promulgated by the Secretary. Nothing contained in this
25 subsection shall be construed as prohibiting the director from establishing alternate testing
26 formats for those who are functionally illiterate; provided, however, that any such alternate test
27 must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of
28 1986 (Title XII of Pub. Law 99-570) as established by the Secretary. **The director shall neither**
29 **supply nor permit the use of language interpreters in connection with the written and**
30 **driving test required under this section, provided that this prohibition shall not apply to**
31 **entrepreneurs for the deaf and hard of hearing.**

32 (1) The written and driving tests shall be held at such times and in such places as the
33 superintendent may designate. A twenty-five dollar examination fee shall be paid by the
34 applicant upon completion of any written or driving test. The director shall delegate the power
35 to conduct the examinations required under sections 302.700 to 302.780 to any member of the
36 highway patrol or any person employed by the highway patrol qualified to give driving
37 examinations.

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

43 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
44 certification to junior colleges or community colleges established under chapter 178, RSMo, or
45 to private companies who own, lease, or maintain their own fleet and administer in-house testing
46 to their employees, or to school districts and their agents that administer in-house testing to the

47 school district's or agent's employees. Any third-party tester who violates any of the rules and
48 regulations adopted and promulgated pursuant to this section shall be subject to having his
49 certification revoked by the department. The department shall provide written notice and an
50 opportunity for the third-party tester to be heard in substantially the same manner as provided
51 in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a
52 test administered by a third-party tester, the actual driving test for a commercial driver's license
53 may then be waived.

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

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

66 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this
67 section unless the director verifies that the applicant is lawfully present in the United States
68 before accepting the application. The director may, by rule or regulation, establish procedures
69 to verify the lawful presence of the applicant under this section. No rule or portion of a rule
70 promulgated pursuant to the authority of this section shall become effective unless it has been
71 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.

303.415. [1. Sections 303.400 and 303.403 shall become effective on July 1, 2002, and
2 shall expire on June 30, 2007.

3 2. The enactment of section 303.025, and the repeal and reenactment of sections
4 303.406, 303.409, 303.412 and 303.415 shall become effective July 1, 2002 and sections
5 303.406, 303.409 and 303.412 shall expire on June 30, 2007] **Sections 303.400 to 303.415 shall**
6 **expire on June 30, 2012.**

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal
2 by siren or while having at least one lighted lamp exhibiting red light visible under normal
3 atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a
4 flashing blue light authorized by section 307.175, RSMo, the driver of every other vehicle shall
5 yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible
6 to the right of, the traveled portion of the highway and thereupon stop and remain in such
7 position until such emergency vehicle has passed, except when otherwise directed by a police
8 or traffic officer.

9 2. Upon approaching a stationary emergency vehicle displaying lighted red or red and
10 blue lights, the driver of every motor vehicle shall:

11 (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety
12 and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary
13 vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the
14 same direction as the approaching vehicle; or

15 (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe
16 speed for road conditions, if changing lanes would be unsafe or impossible.

17 3. The motorman of every streetcar shall immediately stop such car clear of any
18 intersection and keep it in such position until the emergency vehicle has passed, except as
19 otherwise directed by a police or traffic officer.

20 4. An "emergency vehicle" is a vehicle of any of the following types:

21 (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri
22 capitol police, **a conservation agent**, or a state park ranger, those vehicles operated by

23 enforcement personnel of the state highways and transportation commission, police or fire
24 department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to
25 carry firearms and to make arrests for violations of the laws of the United States, traffic officer
26 or coroner or by a privately owned emergency vehicle company;

27 (2) A vehicle operated as an ambulance or operated commercially for the purpose of
28 transporting emergency medical supplies or organs;

29 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175, RSMo;

30 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or
31 public service corporation while performing emergency service;

32 (5) Any vehicle transporting equipment designed to extricate human beings from the
33 wreckage of a motor vehicle;

34 (6) Any vehicle designated to perform emergency functions for a civil defense or
35 emergency management agency established pursuant to the provisions of chapter 44, RSMo;

36 (7) Any vehicle operated by an authorized employee of the department of corrections
37 who, as part of the employee's official duties, is responding to a riot, disturbance, hostage
38 incident, escape or other critical situation where there is the threat of serious physical injury or
39 death, responding to mutual aid call from another criminal justice agency, or in accompanying
40 an ambulance which is transporting an offender to a medical facility;

41 (8) Any vehicle designated to perform hazardous substance emergency functions
42 established pursuant to the provisions of sections 260.500 to 260.550, RSMo.

43 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound
44 the siren thereon or have the front red lights or blue lights on except when such vehicle is
45 responding to an emergency call or when in pursuit of an actual or suspected law violator, or
46 when responding to, but not upon returning from, a fire.

47 (2) The driver of an emergency vehicle may:

48 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

49 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be
50 necessary for safe operation;

51 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or
52 property;

53 (d) Disregard regulations governing direction of movement or turning in specified
54 directions.

55 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this
56 subsection shall apply only when the driver of any such vehicle while in motion sounds audible
57 signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle

58 is equipped with at least one lighted lamp displaying a red light or blue light visible under normal
59 atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

60 6. No person shall purchase an emergency light as described in this section without
61 furnishing the seller of such light an affidavit stating that the light will be used exclusively for
62 emergency vehicle purposes.

63 7. Violation of this section shall be deemed a class A misdemeanor.

**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.**

6 **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, shall meet the financial responsibility requirements of chapter 303, RSMo,**
32 **and shall have a valid operator's or chauffeur's license, except that a handicapped person**
33 **operating such vehicle pursuant to subdivision (3) of subsection 2 of this section, but shall**
34 **not be required to have passed an examination for the operation of a motorcycle, and the**
35 **vehicle shall be operated at speeds of less than thirty miles per hour.**

36 **5. No persons shall operate a utility vehicle while under the influence of alcohol or**
37 **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.

304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the
2 corporate limits of cities containing seventy-five thousand inhabitants or more or within two
3 miles of the corporate limits of the city or within the commercial zone of the city shall exceed
4 fifteen feet in height.

5 2. No motor vehicle operating exclusively within any said area shall have a greater
6 weight than twenty-two thousand four hundred pounds on one axle.

7 3. The "commercial zone" of the city is defined to mean that area within the city together
8 with the territory extending one mile beyond the corporate limits of the city and one mile
9 additional for each fifty thousand population or portion thereof provided, however, the
10 commercial zone surrounding a city not within a county shall extend [eighteen] **twenty-five**
11 miles beyond the corporate limits of any such city not located within a county and shall also
12 extend throughout any [first class charter] county **with a charter form of government** which
13 adjoins that city **and throughout any county with a charter form of government and with**
14 **more than two hundred fifty thousand but fewer than three hundred fifty thousand**
15 **inhabitants that is adjacent to such county adjoining such city**; further, provided, however,
16 the commercial zone of a city with a population of at least four hundred thousand inhabitants but
17 not more than four hundred fifty thousand inhabitants shall extend twelve miles beyond the
18 corporate limits of any such city; except that this zone shall extend from the southern border of
19 such city's limits, beginning with the western-most freeway, following said freeway south to the
20 first intersection with a multilane undivided highway, where the zone shall extend south along
21 said freeway to include a city of the fourth classification with more than eight thousand nine
22 hundred but less than nine thousand inhabitants, and shall extend north from the intersection of
23 said freeway and multilane undivided highway along the multilane undivided highway to the city
24 limits of a city with a population of at least four hundred thousand inhabitants but not more than
25 four hundred fifty thousand inhabitants, **and shall extend east from the city limits of a special**
26 **charter city with more than two hundred seventy-five but fewer than three hundred**
27 **seventy-five inhabitants along state route 210 and northwest from the intersection of state**
28 **route 210 and state route 10 to include the boundaries of any city of the third classification**
29 **with more than ten thousand eight hundred but fewer than ten thousand nine hundred**
30 **inhabitants and located in more than one county**; further provided, however, the
31 commercial zone of a city of the third classification with more than nine thousand six
32 hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south
33 from the city limits along U.S. highway 61 to the intersection of state route OO in a county
34 of the third classification without a township form of government and with more than

35 **seventeen thousand eight hundred but fewer than seventeen thousand nine hundred**
36 **inhabitants.** In no case shall the commercial zone of a city be reduced due to a loss of
37 population. The provisions of this section shall not apply to motor vehicles operating on the
38 interstate highways in the area beyond two miles of a corporate limit of the city unless the United
39 States Department of Transportation increases the allowable weight limits on the interstate
40 highway system within commercial zones. In such case, the mileage limits established in this
41 section shall be automatically increased only in the commercial zones to conform with those
42 authorized by the United States Department of Transportation.

43 4. Nothing in this section shall prevent a city, county, or municipality, by ordinance,
44 from designating the routes over which such vehicles may be operated.

45 **5. No motor vehicle engaged in interstate commerce, whether unladen or with load,**
46 **whose operations in the state of Missouri are limited exclusively to the commercial zone of**
47 **a first class home rule municipality located in a county with a population between eighty**
48 **thousand and ninety-five thousand inhabitants which has a portion of its corporate limits**
49 **contiguous with a portion of the boundary between the states of Missouri and Kansas, shall**
50 **have a greater weight than twenty-two thousand four hundred pounds on one axle, nor**
51 **shall exceed fifteen feet in height.**

304.232. 1. The Missouri state highway patrol shall establish procedures for the
2 certification of municipal police officers, sheriffs, deputy sheriffs, and other law
3 enforcement officials that enforce sections 304.170 to 304.230.

4 2. The certification procedures established by the Missouri state highway patrol
5 shall include, but not be limited to:

6 (1) Initial and maintenance of certification, to include:

7 (a) Training;

8 (b) Recurring training, to be conducted minimally on an annual basis;

9 (c) Testing; and

10 (d) On-the-job experience under the supervision of a certified law enforcement
11 official or field training officer;

12 (2) Delineation of roles and responsibilities within the specific agency, as well as the
13 coordination with the Missouri state highway patrol;

14 (3) Data collection and maintenance and upload to state information systems;

15 (4) Computer hardware, software, and communications systems shall be compatible
16 with those of the Missouri state highway patrol;

17 (5) Prescribed use of forms and other official documents related to the certification;

18 (6) Fine and sanction structure that is similar to that of the Missouri state highway
19 patrol; and

20 (7) Disposition of moneys generated by fines.

21 3. The certification procedures shall meet the requirements of the memorandum
22 of understanding between the state of Missouri and the Commercial Vehicle Safety
23 Alliance or any successor organization.

24 4. The commercial motor vehicle safety enforcement and inspection activities of all
25 law enforcement officials of a political subdivision of the state of Missouri shall conform
26 to the memorandum of understanding between the state of Missouri and the Commercial
27 Vehicle Safety Alliance, as appropriate.

28 5. Commercial motor vehicle safety data collection, management, and distribution
29 by law enforcement officials of a political subdivision as described in subsection 11 of this
30 section shall support the information systems of the Missouri state highway patrol.

31 6. The Missouri state highway patrol shall establish reasonable fees sufficient to
32 recover from a political subdivision as described in subsection 11 of this section the cost of
33 training, recurring training, data collection and management, certifying, and additional
34 administrative functions for law enforcement officials certified under this section. The
35 Missouri state highway patrol may apply for any applicable reimbursement or incentive
36 funds that may be available under the motor carrier safety assistance program to fund the
37 certification training program outlined in this section.

38 7. The agencies for which law enforcement officials certified under this section
39 work for shall, to the extent practicable, adhere to the same Motor Carrier Safety
40 Assistance Program requirements under 49 Code of Federal Regulations Part 350 of the
41 Federal Motor Carrier Safety Regulations.

42 8. The agencies for which law enforcement officials certified under this section
43 work for shall be subject to periodic program reviews and, at the discretion of the Missouri
44 state highway patrol, be required to submit a commercial vehicle safety plan that is
45 consistent with and incorporated into the statewide enforcement plan.

46 9. Beginning January 1, 2008, no local law enforcement officer may conduct a
47 random commercial motor vehicle roadside inspection to determine compliance with the
48 provisions of sections 304.170 to 304.230 unless the law enforcement officer has
49 satisfactorily completed, as a part of his or her training, the basic course of instruction
50 developed by the Commercial Vehicle Safety Alliance and has been certified by the
51 Missouri state highway patrol under this section. Law enforcement officers authorized to
52 enforce the provisions of sections 304.170 to 304.230 shall annually receive in-service
53 training related to commercial motor vehicle operations, including but not limited to
54 training in current federal motor carrier safety regulations, safety inspection procedures,

55 **and out-of-service criteria. The annual training requirements shall be designated and**
56 **specified by the superintendent of the highway patrol.**

57 **10. The superintendent of the state highway patrol shall promulgate rules and**
58 **regulations necessary to administer the certification procedures and any other provisions**
59 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010,**
60 **RSMo, that is created under the authority delegated in this section shall become effective**
61 **only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**
62 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
63 **nonseverable and if any of the powers vested with the general assembly pursuant to**
64 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
65 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
66 **rule proposed or adopted after August 28, 2007, shall be invalid and void.**

304.281. 1. Whenever traffic is controlled by traffic control signals exhibiting different
2 colored lights, or colored lighted arrows, successively one at a time or in combination, only the
3 colors green, red and yellow shall be used, except for special pedestrian signals carrying a word
4 legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

5 (1) Green indication

6 (a) Vehicular traffic facing a circular green signal may proceed straight through or turn
7 right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including
8 vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians
9 lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

10 (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with
11 another indication, may cautiously enter the intersection only to make the movement indicated
12 by such arrow, or such other movement as is permitted by other indications shown at the same
13 time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an
14 adjacent crosswalk and to other traffic lawfully using the intersection;

15 (c) Unless otherwise directed by a pedestrian control signal, as provided in section
16 304.291, pedestrians facing any green signal, except when the sole green signal is a turn arrow,
17 may proceed across the roadway within any marked or unmarked crosswalk.

18 (2) Steady yellow indication

19 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green
20 movement is being terminated or that a red indication will be exhibited immediately thereafter
21 when vehicular traffic shall not enter the intersection;

22 (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian
23 control signal as provided in section 304.291, are thereby advised that there is insufficient time

24 to cross the roadway before a red indication is shown and no pedestrian shall then start to cross
25 the roadway.

26 (3) Steady red indication

27 (a) Vehicular traffic facing a steady red signal alone shall stop before entering the
28 crosswalk on the near side of the intersection at a clearly marked stop line but, if none, then
29 before entering the intersection and shall remain standing until an indication to proceed is shown
30 except as provided in paragraph (b);

31 (b) The driver of a vehicle which is stopped as close as practicable at the entrance to the
32 crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection
33 in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall
34 yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the
35 intersection, except that the state highways and transportation commission with reference to an
36 intersection involving a state highway, and local authorities with reference to an intersection
37 involving other highways under their jurisdiction, may prohibit any such right turn against a red
38 signal at any intersection where safety conditions so require, said prohibition shall be effective
39 when a sign is erected at such intersection giving notice thereof;

40 (c) Unless otherwise directed by a pedestrian control signal as provided in section
41 304.291, pedestrians facing a steady red signal alone shall not enter the roadway.

42 (4) In the event an official traffic control signal is erected and maintained at a place other
43 than an intersection, the provision of this section shall be applicable except as to those provisions
44 which by their nature can have no application. Any stop required shall be made at a sign or
45 marking on the pavement indicating where the stop shall be made, but in the absence of any such
46 sign or marking the stop shall be made at the signal.

47 2. Notwithstanding the provisions of section 304.361, violation of this section is a class
48 C misdemeanor.

49 **3. A person operating a motorcycle who violates this section or section 304.301 by**
50 **entering or crossing an intersection controlled by a traffic control signal against a red light**
51 **shall have an affirmative defense to that charge if the person establishes all of the following**
52 **conditions:**

53 (1) **The motorcycle has been brought to a complete stop;**

54 (2) **The traffic control signal continues to show a red light for an unreasonable**
55 **time;**

56 (3) **The traffic control is apparently malfunctioning or, if programmed or**
57 **engineered to change to a green light only after detecting the approach of a motor vehicle,**
58 **the signal has apparently failed to detect the arrival of the motorcycle; and**

59 **(4) No motor vehicle or person is approaching on the street or highway to be**
60 **crossed or entered or is so far away from the intersection that it does not constitute an**
61 **immediate hazard.**

62 **The affirmative defense of this section applies only to a violation for entering or crossing**
63 **an intersection controlled by a traffic control signal against a red light and does not**
64 **provide a defense to any other civil or criminal action.**

304.810. 1. No person with a temporary instruction permit issued under section
2 **302.130, RSMo, or an intermediate driver's license issued under section 302.178, RSMo,**
3 **shall operate a motor vehicle while using a cellular telephone.**

4 **2. A "cellular telephone" is any device used to access wireless telephone service.**

5 **3. The provisions of this section shall not apply to a person using a cellular**
6 **telephone for emergency purposes, including, but not limited to, an emergency call to a law**
7 **enforcement agency, health care provider, fire department, or other emergency services**
8 **agency or entity.**

9 **4. The provisions of this section shall not apply to motor vehicles operated on**
10 **private property.**

11 **5. Violation of this section shall be deemed an infraction punishable by a forty**
12 **dollar fine for a first offense, and a seventy-five dollar fine for a second offense.**

 306.010. As used in this chapter the following terms mean:

2 (1) "Motorboat", any vessel propelled by machinery, whether or not such machinery is
3 a principal source of propulsion;

4 (2) "Operate", to navigate or otherwise use a motorboat or a vessel;

5 (3) "Operator", the person who operates or has charge of the navigation or use of a
6 vessel;

7 (4) "Owner", a person other than a lienholder, having the property in or title to a
8 motorboat. The term includes a person entitled to the use or possession of a motorboat subject
9 to an interest of another person, reserved or created by agreement and securing payment or
10 performance of an obligation, but the term excludes a lessee under a lease not intended as
11 security;

12 (5) "Parasailing", the towing of any person equipped with a parachute or kite equipment
13 by any watercraft operating on the waters of this state;

14 (6) "Personal watercraft", a class of vessel, which is less than sixteen feet in length,
15 propelled by machinery which is designed to be operated by a person sitting, standing or kneeling
16 on the vessel, rather than being operated by a person sitting or standing inside the vessel;

17 (7) "Vessel", every motorboat and every description of motorized watercraft, and any
18 watercraft more than twelve feet in length which is powered by sail alone or by a combination

19 of sail and machinery, used or capable of being used as a means of transportation on water, but
20 not any watercraft having as the only means of propulsion a paddle or oars **or single twelve volt**
21 **battery;**

22 (8) "Watercraft", any boat or craft, including a vessel, used or capable of being used as
23 a means of transport on waters;

24 (9) "Waters of this state", any waters within the territorial limits of this state and lakes
25 constructed or maintained by the United States Army Corps of Engineers except bodies of water
26 owned by a person, corporation, association, partnership, municipality or other political
27 subdivision, public water supply impoundments, and except drainage ditches constructed by a
28 drainage district, but the term does include any body of water which has been leased to or owned
29 by the state department of conservation.

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.

307.010. 1. All motor vehicles, and every trailer and semitrailer operating upon the
2 public highways of this state and carrying goods or material or farm products which may
3 reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as
4 a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or
5 semitrailer shall have a protective cover or be sufficiently secured so that no portion of such
6 goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while
7 being transported or carried.

8 2. Operation of a motor vehicle, trailer or semitrailer in violation of this section shall be
9 [a class C misdemeanor] **an infraction**, and any person [convicted] **who pleads or is found**
10 **guilty** thereof shall be punished as provided by law.

307.015. 1. Trucks, semitrailers, and trailers, except utility trailers, without rear fenders,
2 attached to a commercial motor vehicle registered for over twenty-four thousand pounds shall
3 be equipped with mud flaps for the rear wheels when operated on the public highways of this
4 state. If mud flaps are used, they shall be wide enough to cover the full tread width of the tire
5 or tires being protected; shall be so installed that they extend from the underside of the vehicle
6 body in a vertical plane behind the rear wheels to within eight inches of the ground; and shall be
7 constructed of a rigid material or a flexible material which is of a sufficiently rigid character to
8 provide adequate protection when the vehicle is in motion. No provisions of this section shall
9 apply to a motor vehicle in transit and in process of delivery equipped with temporary mud flaps,
10 to farm implements, or to any vehicle which is not required to be registered.

11 2. Any person who violates this section is guilty of [a class B misdemeanor] **an**
12 **infraction** and, upon [conviction] **plea or finding of guilt**, shall be punished as provided by law.

307.090. 1. Any motor vehicle may be equipped with not to exceed one spotlamp but
2 every lighted spotlamp shall be so aimed and used so as not to be dazzling or glaring to any
3 person.

4 2. Notwithstanding the provisions of section 307.120, violation of this section is [a class
5 C misdemeanor] **an infraction**.

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.

307.120. Any person violating any of the provisions of sections 307.020 to 307.120
2 shall, upon conviction thereof, be deemed guilty of [a misdemeanor] **an infraction**. The term
3 "person" as used in sections 307.020 to 307.120 shall mean and include any individual,
4 association, joint stock company, copartnership or corporation.

307.125. 1. Any person who shall place or drive or cause to be placed or driven upon
2 or along any state or supplementary state highway of this state any animal-driven vehicle
3 whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have
4 attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not
5 less than three inches in diameter of effective area or its equivalent in area. When such device
6 shall consist of reflecting buttons there shall be no less than seven of such buttons covering an
7 area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection
8 of every such device shall be no less than sixty degrees and the spread and efficiency of the
9 reflected light shall be sufficient for the reflected light to be visible to the driver of any motor
10 vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five
11 hundred feet.

12 2. In addition, any person who operates any such animal-driven vehicle during the hours
13 between sunset and one-half hour before sunrise shall have at least one light flashing at all times
14 the vehicle is on any highway of this state. Such light or lights shall be amber in the front and

15 red in the back and shall be placed on the left side of the vehicle at a height of no more than six
16 feet from the ground and shall be visible from the front and the back of the vehicle at a distance
17 of at least five hundred feet. Any person violating the provisions of this section shall be guilty
18 of [a class C misdemeanor] **an infraction**.

19 3. Any person operating an animal-driven vehicle during the hours between sunset and
20 one-half hour before sunrise may, in lieu of the requirements of subsection 2 of this section, use
21 lamps or lanterns complying with the rules promulgated by the director of the department of
22 public safety.

23 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
24 is created under the authority delegated in this section shall become effective only if it complies
25 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
26 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
27 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
28 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
29 grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be
30 invalid and void.

307.155. Any person violating any of the provisions of sections 307.130 to 307.160 shall
2 be deemed guilty of [a class C misdemeanor] **an infraction** and shall be punished by a fine of
3 not to exceed fifty dollars for each offense.

307.172. 1. No person shall operate any passenger motor vehicle upon the public streets
2 or highways of this state, the body of which has been altered in such a manner that the front or
3 rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street
4 or highway in front or to the rear of the vehicle.

5 2. Every motor vehicle which is licensed in this state and operated upon the public streets
6 or highways of this state shall be equipped with front and rear bumpers if such vehicle was
7 equipped with bumpers as standard equipment. This subsection shall not apply to motor vehicles
8 designed or modified primarily for off-highway purposes while such vehicles are in tow or to
9 motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles
10 when the original design of such vehicles did not include bumpers nor shall the provisions of this
11 subsection prohibit the use of drop bumpers. The superintendent of the Missouri state highway
12 patrol shall adopt rules and regulations relating to bumper standards. Maximum bumper heights
13 of both the front and rear bumpers of motor vehicles shall be determined by weight category of
14 gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the
15 bottom of the bumper when the vehicle is unloaded and the tires are inflated to the
16 manufacturer's recommended pressure. Maximum bumper heights are as follows:

17

Maximum front

Maximum rear

18		bumper height	bumper height
19	Motor vehicles except		
20	commercial motor		
21	vehicles	22 inches	22 inches
22			
23	Commercial motor		
24	vehicles (GVWR)		
25	4,500 lbs and under	24 inches	26 inches
26	4,501 lbs through		
27	7,500 lbs	27 inches	29 inches
28	7,501 lbs through		
29	9,000 lbs	28 inches	30 inches
30	9,001 lbs through		
31	11,500 lbs	29 inches	31 inches

32 3. A motor vehicle in violation of this section shall not be approved during any motor
 33 vehicle safety inspection required pursuant to sections 307.350 to 307.390.

34 4. Any person knowingly violating the provisions of this section is guilty of [a class C
 35 misdemeanor] **an infraction.**

307.173. 1. Any person may operate a motor vehicle with front sidewing vents or
 2 windows located immediately to the left and right of the driver that have a sun screening device,
 3 in conjunction with safety glazing material, that has a light transmission of thirty-five percent
 4 or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus
 5 or minus three percent. Except as provided in subsection 5 of this section, any sun screening
 6 device applied to front sidewing vents or windows located immediately to the left and right of
 7 the driver in excess of the requirements of this section shall be prohibited without a permit
 8 pursuant to a physician's prescription as described below. A permit to operate a motor vehicle
 9 with front sidewing vents or windows located immediately to the left and right of the driver that
 10 have a sun screening device, in conjunction with safety glazing material, which permits less light
 11 transmission and luminous reflectance than allowed under the requirements of this subsection,
 12 may be issued by the department of public safety to a person having a serious medical condition
 13 which requires the use of a sun screening device if the permittee's physician prescribes its use.
 14 The director of the department of public safety shall promulgate rules and regulations for the
 15 issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or
 16 relative within the second degree by consanguinity or affinity, which shall mean a spouse, each
 17 grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child, and grandchild of a person,

18 who resides in the household. Except as provided in subsection 2 of this section, all sun
19 screening devices applied to the windshield of a motor vehicle are prohibited.

20 2. This section shall not prohibit labels, stickers, decalcomania, or informational signs
21 on motor vehicles or the application of tinted or solar screening material to recreational vehicles
22 as defined in section 700.010, RSMo, provided that such material does not interfere with the
23 driver's normal view of the road. This section shall not prohibit factory-installed tinted glass,
24 the equivalent replacement thereof or tinting material applied to the upper portion of the motor
25 vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

26 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
27 is created under the authority delegated in this section shall become effective only if it complies
28 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
29 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
30 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
31 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
32 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be
33 invalid and void.

34 4. Any person who violates the provisions of this section is guilty of [a class C
35 misdemeanor] **an infraction**.

36 5. Any vehicle licensed with a historical license plate shall be exempt from the
37 requirements of this section.

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.

307.195. 1. No person shall operate a motorized bicycle on any highway or street in this
2 state unless the person has a valid license to operate a motor vehicle.

3 2. No motorized bicycle may be operated on any public thoroughfare located within this
4 state which has been designated as part of the federal interstate highway system.

5 3. Violation of this section shall be deemed [a class C misdemeanor] **an infraction.**

307.198. 1. Every all-terrain vehicle, except those used in competitive events, shall have
2 the following equipment:

3 (1) A lighted headlamp and tail lamp which shall be in operation at any time in which
4 an all-terrain vehicle is being used on any street or highway in this state pursuant to section
5 304.013, RSMo;

6 (2) An equilateral triangular emblem, to be mounted on the rear of such vehicle at least
7 two feet above the roadway when such vehicle is operated upon any street or highway pursuant
8 to section 300.348, RSMo, or 304.013, RSMo. The emblem shall be constructed of substantial
9 material with a fluorescent yellow-orange finish and a reflective, red border at least one inch in
10 width. Each side of the emblem shall measure at least ten inches;

11 (3) A braking system maintained in good operating condition;

12 (4) An adequate muffler system in good working condition, and a United States Forest
13 Service qualified spark arrester.

14 2. A violation of this section shall be [a class C misdemeanor] **an infraction.**

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. Notwithstanding the provisions of section 307.390 to the contrary, a violation of**
85 **this section shall be a class C misdemeanor.**

307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official inspection station, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;
- (5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;
- (6) The exhaust tailpipe shall be flush with or may extend not more than two inches beyond the perimeter of the body or bumper;
- (7) The emergency doors and exits to determine them to be unlocked and easily opened as required;
- (8) The lettering and signing on the front, side and rear of the bus;
- (9) The service door;
- (10) The step treads;
- (11) The aisle mats or aisle runners;
- (12) The emergency equipment which shall include as a minimum a first aid kit, flares or fuses, and a fire extinguisher;
- (13) The seats, including a determination that they are securely fastened to the floor;
- (14) The emergency door buzzer;
- (15) All hand hold grips;
- (16) The interior glazing of the bus.

2. In addition to the inspection required by subsection 1 of this section, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050, RSMo. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 of this section and the following:

- (1) The driver seat belts;

- 37 (2) The heating and defrosting systems;
38 (3) The reflectors;
39 (4) The bus steps;
40 (5) The aisles;
41 (6) The frame.

42 3. If, upon inspection, conditions which violate the standards in subsection 2 of this
43 section are found, the owner or operator shall have them corrected in ten days and notify the
44 superintendent of the Missouri state highway patrol or those persons authorized by the
45 superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus
46 shall not be used until corrections are made and the superintendent of the Missouri state highway
47 patrol or those persons authorized by the superintendent are notified.

48 4. The Missouri highway patrol may inspect any school bus at any time and if such
49 inspection reveals a deficiency affecting the safe operation of the bus, the provisions of
50 subsection 3 of this section shall be applicable.

51 **5. Notwithstanding the provisions of section 307.390 to the contrary, a violation of**
52 **this section shall be a class C misdemeanor.**

307.390. 1. Any person who violates any provision of sections 307.350 to 307.390 is
2 guilty of [a misdemeanor] **an infraction** and upon [conviction] **plea or finding of guilt** shall be
3 punished as provided by law.

4 2. The superintendent of the Missouri state highway patrol may assign qualified persons
5 who are not highway patrol officers to investigate and enforce motor vehicle safety inspection
6 laws and regulations pursuant to sections 307.350 to 307.390 and sections 643.300 to 643.355,
7 RSMo. A person assigned by the superintendent pursuant to the authority granted by this
8 subsection shall be designated a motor vehicle inspector and shall have limited powers to issue
9 a uniform complaint and summons for a violation of the motor vehicle inspection laws and
10 regulations. A motor vehicle inspector shall not have authority to exercise the power granted in
11 this subsection until such inspector successfully completes training provided by, and to the
12 satisfaction of, the superintendent.

307.400. 1. It is unlawful for any person to operate any commercial motor vehicle as
2 defined in Title 49, Code of Federal Regulations, Part 390.5, either singly or in combination with
3 a trailer, as both vehicles are defined in Title 49, Code of Federal Regulations, Part 390.5, unless
4 such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code
5 of Federal Regulations, as such regulations have been and may periodically be amended, whether
6 intrastate transportation or interstate transportation. Members of the Missouri state highway
7 patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect
8 the contents when reasonable grounds exist to cause belief that the vehicle is transporting

9 hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of
10 the department of public safety is hereby authorized to further regulate the safety of commercial
11 motor vehicles and trailers as he deems necessary to govern and control their operation on the
12 public highways of this state by promulgating and publishing rules and regulations consistent
13 with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by
14 the director, require:

15 (1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in
16 a safe condition at all times;

17 (2) Accidents arising from or in connection with the operation of commercial motor
18 vehicles and trailers to be reported to the department of public safety in such detail and in such
19 manner as the director may require.

20

21 Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this
22 section shall not apply to any commercial motor vehicle operated in intrastate commerce and
23 licensed for a gross weight of sixty thousand pounds or less when used exclusively for the
24 transportation of solid waste or forty-two thousand pounds or less when the license plate has
25 been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri,
26 unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal
27 Regulations.

28 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
29 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of
30 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were
31 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.
32 Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this
33 state may operate such vehicle intrastate at the age of eighteen years or older, except that any
34 person transporting hazardous material must be at least twenty-one years of age.

35 3. Commercial motor vehicles and drivers of such vehicles may be placed out of service
36 if the vehicles are not equipped and operated according to the requirements of this section.
37 Criteria used for placing vehicles and drivers out of service are the North American Uniform
38 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United
39 States Department of Transportation, as such criteria have been and may periodically be
40 amended.

41 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
42 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any
43 vehicle owned or operated by any public utility, rural electric cooperative or other public service
44 organization, or to the driver of such vehicle, while providing restoration of essential utility

45 services during emergencies and operating intrastate. For the purposes of this subsection, the
46 term "essential utility services" means electric, gas, water, telephone and sewer services.

47 5. Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall
48 not apply to drivers transporting agricultural commodities or farm supplies for agricultural
49 purposes in this state if such transportation:

50 (1) Is limited to an area within a one hundred air mile radius from the source of the
51 commodities or the distribution point for the farm supplies; and

52 (2) Is conducted during the planting and harvesting season within this state, as defined
53 by the department of public safety by regulation.

54 6. The provisions of Part 395.8, Title 49, Code of Federal Regulations, relating to
55 recording of a driver's duty status, shall not apply to drivers engaged in agricultural operations
56 referred to in subsection 5 of this section, if the motor carrier who employs the driver maintains
57 and retains for a period of six months accurate and true records showing:

58 (1) The total number of hours the driver is on duty each day; and

59 (2) The time at which the driver reports for, and is released from, duty each day.

60 7. Notwithstanding the provisions of subsection 1 of this section to the contrary, Parts
61 390 through 397, Title 49, Code of Federal Regulations shall not apply to commercial motor
62 vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight
63 rating or gross combination weight rating of twenty-six thousand pounds or less. The exception
64 provided by this subsection shall not apply to vehicles transporting hazardous materials or to
65 vehicles designed to transport sixteen or more passengers including the driver as defined by Title
66 49 of the Code of Federal Regulations. Nothing in this subsection shall be construed to prohibit
67 persons designated by the department of public safety from inspecting vehicles defined in this
68 subsection.

69 8. Violation of any provision of this section or any rule promulgated as authorized
70 therein is [a class B misdemeanor] **an infraction**.

71 9. No rule or portion of a rule promulgated under the authority of this chapter shall
72 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
73 RSMo.

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.

379.204. Any underinsured motor vehicle coverage with limits of liability less than two
2 times the limits for bodily injury or death [pursuant to] , **or for injury to or destruction of**
3 **property under** section 303.020, RSMo, shall be construed to provide coverage in excess of the
4 liability coverage of any underinsured motor vehicle involved in the accident.

379.206. An insurer may include coverage for damage to the insured's vehicle
2 **within any underinsured motor vehicle coverage.**

385.200. As used in sections 385.200 to 385.220, the following terms mean:

2 (1) "Administrator", the person other than a provider who is responsible for the
3 administration of the service contracts or the service contracts plan or for any filings
4 required by sections 385.200 to 385.220;

5 (2) "Consumer", a natural person who buys other than for purposes of resale any
6 tangible personal property that is distributed in commerce and that is normally used for
7 personal, family, or household purposes and not for business or research purposes;

8 (3) "Dealers", any motor vehicle dealer or boat dealer licensed or required to be
9 licensed under the provisions of sections 301.550 to 301.573, RSMo;

10 (4) "Director", the director of the department of insurance, financial institutions
11 and professional registration;

12 (5) "Maintenance agreement", a contract of limited duration that provides for
13 scheduled maintenance only;

14 (6) "Manufacturer", any of the following:

15 (a) A person who manufactures or produces the property and sells the property
16 under the person's own name or label;

17 (b) A subsidiary of the person who manufactures or produces the property;

- 18 (c) A person who owns one hundred percent of the entity that manufactures or
19 produces the property;
- 20 (d) A person that does not manufacture or produce the property, but the property
21 is sold under its trade name label;
- 22 (e) A person who manufactures or produces the property and the property is sold
23 under the trade name or label of another person;
- 24 (f) A person who does not manufacture or produce the property but, under a
25 written contract, licenses the use of its trade name or label to another person who sells the
26 property under the licensor's trade name or label;
- 27 (7) "Mechanical breakdown insurance", a policy, contract, or agreement issued by
28 an authorized insurer who provides for the repair, replacement, or maintenance of a motor
29 vehicle or indemnification for repair, replacement, or service, for the operational or
30 structural failure of a motor vehicle due to a defect in materials or workmanship or to
31 normal wear and tear;
- 32 (8) "Motor vehicle extended service contract" or "service contract", a contract or
33 agreement for a separately stated consideration or for a specific duration to perform the
34 repair, replacement, or maintenance of a motor vehicle or indemnification for repair,
35 replacement, or maintenance, for the operational or structural failure due to a defect in
36 materials, workmanship, or normal wear and tear, with or without additional provision
37 for incidental payment of indemnity under limited circumstances, including but not limited
38 to towing, rental, and emergency road service, but does not include mechanical breakdown
39 insurance or maintenance agreements;
- 40 (9) "Nonoriginal manufacturer's parts", replacement parts not made for or by the
41 original manufacturer of the property, commonly referred to as after market parts;
- 42 (10) "Person", an individual, partnership, corporation, incorporated or
43 unincorporated association, joint stock company, reciprocal, syndicate, or any similar
44 entity or combination of entities acting in concert;
- 45 (11) "Premium", the consideration paid to an insurer for a reimbursement
46 insurance policy;
- 47 (12) "Provider", a person who is contractually obligated to the service contract
48 holder under the terms of a motor vehicle extended service contract;
- 49 (13) "Provider fee", the consideration paid for a motor vehicle extended service
50 contract by a service contract holder;
- 51 (14) "Reimbursement insurance policy", a policy of insurance issued to a provider
52 and under which the insurer agrees, for the benefit of the motor vehicle extended service
53 contract holders, to discharge all of the obligations and liabilities of the provider under the

54 terms of the motor vehicle extended service contracts in the event of nonperformance by
55 the provider. All obligations and liabilities include, but are not limited to, failure of the
56 provider to perform under the motor vehicle extended service contract and the return of
57 the unearned provider fee in the event of the provider's unwillingness or inability to
58 reimburse the unearned provider fee in the event of termination of a motor vehicle
59 extended service contract;

60 (15) "Service contract holder" or "contract holder", a person who is the purchaser
61 or holder of a motor vehicle extended service contract;

62 (16) "Warranty", a warranty made solely by the manufacturer, importer, or seller
63 of property or services without charge, that is not negotiated or separated from the sale of
64 the product and is incidental to the sale of the product, that guarantees indemnity for
65 defective parts, mechanical or electrical breakdown, labor, or other remedial measures,
66 such as repair or replacement of the property or repetition of services.

385.202. 1. Motor vehicle extended service contracts shall not be issued, sold, or
2 offered for sale in this state unless the provider or its designee has:

3 (1) Provided a receipt for the purchase of the motor vehicle extended service
4 contract to the contract holder at the date of purchase;

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

7 (3) Complied with the provisions of sections 385.200 to 385.220.

8 2. All providers of motor vehicle extended service contracts sold in this state shall
9 file a registration with the director on a form, at a fee and at a frequency prescribed by the
10 director.

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

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

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

21 (b) Place in trust with the director a financial security deposit, having a value of not
22 less than five percent of the gross consideration received, less claims paid, on the sale of the
23 motor vehicle extended service contract for all motor vehicle extended service contracts

24 issued and in force, but not less than twenty-five thousand dollars, consisting of one of the
25 following:

- 26 a. A surety bond issued by an authorized surety;
- 27 b. Securities of the type eligible for deposit by authorized insurers in this state;
- 28 c. Cash;
- 29 d. A letter of credit issued by a qualified financial institution; or
- 30 e. Another form of security prescribed by regulations issued by the director; or

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

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

42 4. Provider fees collected on motor vehicle extended service contracts shall not be
43 subject to premium taxes. Premiums for reimbursement insurance policies shall be subject
44 to applicable premium taxes.

45 5. Except for the registration requirement in subsection 2 of this section, persons
46 marketing, selling, or offering to sell motor vehicle extended service contracts for providers
47 that comply with sections 385.200 to 385.220 are exempt from this state's licensing
48 requirements.

49 6. Providers complying with the provisions of sections 385.200 to 385.220 are not
50 required to comply with other provisions of chapter 374 or 375, RSMo, or any other
51 provisions governing insurance companies, except as specifically provided.

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

385.206. 1. No person shall directly sell, offer for sale, or solicit the sale of a motor vehicle extended service contract to a consumer, other than the following:

(1) A dealer marketing or selling a motor vehicle extended service contract insured under a reimbursement insurance policy;

(2) A manufacturer of motor vehicles, as defined in section 301.010, RSMo, marketing or selling a motor vehicle extended service contract insured under a reimbursement insurance policy;

(3) A federally insured depository institution marketing or selling a motor vehicle extended service contract insured under a reimbursement insurance policy;

(4) A lender licensed and defined under sections 367.100 to 367.215, RSMo, marketing or selling a motor vehicle extended service contract insured under a reimbursement insurance policy; or

(5) An administrator, provider, manufacturer, or person working in concert with an administrator, provider, or manufacturer marketing or selling a motor vehicle extended service contract demonstrating financial responsibility as set forth in section 385.202.

2. No administrator or provider shall use a dealer as a fronting company, and no dealer shall act as a fronting company. For purposes of this subsection, "fronting company" means a dealer that authorizes a third-party administrator or provider to use its name or business to evade or circumvent the provisions of subsection 1 of this section.

3. Motor vehicle extended service contracts issued, sold, or offered for sale in this state shall be written in clear, understandable language, and the entire contract shall be printed or typed in easy-to-read type and conspicuously disclose the requirements in this section, as applicable.

4. Motor vehicle extended service contracts insured under a reimbursement insurance policy under subsection 3 of section 385.202 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are guaranteed under a service contract reimbursement insurance policy. If the provider fails to pay or provide service on a claim within sixty days after proof of loss has been filed, the contract holder is entitled to make a claim directly against the insurance company.". A claim against the provider also shall include a claim for return of the unearned provider fee. The motor vehicle extended service contract also shall state conspicuously the name and address of the insurer.

5. Motor vehicle extended service contracts not insured under a reimbursement insurance policy under subsection 3 of section 385.202 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are backed only by the full faith and credit of the provider (issuer) and are not guaranteed

37 under a service contract reimbursement insurance policy." A claim against the provider
38 also shall include a claim for return of the unearned provider fee. The motor vehicle
39 extended service contract also shall state conspicuously the name and address of the
40 provider.

41 6. Motor vehicle extended service contracts shall identify any administrator, the
42 provider obligated to perform the service under the contract, the motor vehicle extended
43 service contract seller, and the service contract holder to the extent that the name and
44 address of the service contract holder has been furnished by the service contract holder.

45 7. Motor vehicle extended service contracts shall state conspicuously the total
46 purchase price and the terms under which the motor vehicle extended service contract is
47 sold. The purchase price is not required to be preprinted on the motor vehicle extended
48 service contract and may be negotiated at the time of sale with the service contract holder.

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

53 9. Motor vehicle extended service contracts shall state conspicuously the existence
54 of any deductible amount.

55 10. Motor vehicle extended service contracts shall specify the merchandise and
56 services to be provided and any limitations, exceptions, and exclusions.

57 11. Motor vehicle extended service contracts shall state the conditions upon which
58 the use of nonoriginal manufacturer's parts, or substitute service, may be allowed.
59 Conditions stated shall comply with applicable state and federal laws.

60 12. Motor vehicle extended service contracts shall state any terms, restrictions, or
61 conditions governing the transferability of the motor vehicle extended service contract.

62 13. Motor vehicle extended service contracts shall state the terms, restrictions, or
63 conditions governing termination of the service contract by the service contract holder.
64 The provider of the motor vehicle extended service contract shall mail a written notice to
65 the contract holder within fifteen days of the date of termination.

66 14. Motor vehicle extended service contracts shall require every provider to permit
67 the service contract holder to return the contract within at least twenty business days of
68 mailing date of the motor vehicle extended service contract or within at least ten days if the
69 service contract is delivered at the time of sale or within a longer time period permitted
70 under the contract. If no claim has been made under the contract, the contract is void and
71 the provider shall refund to the contract holder the full purchase price of the contract. A
72 ten percent penalty per month shall be added to a refund that is not paid within thirty days

73 of return of the contract to the provider. The applicable free-look time periods on service
74 contracts shall apply only to the original service contract purchaser.

75 **15. Motor vehicle extended service contracts shall set forth all of the obligations and**
76 **duties of the service contract holder, such as the duty to protect against any further**
77 **damage and the requirement for certain service and maintenance.**

78 **16. Motor vehicle extended service contracts shall state clearly whether or not the**
79 **service contract provides for or excludes consequential damages or preexisting conditions.**

385.208. 1. A provider shall not use in its name the words insurance, casualty,
2 **guaranty, surety, mutual, or any other words descriptive of the insurance, casualty,**
3 **guaranty, or surety business, nor shall such provider use a name deceptively similar to the**
4 **name or description of any insurance or surety corporation, or any other provider. This**
5 **section shall not apply to a company that was using any of the prohibited language in its**
6 **name prior to August 28, 2007. However, a company using the prohibited language in its**
7 **name shall disclose conspicuously in its motor vehicle extended service contract the**
8 **following statement: "This agreement is not an insurance contract."**

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

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

385.210. 1. An administrator, provider, or other intermediary shall keep accurate
2 **accounts, books, and records concerning transactions regulated by sections 385.200 to**
3 **385.220.**

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

6 **(1) Copies of each type of motor vehicle extended service contract issued;**

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

9 **(3) A list of the provider locations where motor vehicle extended service contracts**
10 **are marketed, sold, or offered for sale; and**

11 **(4) Claims files that shall contain at least the dates, amounts, and description of all**
12 **receipts, claims, and expenditures related to the motor vehicle extended service contracts.**

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

16 **4. An administrator, provider, or other intermediary may keep all records required**
17 **under sections 385.200 to 385.220 on a computer disk or other similar technology. If an**
18 **administrator, provider, or other intermediary maintains records in other than hard copy,**
19 **records shall be accessible from a computer terminal available to the director and be**
20 **capable of duplication to legible hard copy.**

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

24 **6. An administrator, provider, or other intermediary shall make all accounts,**
25 **books, and records concerning transactions regulated under sections 385.200 to 385.220**
26 **or other pertinent laws available to the director upon request.**

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

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

5 **2. The provisions of sections 385.200 to 385.220 shall not prevent or limit the right**
6 **of an insurer that issued a reimbursement insurance policy to seek indemnification or**
7 **subrogation against a provider if the insurer pays or is obligated to pay the service contract**
8 **holder sums that the provider was obligated to pay under the provisions of the motor**
9 **vehicle extended service contract or under a contractual agreement.**

385.216. 1. The director may conduct investigations or examinations of providers,
2 **administrators, insurers, or other persons to enforce the provisions of sections 385.200 to**
3 **385.220 and protect service contract holders in this state.**

4 **2. If the director determines that a person has engaged, is engaging, or is about to**
5 **engage in a violation of sections 385.200 to 385.220 or a rule adopted or order issued**
6 **pursuant thereto, or that a person has materially aided, is materially aiding, or is about to**
7 **materially aid an act, practice, omission or course of business constituting a violation of**
8 **sections 385.200 to 385.220 or a rule adopted or order issued pursuant thereto, the director**

9 may issue such administrative orders as authorized under section 374.046, RSMo. A
10 violation of this section is a level two violation under section 374.049, RSMo.

11 3. If the director believes that a person has engaged, is engaging, or is about to
12 engage in a violation of sections 385.200 to 385.220 or a rule adopted or order issued
13 pursuant thereto, or that a person has materially aided, is materially aiding, or is about to
14 materially aid an act, practice, omission or course of business constituting a violation of
15 sections 385.200 to 385.220 or a rule adopted or order issued pursuant thereto, the director
16 may maintain a civil action for relief authorized under section 374.048, RSMo. A violation
17 of this section is a level two violation under section 374.049, RSMo.

18 4. The enforcement authority of the director under this section is cumulative to any
19 other statutory authority of the director.

385.218. The director may promulgate rules to effectuate sections 385.200 to
2 385.220. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
3 that is created under the authority delegated in this section shall become effective only if
4 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
5 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
6 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
7 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
8 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
9 adopted after August 28, 2007, shall be invalid and void.

385.220. 1. The provisions of sections 385.200 to 385.220 shall not apply to:

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

6 2. Manufacturer's contracts on the manufacturer's products need only comply with
7 the provisions of sections 385.206, 385.208, and 385.216.

385.300. 1. As used in sections 385.300 to 385.320, the following terms mean:

- 2 (1) "Administrator", the person who is responsible for the handling and
3 adjudication of claims under the product service agreements;
- 4 (2) "Consumer", a natural person who buys other than for purposes of resale any
5 tangible personal property that is distributed in commerce and that is normally used for
6 personal, family, or household purposes and not for business or research purposes;
- 7 (3) "Contract holder", a person who is the purchaser or holder of a service
8 contract;

- 9 (4) **"Director"**, the director of the department of insurance, financial institutions
10 **and professional registration;**
- 11 (5) **"Maintenance agreement"**, a contract of limited duration that provides for
12 **scheduled maintenance only;**
- 13 (6) **"Manufacturer"**, any of the following:
- 14 (a) **A person who manufactures or produces the property and sells the property**
15 **under the person's own name or label;**
- 16 (b) **A subsidiary of the person who manufactures or produces the property;**
- 17 (c) **A person who owns one hundred percent of the entity that manufactures or**
18 **produces the property;**
- 19 (d) **A person that does not manufacture or produce the property, but the property**
20 **is sold under its trade name label;**
- 21 (e) **A person who manufactures or produces the property and the property is sold**
22 **under the trade name or label of another person;**
- 23 (f) **A person who does not manufacture or produce the property but, under a**
24 **written contract, licenses the use of its trade name or label to another person who sells the**
25 **property under the licensor's trade name or label;**
- 26 (7) **"Nonoriginal manufacturer's parts"**, replacement parts not made for or by the
27 **original manufacturer of the property, commonly referred to as after market parts;**
- 28 (8) **"Person"**, an individual, partnership, corporation, incorporated or
29 **unincorporated association, joint stock company, reciprocal, syndicate, or any similar**
30 **entity or combination of entities acting in concert;**
- 31 (9) **"Premium"**, the consideration paid to an insurer for a reimbursement
32 **insurance policy;**
- 33 (10) **"Property"**, all forms of property;
- 34 (11) **"Provider"**, a person who is contractually obligated to the service contract
35 **holder under the terms of a service contract;**
- 36 (12) **"Provider fee"**, the consideration paid for a service contract, if any, by a
37 **service contract holder;**
- 38 (13) **"Reimbursement insurance policy"**, a policy of insurance issued to a provider
39 **and under which the insurer agrees, for the benefit of the service contract holders, to**
40 **discharge all of the obligations and liabilities of the provider under the terms of the service**
41 **contracts in the event of nonperformance by the provider. All obligations and liabilities**
42 **include, but are not limited to, failure of the provider to perform under the service contract**
43 **and the return of the unearned provider fee in the event of the provider's unwillingness or**

44 inability to reimburse the unearned provider fee in the event of termination of a service
45 contract;

46 (14) "Service contract", a contract for a specific duration and consideration to
47 perform the repair, replacement, or maintenance of property or indemnification for repair,
48 replacement, or maintenance, for the operational or structural failure of any residential
49 or other property due to a defect in materials, workmanship, or normal wear and tear,
50 with or without additional provision for incidental payment of indemnity under limited
51 circumstances, including, but not limited to, unavailability of parts, obsolescence, food
52 spoilage, rental, and shipping. Service contracts may provide for the repair, replacement
53 or maintenance of property for damage resulting from power surges or accidental damage.
54 Service contract providers and administrators are not deemed to be engaged in the
55 business of insurance in this state;

56 (15) "Warranty", a warranty made solely by the manufacturer, importer, or seller
57 of property or services without charge, that is not negotiated or separated from the sale of
58 the product and is incidental to the sale of the product, that guarantees indemnity for
59 defective parts, mechanical or electrical breakdown, labor, or other remedial measures,
60 such as repair or replacement of the property or repetition of services.

385.302. 1. It is unlawful for any person to issue, sell or offer for sale in this state
2 any service contract, unless each provider has registered with the director on a form
3 prescribed by the director. Each provider shall pay to the director a fee established by the
4 director by rule, but not to exceed three hundred dollars annually.

5 2. A provider may, but is not required to, appoint an administrator or other
6 designee to be responsible for any or all of the administration of service contracts and
7 compliance with sections 385.300 to 385.320.

8 3. A provider or its designee shall provide a copy of the service contract to the
9 service contract holder within a reasonable period of time following the date of purchase.

10 4. In order to assure the faithful performance of a provider's obligations to its
11 contract holders, each provider who contractually is obligated to provide service under a
12 service contract shall comply with one of the following subdivisions:

13 (1) (a) Maintain a funded reserve account for its obligations under its contract
14 issues and outstanding in this state. The reserve shall not be less than forty percent of
15 gross consideration received, less claims paid, on the sale of the service contract for all in-
16 force contracts. The reserve account shall be subject to examination and review by the
17 director; and

18 (b) Place in trust with the director a financial security deposit, having a value of not
19 less than five percent of the gross consideration received, less claims paid, on the sale of the

20 service contract for all service contracts issued and in force, but not less than twenty-five
21 thousand dollars, consisting of one of the following:

- 22 a. A surety bond issued by an authorized surety;
- 23 b. Securities of the type eligible for deposit by authorized insurers in this state;
- 24 c. Cash;
- 25 d. A letter of credit issued by a qualified financial institution; or
- 26 e. Another form of security prescribed by regulations issued by the director; or

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

28 (b) Provide the director with a copy of the provider's or, if the provider's financial
29 statements are consolidated with those of its parent company, the provider's parent
30 company's most recent Form 10-K filed or Form 20-F with the Securities and Exchange
31 Commission (SEC) within the last calendar year, or if the company does not file with the
32 SEC, a copy of the company's audited financial statements, which shows a net worth of the
33 provider or its parent company of at least one hundred million dollars. If the provider's
34 parent company's Form 10-K, Form 20-F, or audited financial statements are filed to meet
35 the provider's financial stability requirement, then the parent company shall agree to
36 guarantee the obligations of the obligor relating to service contracts sold by the provider
37 in this state; or

38 (3) Insure all service contracts under a reimbursement insurance policy issued by
39 an insurer authorized to transact insurance in this state. For the purposes of this
40 subsection, the reimbursement insurance policy shall contain the following provisions:

41 (a) In the event that the provider is unable to fulfill its obligation under contracts
42 issued in this state for any reason, including insolvency, bankruptcy, or dissolution, the
43 insurer will pay losses and unearned fees under such plans directly to the contract holder
44 making a claim under the contract;

45 (b) The insurer issuing the contractual liability policy shall assume full
46 responsibility for the administration of claims in the event of the inability of the provider
47 to do so; and

48 (c) The policy may be canceled or not renewed by either the insurer or the provider
49 not less than sixty days after written notice thereof has been given to the director and
50 provider by the insurer;

51 (4) The reimbursement insurance referenced in subdivision (3) of this subsection
52 shall be obtained from an insurer that is authorized, registered or otherwise permitted to
53 transact insurance in this state or a surplus lines insurer authorized under the laws of this
54 state and which insurer meets one of the following requirements:

55 (a) Maintain, at the time the policy is filed with the director and continuously
56 thereafter:

57 a. Surplus as to policyholders and paid-in capital of at least fifteen million dollars;
58 and

59 b. Annually file copies of the insurer's financial statements, its National Association
60 of Insurance Commissioners annual statement, and the actuarial certification if required
61 and filed in the insurer's state of domicile; or

62 (b) Maintain, at the time the policy is filed with the director and continuously
63 thereafter:

64 a. Surplus as to policyholders and paid-in capital of less than fifteen million dollars
65 but at least equal to ten million dollars;

66 b. Demonstrate to the satisfaction of the director that the insurer maintains a ratio
67 of net written premiums, wherever written, to surplus as to policyholders and paid-in
68 capital of not greater than three to one; and

69 c. Annually file copies of the insurer's financial statements, its National Association
70 of Insurance Commissioners annual statement, and the actuarial certification if required
71 and filed in the insurer's state of domicile.

72 5. Provider fees collected on service agreements shall not be subject to premium
73 taxes. Premiums for reimbursement insurance policies shall be subject to applicable taxes.

74 6. Except for compliance with the provider's registration requirement in subsection
75 1 of this section, a person marketing, selling, or offering to sell service contracts for a
76 provider that is registered under this section is exempt from licensing as a producer under
77 the insurance laws of this state.

385.304. Reimbursement insurance policies insuring service contracts issued, sold
2 or offered for sale in this state shall state that, upon failure of the provider to perform
3 under the contract, including the failure to return the unearned provider fee, the insurer
4 that issued the policy shall pay or perform according to the provider's contractual
5 obligations under the service contracts insured by the insurer.

385.306. 1. Service contracts marketed, issued, sold, or offered for sale in this state
2 shall be written in clear, conspicuous, and understandable language, and the entire
3 contract shall be printed or typed in easy-to-read type and conspicuously disclose the
4 requirements in this section, as applicable.

5 2. Service contracts insured under a reimbursement insurance policy under
6 subdivision (3) of subsection 4 of section 385.302 shall contain a statement in substantially
7 the following form: "Obligations of the provider under this service contract are
8 guaranteed under a reimbursement insurance policy. If the provider fails to pay or

9 provide service on a claim within sixty days after proof of loss has been filed, the contract
10 holder is entitled to make a claim directly against the insurance company.". A claim
11 against the provider may also include a claim for return of the unearned provider fee. The
12 service contract also shall state the name and address of the insurer.

13 3. Service contracts not insured under a reimbursement insurance policy under
14 subdivision (3) of subsection 4 of section 385.302 shall contain a statement in substantially
15 the following form: "Obligations of the provider under this service contract are backed
16 only by the full faith and credit of the provider (issuer) and are not guaranteed under a
17 reimbursement insurance policy.". A claim against the provider shall also include a claim
18 for return of the unearned provider fee. The service contract shall also state the name and
19 address of the provider.

20 4. Service contracts shall identify any administrator, the provider obligated to
21 perform under the contract, and the service contract seller, if different than the provider
22 or administrator. The identities of such parties are not required to be preprinted on the
23 service contract and may be added to the service contract prior to delivery to the contract
24 holder.

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

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

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

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

35 9. Service contracts shall state the conditions upon which the use of nonoriginal
36 manufacturer's parts, refurbished merchandise, or substitute service, may be allowed.
37 Conditions stated shall comply with applicable state and federal laws.

38 10. Service contracts shall state any terms, restrictions, or conditions governing the
39 transferability of the service contract.

40 11. Service contracts shall state any terms, restrictions, or conditions governing
41 termination of the service agreement by the service contract holder and provider.

42 12. Service contracts for which the service contract holder pays a separate,
43 identified consideration shall require every provider to permit the service contract holder
44 to return the contract within at least twenty days of the date of mailing of the service

45 contract or within at least ten days if the service contract is delivered at the time of sale or
46 within a longer time period permitted under the contract. If no claim has been made under
47 the contract, the contract is void and the provider shall refund to the contract holder the
48 full purchase price of the contract. A ten percent penalty per month shall be added to a
49 refund that is not paid within forty-five days of return of the contract to the provider. The
50 applicable free-look time periods on service contracts shall apply only to the original
51 service contract purchaser, and only if no claim has been made prior to its return to the
52 provider.

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

56 14. Service contracts shall state clearly whether or not the service contract provides
57 for or excludes consequential damages, preexisting conditions, or events covered under the
58 original manufacturer's warranty.

59 15. Service contracts shall state any limitations on the number or value of repairs,
60 replacements, or monetary settlements, as applicable, that will be provided during the term
61 of coverage.

385.308. 1. It is unlawful for any provider to use in its name the words insurance,
2 casualty, guaranty, surety, mutual, or any other words descriptive of the insurance,
3 casualty, guaranty, or surety business, or any name deceptively similar to the name or
4 description of any insurance or surety corporation, or other provider.

5 2. This section shall not apply to a company that was using any of the prohibited
6 language in its name prior to August 28, 2007. However, a company using the prohibited
7 language in its name shall disclose in its service contracts a statement in substantially the
8 following form: "This contract is not an insurance contract."

9 3. It is unlawful for a provider or its representative in its service contracts or
10 literature to make, permit, or cause to be made any false or misleading statement, or
11 deliberately omit any material statement that would be considered misleading if omitted,
12 in connection with the sale, offer to sell or advertisement of a product service contract.

13 4. It is unlawful for a person, such as a bank, savings and loan association, or
14 lending institution, to require the purchase of a service contract as a condition of a loan or
15 other financing transaction.

16 5. It is unlawful for a person, such as a manufacturer or retailer, to require the
17 purchase of a service contract as a condition to the sale of goods or services.

385.310. 1. A provider or administrator shall keep accurate accounts, books, and
2 records concerning transactions regulated under sections 385.300 to 385.320. However,

3 only one set of such accounts, books, and records is required to be maintained and may be
4 maintained by third parties provided the provisions of this section are met.

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

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

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

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

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

13 3. Except as provided in subsection 5 of this section, an administrator or provider
14 shall retain or arrange for the retention of all records pertaining to each service contract
15 holder for at least three years after the specified period of coverage had expired.

16 4. An administrator or provider may keep all records required under sections
17 385.300 to 385.320 on a computer disk or other similar technology. If an administrator or
18 provider maintains records in other than hard copy, records shall be accessible from a
19 computer terminal available to the director and be capable of duplication to legible hard
20 copy.

21 5. An administrator or provider discontinuing business in this state shall maintain
22 or arrange for the maintenance of its records until it furnishes the director satisfactory
23 proof that it has discharged all obligations to contract holders in this state.

24 6. An administrator or provider shall make all accounts, books, and records
25 concerning transactions regulated under sections 385.300 to 385.320 or other pertinent
26 laws available to the director upon request.

385.312. As applicable, an insurer that issued a reimbursement insurance policy
2 shall not terminate or nonrenew the policy until a notice of termination has been mailed
3 or delivered to the director. The termination or nonrenewal of a reimbursement insurance
4 policy shall not reduce the issuer's responsibility for service contracts issued by providers
5 prior to the date of the termination.

385.314. 1. Providers are considered to be the agent of the insurer which issued the
2 reimbursement insurance policy for purposes of obligating the insurer to contract holders
3 under service contracts associated with the insurer's reimbursement policy, and the
4 payment of premium by the provider is not a condition to the insurer's obligations for
5 otherwise validly issued service contracts.

6 2. Sections 385.300 to 385.320 shall not prevent or limit the right of an insurer
7 which issued a reimbursement insurance policy to seek indemnification or subrogation

8 against a provider if the issuer pays or is obligated to pay the service contract holder sums
9 that the provider was obligated to pay pursuant to the provisions of the product service
10 contract.

385.316. 1. The director may conduct investigations or examinations of providers,
2 administrators, insurers, or other persons to enforce the provisions of sections 385.300 to
3 385.320 and protect service contract holders in this state.

4 2. If the director determines that a person has engaged, is engaging, or is about to
5 engage in a violation of sections 385.300 to 385.320 or a rule adopted or order issued
6 pursuant thereto, or that a person has materially aided, is materially aiding, or is about to
7 materially aid an act, practice, omission, or course of business constituting a violation of
8 sections 385.300 to 385.320 or a rule adopted or order issued pursuant thereto, the director
9 may issue such administrative orders as authorized under section 374.046, RSMo. A
10 violation of this section is a level two violation under section 374.049, RSMo.

11 3. If the director believes that a person has engaged, is engaging, or is about to
12 engage in a violation of sections 385.300 to 385.320 or a rule adopted or order issued
13 pursuant thereto, or that a person has materially aided, is materially aiding, or is about to
14 materially aid an act, practice, omission, or course of business constituting a violation of
15 sections 385.300 to 385.320 or a rule adopted or order issued pursuant thereto, the director
16 may maintain a civil action for relief authorized under section 374.048, RSMo.

17 4. The enforcement authority of the director under this section is cumulative to any
18 other statutory authority of the director.

385.318. The director may promulgate rules to effectuate sections 385.300 to
2 385.320. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
3 that is created under the authority delegated in this section shall become effective only if
4 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
5 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
6 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
7 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
8 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
9 adopted after August 28, 2007, shall be invalid and void.

385.320. 1. Sections 385.300 to 385.320 shall not apply to:

2 (1) Warranties;

3 (2) Maintenance agreements;

4 (3) Warranties, service contracts, or maintenance agreements offered by public
5 utilities on their transmission devices to the extent they are regulated under the laws of this
6 state;

7 (4) Service contracts sold or offered for sale to persons other than consumers;

8 (5) Service contracts sold or offered to nonresidents of this state regardless of
9 whether the entity selling or offering such contracts is located or doing business in this
10 state;

11 (6) Motor vehicle extended service contracts, as defined in section 385.200; and

12 (7) Agreements or warranties which provide for the service, repair, replacement,
13 or maintenance of the systems, appliances, and structural components of residential or
14 commercial real property.

15 2. Manufacturer's service contracts on the manufacturer's products need only
16 comply with the provisions of sections 385.306, 385.308, and 385.316.

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, or**
16 **under sections 367.500 to 367.533, RSMo, may offer and sell service contracts, as defined**
17 **in section 384.403, in conjunction with other 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, or other persons to enforce sections 385.400 to 385.436 and protect warranty holders in this state. Upon request of the director, a warrantor shall make available to the director all accounts, books, and records concerning vehicle protection products provided by the warrantor that are necessary to enable the director to reasonably determine compliance or noncompliance with sections 385.400 to 385.436.

2. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice, or course of business constituting a violation of sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, or a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046, RSMo. A violation of these sections is a level two violation under section 374.049, RSMo.

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice, or course of business constituting a violation of sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048, RSMo. A violation 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 provisions of sections 385.400 to 385.436. Such rules and regulations shall include disclosures for the benefit of the warranty holder, record keeping, and procedures for public complaints. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

385.436. Sections 385.400 to 385.436 applies to all vehicle protection products sold or offered for sale on or after January 1, 2008. The failure of any person to comply with 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
15 this chapter to the contrary, the state highways and transportation commission shall
16 consider and determine every application filed under subsection 1 of this section, upon the
17 same terms and conditions as provided in section 386.266, RSMo, with reference to the
18 public service commission's consideration and determination of applications by an
19 electrical, gas, or water corporation under that section.

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

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

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

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 non-participating 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 that a consumer must generally
44 pay and which may be imposed as a separately stated charge on a rental transaction
45 including, but in no way to be construed as limited to, airport fees and vehicle license fees,
46 shall be generally identified when a price is advertised and be clearly and conspicuously
47 disclosed on the rental agreement.**

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

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

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

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

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

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

76 (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.

**488.006. For any infraction, unless otherwise provided by law, all court costs, fees,
2 surcharges, and other miscellaneous charges shall be assessed in the same manner and
3 amount as a misdemeanor.**

**537.055. In any action to recover damages arising out of the ownership, common
2 maintenance, or operation of a motor vehicle, the fact that one of the parties was operating
3 a motorcycle shall not, in and of itself, be considered evidence of comparative negligence.**

556.021. 1. An offense defined by this code or by any other statute of this state
2 constitutes an "infraction" if it is so designated or if [no other sentence than a fine, or fine and
3 forfeiture or other civil penalty is authorized upon conviction] **a violation of the statute can
4 result only in a fine, forfeiture, or other civil penalty, or any combination thereof.**

5 2. [An infraction does not constitute a crime and conviction of an infraction shall not
6 give rise to any disability or legal disadvantage based on conviction of a crime.] **A
7 determination of whether an infraction has occurred shall be made by the filing of a civil
8 action. The action shall be filed by a person who is authorized to bring a criminal action
9 or an action to enforce an ordinance if the conduct constituted a crime or ordinance
10 violation. The action shall be brought in the name of the state of Missouri or appropriate
11 political subdivision. An infraction violation shall be proven by a preponderance of the
12 evidence but shall not be tried to a jury. If an infraction violation is proven, judgment
13 shall be entered for the plaintiff.**

14 **3. Notwithstanding any other provision of law to the contrary, it shall be the duty
15 of the operator or driver of any vehicle or the rider of any animal traveling on the roads
16 of this state to stop on signal of any law enforcement officer and to obey any other
17 reasonable signal or direction of such law enforcement officer given in the course of
18 enforcing any infraction. Any person who willfully fails or refuses to obey any signal or
19 direction of a law enforcement officer given in the course of enforcing any infraction, or
20 who willfully resists or opposes a law enforcement officer in the proper discharge of his or
21 her duties in the course of enforcing any infraction, shall be guilty of a class A
22 misdemeanor and on plea or finding of guilt thereof shall be punished as provided by law
23 for such offenses.**

24 **4. The supreme court of Missouri may promulgate rules for the enforcement of this**
25 **section.**

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

2 (1) "Collision", the act of a motor vehicle coming into contact with an object or a person;

3 (2) "Injury", physical harm to the body of a person;

4 (3) "Motor vehicle", any automobile, truck, truck-tractor, or any motor bus or
5 motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks;

6 (4) "Unattended", not accompanied by an individual fourteen years of age or older.

7 2. A person commits the crime of leaving a child unattended in a motor vehicle in the
8 first degree if such person knowingly leaves a child ten years of age or less unattended in a motor
9 vehicle and such child fatally injures another person by causing a motor vehicle collision or by
10 causing the motor vehicle to fatally injure a pedestrian. Such person shall be guilty of a class C
11 felony.

12 3. A person commits the crime of leaving a child unattended in a motor vehicle in the
13 second degree if such person knowingly leaves a child ten years of age or less unattended in a
14 motor vehicle and such child injures another person by causing a motor vehicle collision or by
15 causing the motor vehicle to injure a pedestrian. Such person shall be guilty of a class A
16 misdemeanor.

17 **4. A person commits the crime of leaving a child unattended in a motor vehicle in**
18 **the third degree if such person knowingly leaves a child ten years of age or less unattended**
19 **in a motor vehicle under conditions that present a risk to the child's health or safety, or**
20 **when the engine of the motor vehicle is running or the keys to the motor vehicle are**
21 **anywhere in the passenger compartment of the vehicle. Such person shall be guilty of a**
22 **class C misdemeanor.**

577.029. A licensed physician, registered nurse, or trained medical technician at the
2 place of his employment, acting at the request and direction of the law enforcement officer, shall
3 withdraw blood for the purpose of determining the alcohol content of the blood, unless such
4 medical personnel, in his good faith medical judgment, believes such procedure would endanger
5 the life or health of the person in custody. Blood may be withdrawn only by such medical
6 personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen,
7 or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content
8 thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the
9 withdrawal shall otherwise be in strict accord with accepted medical practices. [A nonalcoholic
10 antiseptic shall be used for cleansing the skin prior to venapuncture.] Upon the request of the
11 person who is tested, full information concerning the test taken at the direction of the law
12 enforcement officer shall be made available to him.

577.039. An arrest without a warrant by a law enforcement officer, including a
2 uniformed member of the state highway patrol, for a violation of section 577.010 or 577.012 is
3 lawful whenever the arresting officer has reasonable grounds to believe that the person to be
4 arrested has violated the section, whether or not the violation occurred in the presence of the
5 arresting officer [and when such arrest without warrant is made within one and one-half hours
6 after such claimed violation occurred, unless the person to be arrested has left the scene of an
7 accident or has been removed from the scene to receive medical treatment, in which case such
8 arrest without warrant may be made more than one and one-half hours after such violation
9 occurred].

[144.517. In addition to the exemptions granted pursuant to section
2 144.030, there shall also be exempted from state sales and use taxes all sales of
3 textbooks, as defined by section 170.051, RSMo, when such textbook is
4 purchased by a student who possesses proof of current enrollment at any Missouri
5 public or private university, college or other postsecondary institution of higher
6 learning offering a course of study leading to a degree in the liberal arts,
7 humanities or sciences or in a professional, vocational or technical field, provided
8 that the books which are exempt from state sales tax are those required or
9 recommended for a class. Upon request the institution or department must
10 provide at least one list of textbooks to the bookstore each semester. Alternately,
11 the student may provide to the bookstore a list from the instructor, department or
12 institution of his or her required or recommended textbooks. This exemption
13 shall not apply to any locally imposed sales or use tax.]
14

[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.

2. Upon application to the division in writing, containing such
5 information as the division may by rule require, accompanied by a copy of
6 applicant's certificate of public convenience and necessity or permit issued by the
7 Interstate Commerce Commission, the filing of such liability insurance policy or
8 bond and other formal documents as the division shall by rule require, the
9 division, if it finds applicant qualified, shall, with or without hearing, issue a
10 permit authorizing the proposed interstate operations.]
11
12

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

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

6 (2) "Consumer", a natural person who buys other than for purposes of
7 resale any motor vehicle that is distributed in commerce and that is normally used

- 8 for personal, family, or household purposes and not for business or research
9 purposes;
- 10 (3) "Director", the director of the department of insurance;
- 11 (4) "Maintenance agreement", a contract of limited duration that provides
12 for scheduled maintenance only;
- 13 (5) "Manufacturer", a person that:
- 14 (a) Manufactures or produces the property and sells the property under
15 its own name or label;
- 16 (b) Is a wholly owned subsidiary of the person who manufactures or
17 produces the property;
- 18 (c) Is a corporation which owns one hundred percent of the person who
19 manufactures or produces the property;
- 20 (d) Does not manufacture or produce the property, but the property is
21 sold under its trade name label;
- 22 (e) Manufactures or produces the property and the property is sold under
23 the trade name or label of another person; or
- 24 (f) Does not manufacture or produce the property but, pursuant to a
25 written contract, licenses the use of its trade name or label to another person that
26 sells the property under the licensor's trade name or label;
- 27 (6) "Mechanical breakdown insurance", a policy, contract, or agreement
28 issued by an authorized insurer that provides for the repair, replacement, or
29 maintenance of a motor vehicle or indemnification for repair, replacement, or
30 service, for the operational or structural failure of a motor vehicle due to a defect
31 in materials or workmanship or to normal wear and tear;
- 32 (7) "Motor vehicle extended service contract" or "service contract", a
33 contract or agreement for a separately stated consideration or for a specific
34 duration to perform the repair, replacement, or maintenance of a motor vehicle
35 or indemnification for repair, replacement, or maintenance, for the operational or
36 structural failure due to a defect in materials, workmanship, or normal wear and
37 tear, with or without additional provision for incidental payment of indemnity
38 under limited circumstances, including, but not limited to, towing, rental, and
39 emergency road service, but does not include mechanical breakdown insurance
40 or maintenance agreements;
- 41 (8) "Nonoriginal manufacturer's parts", replacement parts not made for
42 or by the original manufacturer of the property, commonly referred to as "after
43 market parts";
- 44 (9) "Person", an individual, partnership, corporation, incorporated or
45 unincorporated association, joint stock company, reciprocal, syndicate, or any
46 similar entity or combination of entities acting in concert;
- 47 (10) "Premium", the consideration paid to an insurer for a reimbursement
48 insurance policy;
- 49 (11) "Provider", a person who administers, issues, makes, provides, sells,
50 or offers to sell a motor vehicle extended service contract, or who is contractually

51 obligated to provide service under a motor vehicle extended service contract such
52 as sellers, administrators, and other intermediaries;

53 (12) "Provider fee", the consideration paid for a service contract in excess
54 of the premium;

55 (13) "Reimbursement insurance policy", a policy of insurance issued to
56 a provider and pursuant to which the insurer agrees, for the benefit of the service
57 contract holders, to discharge all of the obligations and liabilities of the provider
58 under the terms of the service contracts in the event of nonperformance by the
59 provider. All obligations and liabilities include, but are not limited to, failure of
60 the provider to perform under the service contract and the return of the unearned
61 provider fee in the event of the provider's unwillingness or inability to reimburse
62 the unearned provider fee in the event of termination of a service contract;

63 (14) "Service contract holder" or "contract holder", a person who is the
64 purchaser or holder of a service contract;

65 (15) "Warranty", a warranty made solely by the manufacturer, importer,
66 or seller of property or services without charge, that is not negotiated or separated
67 from the sale of the product and is incidental to the sale of the product, that
68 guarantees indemnity for defective parts, mechanical or electrical breakdown,
69 labor, or other remedial measures, such as repair or replacement of the property
70 or repetition of services.]

71

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

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

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

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

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

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

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

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

21 (b) Place in trust with the director a financial security deposit, having a
22 value of not less than five percent of the gross consideration received, less claims

23 paid, on the sale of the service contract for all service contracts issued and in
24 force, but not less than twenty-five thousand dollars, consisting of one of the
25 following:

- 26 a. A surety bond issued by an authorized surety;
27 b. Securities of the type eligible for deposit by authorized insurers in this
28 state;
29 c. Cash;
30 d. A letter of credit issued by a qualified financial institution; or
31 e. Another form of security prescribed by regulations issued by the
32 director; or

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

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

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

48 5. Except for the registration requirement in subsection 2 of this section,
49 persons marketing, selling, or offering to sell service contracts for providers that
50 comply with sections 407.1200 to 407.1227 are exempt from this state's licensing
51 requirements.

52 6. Providers complying with the provisions of sections 407.1200 to
53 407.1227 are not required to comply with other provisions of chapter 374 or 375,
54 or any other provisions governing insurance companies, except as specifically
55 provided.]

56

2 [407.1206. Reimbursement insurance policies insuring service contracts
3 issued, sold, or offered for sale in this state shall conspicuously state that, upon
4 failure of the provider to perform under the contract, such as failure to return the
5 unearned provider fee, the insurer that issued the policy shall pay on behalf of the
6 provider any sums the provider is legally obligated to pay or shall provide the
7 service which the provider is legally obligated to perform according to the
8 provider's contractual obligations under the service contracts issued or sold by the
9 provider.]

2 [407.1209. 1. Service contracts issued, sold, or offered for sale in this
3 state shall be written in clear, understandable language and the entire contract
4 shall be printed or typed in easy to read ten-point type or larger and
5 conspicuously disclose the requirements in this section, as applicable.

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

15 3. Service contracts not insured under a reimbursement insurance policy
16 pursuant to subsection 3 of section 407.1203 shall contain a statement in
17 substantially the following form: "Obligations of the provider under this service
18 contract are backed only by the full faith and credit of the provider (issuer) and
19 are not guaranteed under a service contract reimbursement insurance policy."
20 A claim against the provider shall also include a claim for return of the unearned
21 provider fee. The service contract shall also conspicuously state the name and
22 address of the provider.

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

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

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

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

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

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

42 10. Service contracts shall state any terms, restrictions, or conditions
governing the transferability of the service contract.

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

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

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

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

63
[407.1212. 1. A provider shall not use in its name the words insurance,
2 casualty, guaranty, surety, mutual, or any other words descriptive of the
3 insurance, casualty, guaranty, or surety business; or a name deceptively similar
4 to the name or description of any insurance or surety corporation, or any other
5 provider. This section shall not apply to a company that was using any of the
6 prohibited language in its name prior to August 28, 2004. However, a company
7 using the prohibited language in its name shall conspicuously disclose in its
8 service contract the following statement: "This agreement is not an insurance
9 contract."

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

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

19
[407.1215. 1. An administrator, provider, or other intermediary shall
2 keep accurate accounts, books, and records concerning transactions regulated by
3 sections 407.1200 to 407.1227.

- 4 2. An administrator's, provider's, or other intermediary's accounts, books,
5 and records shall include:
6 (1) Copies of each type of service contract issued;
7 (2) The name and address of each service contract holder to the extent
8 that the name and address have been furnished by the service contract holder;
9 (3) A list of the provider locations where service contracts are marketed,
10 sold, or offered for sale; and
11 (4) Claims files which shall contain at least the dates, amounts, and
12 description of all receipts, claims, and expenditures related to the service
13 contracts.
14 3. Except as provided in this section, an administrator shall retain all
15 records pertaining to each service contract holder for at least three years after the
16 specified period of coverage has expired.
17 4. An administrator, provider, or other intermediary may keep all records
18 required pursuant to sections 407.1200 to 407.1227 on a computer disk or other
19 similar technology. If an administrator, provider, or other intermediary maintains
20 records in other than hard copy, records shall be accessible from a computer
21 terminal available to the director and be capable of duplication to legible hard
22 copy.
23 5. An administrator, provider, or other intermediary discontinuing
24 business in this state shall maintain its records until it furnishes the director
25 satisfactory proof that it has discharged all obligations to contract holders in this
26 state.
27 6. An administrator, provider, or other intermediary shall make all
28 accounts, books, and records concerning transactions regulated pursuant to
29 sections 407.1200 to 407.1227 or other pertinent laws available to the director
30 upon request.]
31

2 [407.1218. As applicable, an insurer that issued a reimbursement
3 insurance policy shall not terminate the policy until a notice of termination, in a
4 form and time frame prescribed by the director, has been mailed or delivered to
5 the director. The termination of a reimbursement insurance policy shall not
6 reduce the issuer's responsibility for service contracts issued by providers prior
7 to the date of the termination.]

2 [407.1221. 1. Providers are considered to be the agent of the insurer that
3 issued the reimbursement insurance policy. In cases where a provider is acting
4 as an administrator and enlists other providers, the provider acting as the
5 administrator shall notify the insurer of the existence and identities of the other
6 providers.

7 2. The provisions of sections 407.1200 to 407.1227 shall not prevent or
8 limit the right of an insurer which issued a reimbursement insurance policy to
seek indemnification or subrogation against a provider if the insurer pays or is

9 obligated to pay the service contract holder sums that the provider was obligated
10 to pay pursuant to the provisions of the service contract or under a contractual
11 agreement.]
12

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

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

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

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

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

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

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

31 8. The authority of the director pursuant to this section is in addition to
32 other authority of the director.]
33

[407.1225. The director may promulgate rules to effectuate sections
2 407.1200 to 407.1227. Any rule or portion of a rule, as that term is defined in
3 section 536.010, RSMo, that is created under the authority delegated in this
4 section shall become effective only if it complies with and is subject to all of the
5 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
6 This section and chapter 536, RSMo, are nonseverable and if any of the powers

7 vested with the general assembly pursuant to chapter 536, RSMo, to review, to
8 delay the effective date, or to disapprove and annul a rule are subsequently held
9 unconstitutional, then the grant of rulemaking authority and any rule proposed or
10 adopted after August 28, 2004, shall be invalid and void.]

11

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

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

8

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

10

[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 and
2 the enactment of sections 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418,
3 385.421, 385.424, 385.427, 385.430, 385.433, and 385.436 of section A of this act shall become
4 effective January 1, 2008.

Section C. Because of the need to ensure that private organizations are not financially
2 restrained from providing transportation services to children in buses that otherwise address the
3 safety concerns of the child passenger restraint law, because of the need to provide Missouri
4 motorists with a method to replace stolen license plate tabs without administrative red tape and
5 because of the need to verify the payment of registration fees, and because of the necessity to
6 protect the citizens of this state from uninsured motorists, the repeal and reenactment of sections
7 301.301, 303.415, and 307.179 of section A of this act is deemed necessary for the immediate
8 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
9 emergency within the meaning of the constitution, and the repeal and reenactment of sections
10 301.301, 303.415, and 307.179 of section A of this act shall be in full force and effect upon its
11 passage and approval.

Section D. The repeal of sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212,
2 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227 and the enactment of sections
3 385.200, 385.201, 385.203, 385.204, 385.205, 385.207, 385.208, 385.209, 385.210, 385.211,
4 385.212, 385.300, 385.301, 385.302, 385.303, 385.304, 385.305, 385.306, 385.307, 385.310,
5 385.311, and 385.312, of section A of this act shall become effective January 1, 2008.

Section E. The provisions of sections 385.400, 385.403, 385.406, 385.409, 385.412,
2 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433, and 385.436 of section A of
3 this act are severable. If any part of sections 385.400, 385.403, 385.406, 385.409, 385.412,
4 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433, and 385.436 of section A of
5 this act is declared invalid or unconstitutional, it is the intent of the legislature that the remaining
6 portions of sections 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418, 385.421,
7 385.424, 385.427, 385.430, 385.433, and 385.436 of section A of this act shall remain and be
8 in full force and effect.

✓

Copy