

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 516
94TH GENERAL ASSEMBLY

Reported from the Committee on Judiciary May 3, 2007 with recommendation that House Committee Substitute for Senate Bill No. 516 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1952L.04C

AN ACT

To repeal sections 1.020, 28.160, 41.950, 49.292, 50.333, 66.010, 70.320, 105.711, 105.955, 191.227, 191.656, 195.202, 211.322, 302.341, 347.137, 347.179, 351.015, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.459, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 407.300, 417.011, 417.016, 417.046, 427.225, 429.010, 429.080, 429.603, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 455.010, 456.5-501, 477.005, 477.600, 478.463, 478.466, 478.513, 479.010, 479.011, 483.015, 483.260, 484.020, 486.215, 486.225, 486.230, 486.280, 486.385, 487.020, 488.014, 488.2253, 494.425, 494.430, 510.120, 516.140, 517.041, 527.270, 535.030, 535.040, 548.260, 559.600, and 568.045, RSMo, and to enact in lieu thereof one hundred forty-two new sections relating to judicial procedures and personnel, with penalty provisions.

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

Section A. Sections 1.020, 28.160, 41.950, 49.292, 50.333, 66.010, 70.320, 105.711,
2 105.955, 191.227, 191.656, 195.202, 211.322, 302.341, 347.137, 347.179, 351.015, 351.047,
3 351.120, 351.125, 351.127, 351.145, 351.155, 351.459, 351.484, 351.592, 351.594, 351.598,
4 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.688, 355.706,

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.

5 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 407.300, 417.011, 417.016, 417.046,
6 427.225, 429.010, 429.080, 429.603, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465,
7 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515,
8 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 455.010, 456.5-501, 477.005,
9 477.600, 478.463, 478.466, 478.513, 479.010, 479.011, 483.015, 483.260, 484.020, 486.215,
10 486.225, 486.230, 486.280, 486.385, 487.020, 488.014, 488.2253, 494.425, 494.430, 510.120,
11 516.140, 517.041, 527.270, 535.030, 535.040, 548.260, 559.600, and 568.045, RSMo, are
12 repealed and one hundred forty-two new sections enacted in lieu thereof, to be known as sections
13 1.020, 28.160, 41.950, 49.292, 50.333, 66.010, 105.711, 105.955, 191.227, 191.656, 195.202,
14 302.341, 347.137, 347.179, 351.015, 351.047, 351.120, 351.122, 351.125, 351.127, 351.145,
15 351.155, 351.459, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021,
16 355.066, 355.071, 355.151, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821,
17 355.856, 355.857, 356.211, 407.300, 407.309, 407.485, 417.011, 417.016, 417.046, 417.049,
18 427.225, 429.010, 429.080, 429.603, 452.700, 452.705, 452.710, 452.715, 452.720, 452.725,
19 452.730, 452.735, 452.740, 452.745, 452.747, 452.750, 452.755, 452.760, 452.762, 452.765,
20 452.770, 452.775, 452.780, 452.782, 452.785, 452.790, 452.795, 452.800, 452.805, 452.810,
21 452.815, 452.820, 452.825, 452.830, 452.835, 452.840, 452.845, 452.850, 452.855, 452.860,
22 452.865, 452.870, 452.875, 452.880, 452.885, 452.890, 452.895, 452.900, 452.905, 452.910,
23 452.915, 452.920, 452.925, 452.930, 455.010, 455.038, 456.5-501, 477.005, 477.600, 478.463,
24 478.466, 478.513, 479.010, 479.011, 483.015, 484.020, 484.280, 486.215, 486.225, 486.230,
25 486.280, 486.385, 487.020, 488.014, 488.2253, 494.425, 494.430, 510.120, 516.140, 517.041,
26 527.270, 535.025, 535.030, 535.040, 548.260, 559.600, 566.150, 568.045, 570.055, 1, and 2, to
27 read as follows:

1.020. As used in the statutory laws of this state, unless otherwise specially provided or
unless plainly repugnant to the intent of the legislature or to the context thereof:

(1) **"Certified mail" or "certified mail with return receipt requested", includes any parcel or letter carried by an overnight, express, or ground delivery service that allows a sender or recipient to electronically track its location;**

(2) "County or circuit attorney" means prosecuting attorney;

[2] (3) "Executor" includes administrator where the subject matter applies to an administrator;

[3] (4) "General election" means the election required to be held on the Tuesday succeeding the first Monday of November, biennially;

[4] (5) "Guardian", if used in a section in a context relating to property rights or obligations, means "conservator of the estate" as defined in chapter 475, RSMo. "Guardianship",

13 if used in a section in a context relating to rights and obligations other than property rights or
14 obligations, means "guardian of the person" as defined in chapter 475, RSMo;

15 [(5)] (6) "Handicap" means a mental or physical impairment that substantially limits one
16 or more major life activities, whether the impairment is congenital or acquired by accident,
17 injury, or disease, and where the impairment is verified by medical findings;

18 [(6)] (7) "Heretofore" means any time previous to the day when the statute containing
19 it takes effect; and "hereafter" means the time after the statute containing it takes effect;

20 [(7)] (8) "In vacation" includes any adjournment of court for more than one day
21 whenever any act is authorized to be done by or any power given to a court, or judge thereof in
22 vacation, or whenever any act is authorized to be done by or any power given to a clerk of any
23 court in vacation;

24 [(8)] (9) "Incompetent", if used in a section in a context relating to actual occupational
25 ability without reference to a court adjudication of incompetency, means the actual ability of a
26 person to perform in that occupation. "Incompetent", if used in a section in a context relating
27 to the property rights and obligations of a person, means a "disabled person" as defined in
28 chapter 475, RSMo. "Incompetent", if used in a section in a context relating to the rights and
29 obligations of a person other than property rights and obligations, means an "incapacitated
30 person" as defined in chapter 475, RSMo;

31 [(9)] (10) "Justice of the county court" means commissioner of the county commission;

32 [(10)] (11) "Month" and "year". "Month" means a calendar month, and "year" means a
33 calendar year unless otherwise expressed, and is equivalent to the words "year of our Lord";

34 [(11)] (12) The word "person" may extend and be applied to bodies politic and corporate,
35 and to partnerships and other unincorporated associations;

36 [(12)] (13) "Personal property" includes money, goods, chattels, things in action and
37 evidences of debt;

38 [(13)] (14) "Place of residence" means the place where the family of any person
39 permanently resides in this state, and the place where any person having no family generally
40 lodges;

41 [(14)] (15) "Preceding" and "following", when used by way of reference to any section
42 of the statutes, mean the section next preceding or next following that in which the reference is
43 made, unless some other section is expressly designated in the reference;

44 [(15)] (16) "Property" includes real and personal property;

45 [(16)] (17) "Real property" or "premises" or "real estate" or "lands" is coextensive with
46 lands, tenements and hereditaments;

47 [(17)] (18) "State", when applied to any of the United States, includes the District of
48 Columbia and the territories, and the words "United States" includes such district and territories;

49 [(18)] (19) "Under legal disability" includes persons within the age of minority or of
50 unsound mind or imprisoned;

51 [(19)] (20) "Ward", if used in a section in a context relating to the property rights and
52 obligations of a person, means a "protectee" as defined in chapter 475, RSMo. "Ward", if used
53 in a section in a context relating to the rights and obligations of a person other than property
54 rights and obligations, means a "ward" as defined in chapter 475, RSMo;

55 [(20)] (21) "Will" includes the words "testament" and "codicil";

56 [(21)] (22) "Written" and "in writing" and "writing word for word" includes printing,
57 lithographing, or other mode of representing words and letters, but in all cases where the
58 signature of any person is required, the proper handwriting of the person, or his mark, is
59 intended.

28.160. 1. The state shall be entitled to fees for services to be rendered by the secretary
2 of state as follows:

3	For issuing commission to notary public	\$15.00
4	For countersigning and sealing certificates of official character	10.00
5	For all other certificates	5.00
6	For copying archive and state library records,	
7	papers or documents, for each page 8 ½ x 14	
8	inches and smaller, not to exceed the actual	
9	cost of document search and duplication	
10	For duplicating microfilm, for each roll, not to	
11	exceed the actual cost of staff time required	
12	for searches and duplication	
13	For copying all other records, papers or documents,	
14	for each page 8 ½ x 14 inches and smaller, not	
15	to exceed the actual cost of document search	
16	and duplication	
17	For certifying copies of records and papers or documents	5.00
18	For causing service of process to be made	10.00
19	For electronic telephone transmittal, per page	2.00

20 2. There is hereby established the "Secretary of State's Technology Trust Fund Account"
21 which shall be administered by the state treasurer. All yield, interest, income, increment, or gain
22 received from time deposit of moneys in the state treasury to the credit of the secretary of state's
23 technology trust fund account shall be credited by the state treasurer to the account. The
24 provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall
25 not be transferred and placed to the credit of general revenue until the amount in the fund at the

26 end of a biennium exceeds five million dollars. In any such biennium the amount in the fund in
27 excess of five million dollars shall be transferred to general revenue.

28 3. The secretary of state may collect an additional fee of ten dollars for the issuance of
29 new and renewal notary commissions which shall be deposited in the state treasury and credited
30 to the secretary of state's technology trust fund account.

31 4. The secretary of state may ask the general assembly to appropriate funds from the
32 technology trust fund for the purposes of establishing, procuring, developing, modernizing and
33 maintaining:

34 (1) An electronic data processing system and programs capable of maintaining a
35 centralized database of all registered voters in the state;

36 (2) Library services offered to the citizens of this state;

37 (3) Administrative rules services, equipment and functions;

38 (4) Services, equipment and functions relating to securities;

39 (5) Services, equipment and functions relating to corporations and business
40 organizations;

41 (6) Services, equipment and functions relating to the Uniform Commercial Code;

42 (7) Services, equipment and functions relating to archives;

43 (8) Services, equipment and functions relating to record services; and

44 (9) Services, equipment and functions relating to state and local elections.

45 5. Notwithstanding any provision of this section to the contrary, the secretary of state
46 shall not collect fees, for processing apostilles, certifications and authentications prior to the
47 placement of a child for adoption, in excess of one hundred dollars per child per adoption, or per
48 multiple children to be adopted at the same time.

49 **6. The secretary of state may promulgate rules to establish fees to be charged and**
50 **collected for special handling in connection with filing documents, issuing certificates, and**
51 **other services performed by the office, including expedited filing. Any rule or portion of**
52 **a rule, as that term is defined in section 536.010, RSMo, that is created under the authority**
53 **delegated in this section shall become effective only if it complies with and is subject to all**
54 **of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**
55 **section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the**
56 **general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or**
57 **to disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
58 **rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be**
59 **invalid and void. Fees charged under this subsection shall approximate the estimated cost**
60 **of special handling and shall not exceed five hundred dollars per document filed or**
61 **document requested. Requests for special handling or expedited filing may be filled, and**

62 **the fees under this subsection may be charged, only if the special handling does not cause**
63 **disruption or delay in the process of normal handling of documents. Such determination**
64 **shall be at the sole discretion of the secretary of state or his or her designee, and neither the**
65 **secretary of state nor his or her designee shall be liable in any manner for the acceptance**
66 **or rejection of requests for special handling or expedited filing.**

41.950. 1. Any resident of this state who is a member of the national guard or of any
2 reserve component of the armed forces of the United States or who is a member of the United
3 States Army, the United States Navy, the United States Air Force, the United States Marine
4 Corps, the United States Coast Guard or an officer of the United States Public Health Service
5 detailed by proper authority for duty with any branch of the United States armed forces described
6 in this section and who is engaged in the performance of active duty in the military service of the
7 United States in a military conflict in which reserve components have been called to active duty
8 under the authority of 10 U.S.C. 672(d) or 10 U.S.C. 673b or any such subsequent call or order
9 by the President or Congress for any period of thirty days or more shall be relieved from certain
10 provisions of state law, as follows:

11 (1) No person performing such military service who owns a motor vehicle shall be
12 required to maintain financial responsibility on such motor vehicle as required under section
13 303.025, RSMo, until such time as that person completes such military service, unless any
14 person shall be operating such motor vehicle while the vehicle owner is performing such military
15 service;

16 (2) No person failing to renew his driver's license while performing such military service
17 shall be required to take a complete examination as required under section 302.173, RSMo, when
18 renewing his license within sixty days after completing such military service;

19 (3) Any motor vehicle registration required under chapter 301, RSMo, that expires for
20 any person performing such military service may be renewed by such person within sixty days
21 of completing such military service without being required to pay a delinquent registration fee;
22 however, such motor vehicle shall not be operated while the person is performing such military
23 service unless the motor vehicle registration is renewed;

24 (4) Any person enrolled by the supreme court of Missouri or licensed, registered or
25 certified under chapter 168, 256, 289, 317, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334,
26 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640 or 644, RSMo, whose
27 license, registration or certification expires while performing such military service, may renew
28 such license, registration or certification within sixty days of completing such military service
29 without penalty;

30 (5) In the case of [annual] **corporate registration** reports, franchise tax reports or other
31 reports required to be filed with the office of secretary of state, where the filing of such report

32 would be delayed because of a person performing such military service, such reports shall be
33 filed without penalty within one hundred twenty days of the completion of such military service;

34 (6) No person performing such military service who is subject to a criminal summons
35 for a traffic violation shall be subject to nonappearance sanctions for such violation until after
36 one hundred eighty days after the completion of such military service;

37 (7) No person performing such military service who is required under state law to file
38 financial disclosure reports shall be required to file such reports while performing such military
39 service; however, such reports covering that period of time that such military service is
40 performed shall be filed within one hundred eighty days after the completion of such military
41 service;

42 (8) Any person with an indebtedness, liability or obligation for state income tax or
43 property tax on personal or real property who is performing such military service or a spouse of
44 such person filing a combined return or owning property jointly shall be granted an extension
45 to file any papers or to pay any obligation until one hundred eighty days after the completion of
46 such military service or continuous hospitalization as a result of such military service
47 notwithstanding the provisions of section 143.991, RSMo, to the contrary and shall be allowed
48 to pay such tax without penalty or interest if paid within the one-hundred-eighty-day period;

49 (9) Notwithstanding other provisions of the law to the contrary, for the purposes of this
50 section, interest shall be allowed and paid on any overpayment of tax imposed by sections
51 143.011 to 143.998, RSMo, at the rate of six percent per annum from the original due date of the
52 return or the date the tax was paid, whichever is later;

53 (10) No state agency, board, commission or administrative tribunal shall take any
54 administrative action against any person performing such military service for that person's failure
55 to take any required action or meet any required obligation not already provided for in
56 subdivisions (1) to (8) of this subsection until one hundred eighty days after the completion of
57 such military service, except that any agency, board, commission or administrative tribunal
58 affected by this subdivision may, in its discretion, extend the time required to take such action
59 or meet such obligation beyond the one-hundred-eighty-day period;

60 (11) Any disciplinary or administrative action or proceeding before any state agency,
61 board, commission or administrative tribunal where the person performing such military service
62 is a necessary party, which occurs during such period of military service, shall be stayed by the
63 administrative entity before which it is pending until sixty days after the end of such military
64 service.

65 2. Upon completing such military service, the person shall provide the appropriate
66 agency, board, commission or administrative tribunal an official order from the appropriate
67 military authority as evidence of such military service.

68 3. The provisions of this section shall apply to any individual defined in subsection 1 of
69 this section who performs such military service on or after August 2, 1990.

49.292. 1. Notwithstanding any other law to the contrary, the county commission of any
2 county may reject the transfer of title of real property to the county by donation or dedication if
3 the commission determines that such rejection is in the public interest of the county.

4 2. No transfer of title of real property to the county commission or any other political
5 subdivision by donation or dedication authorized to be recorded in the office of the recorder of
6 deeds shall be valid unless it has been proved or acknowledged. The preparer of the document
7 relating to subsection 1 of this section shall not submit a document to the recorder of deeds for
8 recording unless the acceptance thereof of the grantee named in the document has been proved
9 or acknowledged. **No water or sewer line easement shall be construed as a transfer of title**
10 **of real property under this subsection.**

50.333. 1. There shall be a salary commission in every nonchartered county.

2 2. The clerk [or court administrator of the circuit court of the judicial circuit in which
3 such county is located] shall set a date, time and place for the salary commission meeting and
4 serve as temporary chairman of the salary commission until the members of the commission elect
5 a chairman from their number. Upon written request of a majority of the salary commission
6 members the **county** clerk [or court administrator of the circuit court] shall forthwith set the
7 earliest date possible for a meeting of the salary commission. The [circuit] clerk [or court
8 administrator] shall give notice of the time and place of any meeting of the salary commission.
9 Such notice shall be published in a newspaper of general circulation in such county at least five
10 days prior to such meeting. Such notice shall contain a general description of the business to be
11 discussed at such meeting.

12 3. The members of the salary commission shall be:

- 13 (1) The recorder of deeds if the recorder's office is separate from that of the circuit clerk;
 - 14 (2) The county clerk;
 - 15 (3) The prosecuting attorney;
 - 16 (4) The sheriff;
 - 17 (5) The county commissioners;
 - 18 (6) The collector or treasurer ex officio collector;
 - 19 (7) The treasurer or treasurer ex officio collector;
 - 20 (8) The assessor;
 - 21 (9) The auditor;
 - 22 (10) The public administrator; and
 - 23 (11) The coroner.
- 24

25 Members of the salary commission shall receive no additional compensation for their services
26 as members of the salary commission. A majority of members shall constitute a quorum.

27 4. Notwithstanding the provisions of sections 610.021 and 610.022, RSMo, all meetings
28 of a county salary commission shall be open meetings and all votes taken at such meetings shall
29 be open records. Any vote taken at any meeting of the salary commission shall be taken by
30 recorded yeas and nays.

31 5. In every county, the salary commission shall meet at least once before November
32 thirtieth of each odd-numbered year. The salary commission may meet as many times as it
33 deems necessary and may meet after November thirtieth and prior to December fifteenth of any
34 odd-numbered year if the commission has met at least once prior to November thirtieth of that
35 year. At any meeting of the salary commission, the members shall elect a chairman from their
36 number. The county clerk shall present a report on the financial condition of the county to the
37 commission once the chairman is elected, and shall keep the minutes of the meeting.

38 6. For purposes of this section, the 1988 base compensation is the compensation paid on
39 September 1, 1987, plus the same percentage increase paid or allowed, whichever is greater, to
40 the presiding commissioner or the sheriff, whichever is greater, of that county for the year
41 beginning January 1, 1988. Such increase shall be expressed as a percentage of the difference
42 between the maximum allowable compensation and the compensation paid on September 1,
43 1987. At its meeting in 1987 and at any meeting held in 1988, the salary commission shall
44 determine the compensation to be paid to every county officer holding office on January 1, 1988.
45 The salary commission shall establish the compensation for each office at an amount not greater
46 than that set by law as the maximum compensation. If the salary commission votes to increase
47 compensation, but not to pay the maximum amount authorized by law for any officer or office,
48 then the increase in compensation shall be the same percentage increase for all officers and
49 offices and shall be expressed as a percentage of the difference between the maximum allowable
50 compensation and the compensation being received at the time of the vote. If two-thirds of the
51 members of the salary commission vote to decrease the compensation being received at the time
52 of the vote below that compensation, all officers shall receive the same percentage decrease. The
53 commission may vote not to increase or decrease the compensation and that compensation shall
54 continue to be the salary of such offices and officers during the subsequent term of office.

55 7. For the year 1989 and every second year thereafter, the salary commission shall meet
56 in every county as many times as it deems necessary on or prior to November thirtieth of any
57 such year for the purpose of determining the amount of compensation to be paid to county
58 officials. For each year in which the commission meets, the members shall elect a chairman
59 from their number. The county clerk shall present a report on the financial condition of the
60 county to the commission once the chairman is elected, and shall keep minutes of the meeting.

61 The salary commission shall then consider the compensation to be paid for the next term of
 62 office for each county officer to be elected at their next general election. If the commission votes
 63 not to increase or decrease the compensation, the salary being paid during the term in which the
 64 vote was taken shall continue as the salary of such offices and officers during the subsequent
 65 term of office. If the salary commission votes to increase the compensation, all officers or
 66 offices whose compensation is being considered by the commission at that time shall receive the
 67 same percentage of the maximum allowable compensation. However, for any county in which
 68 all offices' and officers' salaries have been set at one hundred percent of the maximum allowable
 69 compensation, the commission may vote to increase the compensation of all offices except that
 70 of full-time prosecuting attorneys at that or any subsequent meeting of the salary commission
 71 without regard to any law or maximum limitation established by law. Such increase shall be
 72 expressed as a percentage of the compensation being paid during the term of office when the vote
 73 is taken, and each officer or office whose compensation is being established by the salary
 74 commission at that time shall receive the same percentage increase over the compensation being
 75 paid for that office during the term when the vote is taken. This increase shall be in addition to
 76 any increase mandated by an official's salary schedule because of changes in assessed valuation
 77 during the current term. If the salary commission votes to decrease the compensation, a vote of
 78 two-thirds or more of all the members of the salary commission shall be required before the
 79 salary or other compensation of any county office shall be decreased below the compensation
 80 being paid for the particular office on the date the salary commission votes, and all officers and
 81 offices shall receive the same percentage decrease.

82 8. The salary commission shall issue, not later than December fifteenth of any year in
 83 which it meets, a report of compensation to be paid to each officer and the compensation so set
 84 shall be paid beginning with the start of the subsequent term of office of each officer. The report
 85 of compensation shall be certified to the clerk of the county commission for the county and shall
 86 be in substantially the following form:

87 The salary commission for County hereby certifies that it has met pursuant
 88 to law to establish compensation for county officers to be paid to such officers during the next
 89 term of office for the officers affected. The salary commission reports that there shall be (no
 90 increase in compensation) (an increase of percent) (a decrease of percent)
 91 (county officer's salaries set at percent of the maximum allowable compensation).

92
 93 Salaries shall be adjusted each year on the official's year of incumbency for any change in the last
 94 completed assessment that would affect the maximum allowable compensation for that office.

95 9. For the meeting in 1989 and every meeting thereafter, in the event a salary
 96 commission in any county fails, neglects or refuses to meet as provided in this section, or in the

97 event a majority of the salary commission is unable to reach an agreement and so reports or fails
98 to certify a salary report to the clerk of the county commission by December fifteenth of any year
99 in which a report is required to be certified by this section, then the compensation being paid to
100 each affected office or officer on such date shall continue to be the compensation paid to the
101 affected office or officer during the succeeding term of office.

102 10. Other provisions of law notwithstanding, in every instance where an officer or
103 employee of any county is paid a mileage allowance or reimbursement, the county commission
104 shall allow or reimburse such officers or employees out of the county treasury at the highest rate
105 paid to any county officer for each mile actually and necessarily traveled in the performance of
106 their official duties. The county commission of any county may elect to pay a mileage allowance
107 for any county commissioner for travel going to and returning from the place of holding
108 commission meetings and for all other necessary travel on official county business in the
109 personal motor vehicle of the commissioner presenting the claim. The governing body of any
110 county of the first classification not having a charter form of government may provide by order
111 for the payment of mileage expenses of elected and appointed county officials by payment of a
112 certain amount monthly which would reflect the average monthly mileage expenses of such
113 officer based on the amount allowed pursuant to state law for the payment of mileage for state
114 employees. Any order entered for such purpose shall not be construed as salary, wages or other
115 compensation for services rendered.

116 11. The term "maximum allowable compensation" as used in this section means the
117 highest compensation which may be paid to the specified officer or office in the particular county
118 based on the salary schedule established by law for the specified officer or office. If the salary
119 commission at its meeting in 1987 voted for one hundred percent of the maximum allowable
120 compensation and does not change such vote at its meeting held within thirty days after May 13,
121 1988, as provided in subsection 6 of this section, the one hundred percent shall be calculated on
122 the basis of the total allowable compensation permitted after May 13, 1988.

123 12. At the salary commission meeting which establishes the percentage rate to be applied
124 to county officers during the next term of office, the salary commission may authorize the further
125 adjustment of such officers' compensation as a cost-of-living component and effective January
126 first of each year, the compensation for county officers may be adjusted by the county
127 commission, and if the adjustment of compensation is authorized, the percentage increase shall
128 be the same for all county officers, not to exceed the percentage increase given to the other
129 county employees. The compensation for all county officers may be set as a group, although the
130 change in compensation will not become effective until the next term of office for each officer.

131 13. At the salary commission meeting in 1997 which establishes the salaries for those
132 officers to be elected at the general election in 1998, the salary commission of each noncharter
133 county may provide salary increases for associate county commissioners elected in 1996. This
134 one-time increase is necessitated by the change from two- to four-year terms for associate
135 commissioners pursuant to house bill 256, passed by the first regular session of the eighty-eighth
136 general assembly in 1995.

66.010. 1. Any first class county framing and adopting a charter for its own government
2 under the provisions of section 18, article VI of the constitution of this state, may prosecute and
3 punish violations of its county ordinances in the circuit court of such counties in the manner and
4 to the extent herein provided or in a county municipal court [if creation of a county municipal
5 court is authorized by such charter]. In addition, the county may prosecute and punish municipal
6 ordinance violations in the county municipal court pursuant to a contract with any municipality
7 within the county. Any county municipal court established pursuant to the provisions of this
8 section shall have jurisdiction over violations of that county's ordinances and the ordinances of
9 municipalities with which the county has a contract to prosecute and punish violations of
10 municipal ordinances of the city. Costs and procedures in any such county municipal court shall
11 be governed by the provisions of law relating to municipal ordinance violations in municipal
12 divisions of circuit courts.

13 2. In any county which has elected to establish a county municipal court pursuant to this
14 section, the judges for such court shall be appointed by the county executive of such county,
15 subject to confirmation by the legislative body of such county in the same manner as
16 confirmation for other county appointed officers. The number of judges appointed, and
17 qualifications for their appointment, shall be established by ordinance of the county.

18 3. The number of divisions of such county municipal court and its term shall be
19 established by ordinance of the county.

20 4. The ordinance of the county [shall] **may** provide for regular sessions of court in the
21 evening hours after 6:00 p.m. and at locations outside the county seat.

22 5. Judges of the county municipal court shall be licensed to practice law in this state and
23 shall be residents of the county in which they serve. Municipal court judges shall not accept or
24 handle cases in their practice of law which are inconsistent with their duties as a municipal court
25 judge and shall not be a judge or prosecutor for any other court.

26 6. In establishing the county municipal court, provisions shall be made for appropriate
27 circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone
28 or written communication without personal appearance, or to plead guilty and deliver by mail
29 or electronic transfer or other approved method the specified amount of the fine and costs as
30 otherwise provided by law, within a specified period of time.

31 7. In a county municipal court established pursuant to this section, the county may
32 provide by ordinance for court costs not to exceed the sum which may be provided by
33 municipalities for municipal violations before municipal courts. The county municipal judge
34 may assess costs against a defendant who pleads guilty or is found guilty except in those cases
35 where the defendant is found by the judge to be indigent and unable to pay the costs. The costs
36 authorized in this subsection are in addition to service costs, witness fees and jail costs that may
37 otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such
38 costs shall be collected by the authorized clerk and deposited into the county treasury.

39 8. Provisions shall be made for recording of proceedings, except that if such proceedings
40 are not recorded, then, in that event, a person aggrieved by a judgment of a traffic judge or
41 commissioner shall have the right of a trial de novo. The procedures for perfecting the right of
42 a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo,
43 except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such
44 cases. In the event that such proceedings are recorded, all final decisions of the county municipal
45 court shall be appealable on such record to the appellate court with appropriate jurisdiction.

46 9. Any person charged with the violation of a county ordinance in a county which has
47 established a county municipal court under the provisions of this section shall, upon request, be
48 entitled to a trial by jury before a county municipal court judge. Any jury trial shall be heard
49 with a record being made.

50 10. In the event that a court is established pursuant to this section, the circuit judges of
51 the judicial circuit with jurisdiction within that county may authorize the judges of the county
52 municipal court to act as commissioners to hear in the first instance [nonfelony] violations of
53 state law involving motor vehicles as provided by local rule.

 105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist
2 of moneys appropriated to the fund by the general assembly and moneys otherwise credited to
3 such fund pursuant to section 105.716.

4 2. Moneys in the state legal expense fund shall be available for the payment of any claim
5 or any amount required by any final judgment rendered by a court of competent jurisdiction
6 against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or
8 536.087, RSMo, or section 537.600, RSMo;

9 (2) Any officer or employee of the state of Missouri or any agency of the state, including,
10 without limitation, elected officials, appointees, members of state boards or commissions, and
11 members of the Missouri national guard upon conduct of such officer or employee arising out
12 of and performed in connection with his or her official duties on behalf of the state, or any

13 agency of the state, provided that moneys in this fund shall not be available for payment of
14 claims made under chapter 287, RSMo; [or]

15 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health
16 care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335,
17 336, 337 or 338, RSMo, who is employed by the state of Missouri or any agency of the state,
18 under formal contract to conduct disability reviews on behalf of the department of elementary
19 and secondary education or provide services to patients or inmates of state correctional facilities
20 on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or
21 other health care provider licensed to practice in Missouri under the provisions of chapter 330,
22 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to
23 patients or inmates at a county jail on a part-time basis;

24 (b) Any physician licensed to practice medicine in Missouri under the provisions of
25 chapter 334, RSMo, and his professional corporation organized pursuant to chapter 356, RSMo,
26 who is employed by or under contract with a city or county health department organized under
27 chapter 192, RSMo, or chapter 205, RSMo, or a city health department operating under a city
28 charter, or a combined city-county health department to provide services to patients for medical
29 care caused by pregnancy, delivery, and child care, if such medical services are provided by the
30 physician pursuant to the contract without compensation or the physician is paid from no other
31 source than a governmental agency except for patient co-payments required by federal or state
32 law or local ordinance;

33 (c) Any physician licensed to practice medicine in Missouri under the provisions of
34 chapter 334, RSMo, who is employed by or under contract with a federally funded community
35 health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42
36 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery,
37 and child care, if such medical services are provided by the physician pursuant to the contract
38 or employment agreement without compensation or the physician is paid from no other source
39 than a governmental agency or such a federally funded community health center except for
40 patient co-payments required by federal or state law or local ordinance. In the case of any claim
41 or judgment that arises under this paragraph, the aggregate of payments from the state legal
42 expense fund shall be limited to a maximum of one million dollars for all claims arising out of
43 and judgments based upon the same act or acts alleged in a single cause against any such
44 physician, and shall not exceed one million dollars for any one claimant;

45 (d) Any physician licensed pursuant to chapter 334, RSMo, who is affiliated with and
46 receives no compensation from a nonprofit entity qualified as exempt from federal taxation under
47 Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health
48 screening in any setting or any physician, nurse, physician assistant, dental hygienist, [or] dentist,

49 **or other health care provider** licensed or registered pursuant to chapter **330, 331, 332**, [RSMo,
50 chapter] 334, [RSMo, or chapter] 335, **336, 337, or 338**, RSMo, who provides [medical, dental,
51 or nursing treatment] **health care services** within the scope of his **or her** license or registration
52 at a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo,
53 a city health department operating under a city charter, or a combined city-county health
54 department, or a nonprofit community health center qualified as exempt from federal taxation
55 under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such [treatment
56 is] **services are** restricted to primary care and preventive health services, provided that such
57 [treatment] **services** shall not include the performance of an abortion, and if such [medical,
58 dental, or nursing] **health** services are provided by the [physician, dentist, physician assistant,
59 dental hygienist, or nurse] **health care provider licensed or registered under chapter 330,**
60 **331, 332, 334, 335, 336, 337, or 338, RSMo**, without compensation. Medicaid or medicare
61 payments for primary care and preventive health services provided by a [physician, dentist,
62 physician assistant, dental hygienist, or nurse] **health care provider licensed or registered**
63 **under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo**, who volunteers at a free
64 health clinic is not compensation for the purpose of this section if the total payment is assigned
65 to the free health clinic. For the purposes of the section, "free health clinic" means a nonprofit
66 community health center qualified as exempt from federal taxation under Section 501 (c)(3) of
67 the Internal Revenue Code of 1987, as amended, that provides primary care and preventive
68 health services to people without health insurance coverage for the services provided without
69 charge. In the case of any claim or judgment that arises under this paragraph, the aggregate of
70 payments from the state legal expense fund shall be limited to a maximum of five hundred
71 thousand dollars, for all claims arising out of and judgments based upon the same act or acts
72 alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant,
73 and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited
74 to five hundred thousand dollars. Liability or malpractice insurance obtained and maintained in
75 force by or on behalf of any [physician, dentist, physician assistant, dental hygienist, or nurse]
76 **health care provider licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337,**
77 **or 338, RSMo**, shall not be considered available to pay that portion of a judgment or claim for
78 which the state legal expense fund is liable under this paragraph; [or]

79 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or
80 registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental
81 hygienist in Missouri under the provisions of chapter 332, RSMo, chapter 334, RSMo, or chapter
82 335, RSMo, who provides medical, nursing, or dental treatment within the scope of his license
83 or registration to students of a school whether a public, private, or parochial elementary or
84 secondary school, if such physician's treatment is restricted to primary care and preventive health

85 services and if such medical, dental, or nursing services are provided by the physician, dentist,
86 physician assistant, dental hygienist, or nurse without compensation. In the case of any claim
87 or judgment that arises under this paragraph, the aggregate of payments from the state legal
88 expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims
89 arising out of and judgments based upon the same act or acts alleged in a single cause and shall
90 not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased
91 pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars;
92 or

93 **(f) Any physician licensed under chapter 334, RSMo, or dentist licensed under**
94 **chapter 332, RSMo, providing medical care without compensation to an individual**
95 **referred to his or her care by a city or county health department organized under chapter**
96 **192 or 205, RSMo, a city health department operating under a city charter, or a combined**
97 **city-county health department or a nonprofit community health center qualified as exempt**
98 **from federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as**
99 **amended, or a federally funded community health center organized under Sections 315,**
100 **329, 330, or 340 of the Public Health Services Act (42 U.S.C. Section 216, 254c), provided**
101 **that such treatment shall not include the performance of an abortion. In the case of any**
102 **claim or judgment that arises under this paragraph, the aggregate of payments from the**
103 **state legal expense fund shall be limited to a maximum of one million dollars, for all claims**
104 **arising out of and judgments based upon the same act or acts alleged in a single cause and**
105 **shall not exceed one million dollars for any one claimant, and insurance policies purchased**
106 **under the provisions of section 105.721 shall be limited to one million dollars. Liability or**
107 **malpractice insurance obtained and maintained in force by or on behalf of any physician**
108 **licensed under chapter 332, RSMo, or any dentist licensed under chapter 334, RSMo, shall**
109 **not be considered available to pay that portion of a judgment or claim for which the state**
110 **legal expense fund is liable under this paragraph;**

111 (4) Staff employed by the juvenile division of any judicial circuit; [or]

112 (5) Any attorney licensed to practice law in the state of Missouri who practices law at
113 or through a nonprofit community social services center qualified as exempt from federal
114 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through
115 any agency of any federal, state, or local government, if such legal practice is provided by the
116 attorney without compensation. In the case of any claim or judgment that arises under this
117 subdivision, the aggregate of payments from the state legal expense fund shall be limited to a
118 maximum of five hundred thousand dollars for all claims arising out of and judgments based
119 upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand

120 dollars for any one claimant, and insurance policies purchased pursuant to the provisions of
121 section 105.721 shall be limited to five hundred thousand dollars; or

122 **(6) Any social welfare board created under section 205.770, RSMo, and the**
123 **members and officers thereof upon conduct of such officer or employee while acting in his**
124 **or her capacity as a board member or officer, and any physician, nurse, physician**
125 **assistant, dental hygienist, dentist, or other health care provider licensed or registered**
126 **under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, who is referred to provide**
127 **specialty care without compensation by the board and who provides health care services**
128 **within the scope of his or her license or registration as prescribed by said board.**

129 3. The department of health and senior services shall promulgate rules regarding contract
130 procedures and the documentation of care provided under paragraphs (b), (c), (d), [and] (e), **and**
131 **(f)** of subdivision (3) of subsection 2 of this section. The limitation on payments from the state
132 legal expense fund or any policy of insurance procured pursuant to the provisions of section
133 105.721, provided in subsection 7 of this section, shall not apply to any claim or judgment
134 arising under paragraph (a), (b), (c), (d), [or] (e), **or (f)** of subdivision (3) of subsection 2 of this
135 section. Any claim or judgment arising under paragraph (a), (b), (c), (d), [or] (e), **or (f)** of
136 subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any
137 policy of insurance procured pursuant to section 105.721, to the extent damages are allowed
138 under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance obtained and
139 maintained in force by any [physician, dentist, physician assistant, dental hygienist, or nurse]
140 **health care provider licensed under chapter 330, 331, 332, 334, 335, 336, 337, or 338,**
141 **RSMo,** for coverage concerning his or her private practice and assets shall not be considered
142 available under subsection 7 of this section to pay that portion of a judgment or claim for which
143 the state legal expense fund is liable under paragraph (a), (b), (c), (d), [or] (e), **or (f)** of
144 subdivision (3) of subsection 2 of this section. However, a [physician, nurse, dentist, physician
145 assistant, or dental hygienist] **health care provider licensed under chapter 330, 331, 332, 334,**
146 **335, 336, 337, or 338, RSMo,** may purchase liability or malpractice insurance for coverage of
147 liability claims or judgments based upon care rendered under paragraphs (c), (d), [and] (e), **and**
148 **(f)** of subdivision (3) of subsection 2 of this section which exceed the amount of liability
149 coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a),
150 (b), (c), (d), [or] (e), **or (f)** of subdivision (3) of subsection 2 of this section is repealed or
151 modified, the state legal expense fund shall be available for damages which occur while the
152 pertinent paragraph (a), (b), (c), (d), [or] (e), **or (f)** of subdivision (3) of subsection 2 of this
153 section is in effect.

154 4. The attorney general shall promulgate rules regarding contract procedures and the
155 documentation of legal practice provided under subdivision (5) of subsection 2 of this section.

156 The limitation on payments from the state legal expense fund or any policy of insurance procured
157 pursuant to section 105.721 as provided in subsection 7 of this section shall not apply to any
158 claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or
159 judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state
160 legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent
161 damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice
162 insurance otherwise obtained and maintained in force shall not be considered available under
163 subsection 7 of this section to pay that portion of a judgment or claim for which the state legal
164 expense fund is liable under subdivision (5) of subsection 2 of this section. However, an
165 attorney may obtain liability or malpractice insurance for coverage of liability claims or
166 judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this
167 section that exceed the amount of liability coverage provided by the state legal expense fund
168 under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of
169 this section is repealed or amended, the state legal expense fund shall be available for damages
170 that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

171 5. All payments shall be made from the state legal expense fund by the commissioner
172 of administration with the approval of the attorney general. Payment from the state legal expense
173 fund of a claim or final judgment award against a [physician, dentist, physician assistant, dental
174 hygienist, or nurse] **health care provider licensed under chapter 330, 331, 332, 334, 335, 336,**
175 **337, or 338, RSMo**, described in paragraph (a), (b), (c), (d), [or] (e), **or (f)** of subdivision (3) of
176 subsection 2 of this section, or against an attorney in subdivision (5) of subsection 2 of this
177 section, shall only be made for services rendered in accordance with the conditions of such
178 paragraphs. In the case of any claim or judgment against an officer or employee of the state or
179 any agency of the state based upon conduct of such officer or employee arising out of and
180 performed in connection with his or her official duties on behalf of the state or any agency of the
181 state that would give rise to a cause of action under section 537.600, RSMo, the state legal
182 expense fund shall be liable, excluding punitive damages, for:

- 183 (1) Economic damages to any one claimant; and
184 (2) Up to three hundred fifty thousand dollars for noneconomic damages.

185
186 The state legal expense fund shall be the exclusive remedy and shall preclude any other civil
187 actions or proceedings for money damages arising out of or relating to the same subject matter
188 against the state officer or employee, or the officer's or employee's estate. No officer or
189 employee of the state or any agency of the state shall be individually liable in his or her personal
190 capacity for conduct of such officer or employee arising out of and performed in connection with
191 his or her official duties on behalf of the state or any agency of the state. The provisions of this

192 subsection shall not apply to any defendant who is not an officer or employee of the state or any
193 agency of the state in any proceeding against an officer or employee of the state or any agency
194 of the state. Nothing in this subsection shall limit the rights and remedies otherwise available
195 to a claimant under state law or common law in proceedings where one or more defendants is
196 not an officer or employee of the state or any agency of the state.

197 6. The limitation on awards for noneconomic damages provided for in this subsection
198 shall be increased or decreased on an annual basis effective January first of each year in
199 accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published
200 by the Bureau of Economic Analysis of the United States Department of Commerce. The current
201 value of the limitation shall be calculated by the director of the department of insurance, who
202 shall furnish that value to the secretary of state, who shall publish such value in the Missouri
203 Register as soon after each January first as practicable, but it shall otherwise be exempt from the
204 provisions of section 536.021, RSMo.

205 7. Except as provided in subsection 3 of this section, in the case of any claim or
206 judgment that arises under sections 537.600 and 537.610, RSMo, against the state of Missouri,
207 or an agency of the state, the aggregate of payments from the state legal expense fund and from
208 any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed
209 the limits of liability as provided in sections 537.600 to 537.610, RSMo. No payment shall be
210 made from the state legal expense fund or any policy of insurance procured with state funds
211 pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other
212 policy of liability insurance have been exhausted.

213 8. The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to
214 the credit of the state legal expense fund at the end of an appropriation period shall not be
215 transferred to general revenue.

216 9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
217 is promulgated under the authority delegated in sections 105.711 to 105.726 shall become
218 effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo.
219 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or
220 adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo.
221 This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
222 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to
223 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
224 authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six members, is
2 hereby established. The commission shall be assigned to the office of administration with
3 supervision by the office of administration only for budgeting and reporting as provided by

4 subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974.
5 Supervision by the office of administration shall not extend to matters relating to policies,
6 regulative functions or appeals from decisions of the commission, and the commissioner of
7 administration, any employee of the office of administration, or the governor, either directly or
8 indirectly, shall not participate or interfere with the activities of the commission in any manner
9 not specifically provided by law and shall not in any manner interfere with the budget request
10 of or withhold any moneys appropriated to the commission by the general assembly. All
11 members of the commission shall be appointed by the governor with the advice and consent of
12 the senate from lists submitted pursuant to this section. Each congressional district committee
13 of the political parties having the two highest number of votes cast for their candidate for
14 governor at the last gubernatorial election shall submit two names of eligible nominees for
15 membership on the commission to the governor, and the governor shall select six members from
16 such nominees to serve on the commission.

17 2. Within thirty days of submission of the person's name to the governor as provided in
18 subsection 1 of this section, and in order to be an eligible nominee for appointment to the
19 commission, a person shall file a financial interest statement in the manner provided by section
20 105.485 and shall provide the governor, the president pro tempore of the senate, and the
21 commission with a list of all political contributions and the name of the candidate or committee,
22 political party, or continuing committee, as defined in chapter 130, RSMo, to which those
23 contributions were made within the four-year period prior to such appointment, made by the
24 nominee, the nominee's spouse, or any business entity in which the nominee has a substantial
25 interest. The information shall be maintained by the commission and available for public
26 inspection during the period of time during which the appointee is a member of the commission.
27 In order to be an eligible nominee for membership on the commission, a person shall be a citizen
28 and a resident of the state and shall have been a registered voter in the state for a period of at
29 least five years preceding the person's appointment.

30 3. The term of each member shall be for four years, except that of the members first
31 appointed, the governor shall select three members from even-numbered congressional districts
32 and three members from odd-numbered districts. Not more than three members of the
33 commission shall be members of the same political party, nor shall more than one member be
34 from any one United States congressional district. Not more than two members appointed from
35 the even-numbered congressional districts shall be members of the same political party, and no
36 more than two members from the odd-numbered congressional districts shall be members of the
37 same political party. Of the members first appointed, the terms of the members appointed from
38 the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the
39 members appointed from the even-numbered congressional districts shall expire on March 15,

40 1996. Thereafter all successor members of the commission shall be appointed for four-year
41 terms. Terms of successor members of the commission shall expire on March fifteenth of the
42 fourth year of their term. No member of the commission shall serve on the commission after the
43 expiration of the member's term **or until all member's vacancies are filled, as provided in**
44 **subsections 2 and 3 of this section, with such term extensions not to exceed one hundred**
45 **twenty days. No person shall be appointed to more than one full four-year term plus one**
46 **hundred twenty days, if needed, on the commission.** No person shall be appointed to more
47 than one full four-year term on the commission.

48 4. Vacancies or expired terms on the commission shall be filled in the same manner as
49 the original appointment was made, except as provided in this subsection. Within thirty days of
50 the vacancy or ninety days before the expiration of the term, the names of two eligible nominees
51 for membership on the commission shall be submitted to the governor by the congressional
52 district committees of the political party or parties of the vacating member or members, from the
53 even- or odd-numbered congressional districts, based on the residence of the vacating member
54 or members, other than from the congressional district committees from districts then represented
55 on the commission and from the same congressional district party committee or committees
56 which originally appointed the member or members whose positions are vacated. Appointments
57 to fill vacancies or expired terms shall be made within forty-five days after the deadline for
58 submission of names by the congressional district committees, and shall be subject to the same
59 qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section.
60 Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired
61 term of the member whom the appointee succeeds, and such appointees shall be eligible for
62 appointment to one full four-year term. If the congressional district committee does not submit
63 the required two nominees within the thirty days or if the congressional district committee does
64 not submit the two nominees within an additional thirty days after receiving notice from the
65 governor to submit the nominees, then the governor may appoint a person or persons who shall
66 be subject to the same qualifications for appointment and eligibility as provided in subsections
67 2 and 3 of this section.

68 5. The governor, with the advice and consent of the senate, may remove any member
69 only for substantial neglect of duty, inability to discharge the powers and duties of office, gross
70 misconduct or conviction of a felony or a crime involving moral turpitude. Members of the
71 commission also may be removed from office by concurrent resolution of the general assembly
72 signed by the governor. If such resolution receives the vote of two-thirds or more of the
73 membership of both houses of the general assembly, the signature of the governor shall not be
74 necessary to effect removal. The office of any member of the commission who moves from the

75 congressional district from which the member was appointed shall be deemed vacated upon such
76 change of residence.

77 6. The commission shall elect biennially one of its members as the chairman. The
78 chairman may not succeed himself or herself after two years. No member of the commission
79 shall succeed as chairman any member of the same political party as himself or herself. At least
80 four members are necessary to constitute a quorum, and at least four affirmative votes shall be
81 required for any action or recommendation of the commission.

82 7. No member or employee of the commission, during the person's term of service, shall
83 hold or be a candidate for any other public office.

84 8. In the event that a retired judge is appointed as a member of the commission, the judge
85 shall not serve as a special investigator while serving as a member of the commission.

86 9. No member of the commission shall, during the member's term of service or within
87 one year thereafter:

88 (1) Be employed by the state or any political subdivision of the state;

89 (2) Be employed as a lobbyist;

90 (3) Serve on any other governmental board or commission;

91 (4) Be an officer of any political party or political organization;

92 (5) Permit the person's name to be used, or make contributions, in support of or in
93 opposition to any candidate or proposition;

94 (6) Participate in any way in any election campaign; except that a member or employee
95 of the commission shall retain the right to register and vote in any election, to express the
96 person's opinion privately on political subjects or candidates, to participate in the activities of
97 a civic, community, social, labor or professional organization and to be a member of a political
98 party.

99 10. Each member of the commission shall receive, as full compensation for the member's
100 services, the sum of one hundred dollars per day for each full day actually spent on work of the
101 commission, and the member's actual and necessary expenses incurred in the performance of the
102 member's official duties.

103 11. The commission shall appoint an executive director who shall serve subject to the
104 supervision of and at the pleasure of the commission[, but in no event for more than six years].
105 The executive director shall be responsible for the administrative operations of the commission
106 and perform such other duties as may be delegated or assigned to the director by law or by rule
107 of the commission. The executive director shall employ staff and retain such contract services
108 as the director deems necessary, within the limits authorized by appropriations by the general
109 assembly.

110 12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed
111 pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of
112 section 105.489, and campaign finance disclosure reports filed other than with election
113 authorities or local election authorities as provided by section 130.026, RSMo, shall be filed with
114 the commission.

115 13. Within sixty days of the initial meeting of the first commission appointed, the
116 commission shall obtain from the clerk of the supreme court or the state courts administrator a
117 list of retired appellate and circuit court judges who did not leave the judiciary as a result of
118 being defeated in an election. The executive director shall determine those judges who indicate
119 their desire to serve as special investigators and to investigate any and all complaints referred to
120 them by the commission. The executive director shall maintain an updated list of those judges
121 qualified and available for appointment to serve as special investigators. Such list shall be
122 updated at least annually. The commission shall refer complaints to such special investigators
123 on that list on a rotating schedule which ensures a random assignment of each special
124 investigator. Each special investigator shall receive only one unrelated investigation at a time
125 and shall not be assigned to a second or subsequent investigation until all other eligible
126 investigators on the list have been assigned to an investigation. In the event that no special
127 investigator is qualified or available to conduct a particular investigation, the commission may
128 appoint a special investigator to conduct such particular investigation.

129 14. The commission shall have the following duties and responsibilities relevant to the
130 impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, RSMo, as
131 provided in sections 105.955 to 105.963:

132 (1) Receive and review complaints regarding alleged violation of sections 105.450 to
133 105.496 and chapter 130, RSMo, conduct initial reviews and investigations regarding such
134 complaints as provided herein; refer complaints to appropriate prosecuting authorities and
135 appropriate disciplinary authorities along with recommendations for sanctions; and initiate
136 judicial proceedings as allowed by sections 105.955 to 105.963;

137 (2) Review and audit any reports and statements required by the campaign finance
138 disclosure laws contained in chapter 130, RSMo, and financial interest disclosure laws or
139 lobbyist registration and reporting laws as provided by sections 105.470 to 105.492, for
140 timeliness, accuracy and completeness of content as provided in sections 105.955 to 105.963;

141 (3) Develop appropriate systems to file and maintain an index of all such reports and
142 statements to facilitate public access to such information, except as may be limited by
143 confidentiality requirements otherwise provided by law, including cross-checking of information
144 contained in such statements and reports. The commission may enter into contracts with the

145 appropriate filing officers to effectuate such system. Such filing officers shall cooperate as
146 necessary with the commission as reasonable and necessary to effectuate such purposes;

147 (4) Provide information and assistance to lobbyists, elected and appointed officials, and
148 employees of the state and political subdivisions in carrying out the provisions of sections
149 105.450 to 105.496 and chapter 130, RSMo;

150 (5) Make recommendations to the governor and general assembly or any state agency
151 on the need for further legislation with respect to the ethical conduct of public officials and
152 employees and to advise state and local government in the development of local government
153 codes of ethics and methods of disclosing conflicts of interest as the commission may deem
154 appropriate to promote high ethical standards among all elected and appointed officials or
155 employees of the state or any political subdivision thereof and lobbyists;

156 (6) Render advisory opinions as provided by this section;

157 (7) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and
158 chapter 130, RSMo. All rules and regulations issued by the commission shall be prospective
159 only in operation;

160 (8) Request and receive from the officials and entities identified in subdivision (6) of
161 section 105.450 designations of decision-making public servants.

162 15. In connection with such powers provided by sections 105.955 to 105.963 and chapter
163 130, RSMo, the commission may:

164 (1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be
165 served and enforced in the same manner provided by section 536.077, RSMo;

166 (2) Administer oaths and affirmations;

167 (3) Take evidence and require by subpoena duces tecum the production of books, papers,
168 and other records relating to any matter being investigated or to the performance of the
169 commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and
170 enforced in the same manner provided by section 536.077, RSMo;

171 (4) Employ such personnel, including legal counsel, and contract for services including
172 legal counsel, within the limits of its appropriation, as it deems necessary provided such legal
173 counsel, either employed or contracted, represents the Missouri ethics commission before any
174 state agency or before the courts at the request of the Missouri ethics commission. Nothing in
175 this section shall limit the authority of the Missouri ethics commission as provided for in
176 subsection 2 of section 105.961; and

177 (5) Obtain information from any department, division or agency of the state or any
178 political subdivision reasonably calculated to lead to the discovery of evidence which will
179 reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to
180 105.963 and chapter 130, RSMo.

181 16. (1) Upon written request for an advisory opinion received by the commission, and
182 if the commission determines that the person requesting the opinion would be directly affected
183 by the application of law to the facts presented by the requesting person, the commission shall
184 issue a written opinion advising the person who made the request, in response to the person's
185 particular request, regarding any issue that the commission can receive a complaint on pursuant
186 to section 105.957. The commission may decline to issue a written opinion by a vote of four
187 members and shall provide to the requesting person the reason for the refusal in writing. The
188 commission shall give an approximate time frame as to when the written opinion shall be issued.
189 Such advisory opinions shall be issued no later than ninety days from the date of receipt by the
190 commission. Such requests and advisory opinions, deleting the name and identity of the
191 requesting person, shall be compiled and published by the commission on at least an annual
192 basis. Advisory opinions issued by the commission shall be maintained and made available for
193 public inspection and copying at the office of the commission during normal business hours.
194 Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall
195 be withdrawn by the commission if, after hearing thereon, the joint committee on administrative
196 rules finds that such advisory opinion is beyond or contrary to the statutory authority of the
197 commission or is inconsistent with the legislative intent of any law enacted by the general
198 assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings
199 and conclusions of the joint committee on administrative rules. Any such concurrent resolution
200 adopted by the general assembly shall be published at length by the commission in its publication
201 of advisory opinions of the commission next following the adoption of such resolution, and a
202 copy of such concurrent resolution shall be maintained by the commission, along with the
203 withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also
204 send a copy of such resolution to the person who originally requested the withdrawn advisory
205 opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any
206 person requesting such opinion and no person shall be liable for relying on the opinion and it
207 shall act as a defense of justification against prosecution. An advisory opinion of the
208 commission shall not be withdrawn unless:

- 209 (a) The authorizing statute is declared unconstitutional;
210 (b) The opinion goes beyond the power authorized by statute; or
211 (c) The authorizing statute is changed to invalidate the opinion.

212 (2) Upon request, the attorney general shall give the attorney general's opinion, without
213 fee, to the commission, any elected official of the state or any political subdivision, any member
214 of the general assembly, or any director of any department, division or agency of the state, upon
215 any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter
216 130, RSMo. Such opinion need be in writing only upon request of such official, member or

217 director, and in any event shall be rendered within sixty days that such request is delivered to the
218 attorney general.

219 17. The state auditor and the state auditor's duly authorized employees who have taken
220 the oath of confidentiality required by section 29.070, RSMo, may audit the commission and in
221 connection therewith may inspect materials relating to the functions of the commission. Such
222 audit shall include a determination of whether appropriations were spent within the intent of the
223 general assembly, but shall not extend to review of any file or document pertaining to any
224 particular investigation, audit or review by the commission, an investigator or any staff or person
225 employed by the commission or under the supervision of the commission or an investigator. The
226 state auditor and any employee of the state auditor shall not disclose the identity of any person
227 who is or was the subject of an investigation by the commission and whose identity is not public
228 information as provided by law.

229 18. From time to time but no more frequently than annually the commission may request
230 the officials and entities described in subdivision (6) of section 105.450 to identify for the
231 commission in writing those persons associated with such office or entity which such office or
232 entity has designated as a decision-making public servant. Each office or entity delineated in
233 subdivision (6) of section 105.450 receiving such a request shall identify those so designated
234 within thirty days of the commission's request.

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed
2 practitioners in this state, herein called "providers", shall, upon written request of a patient, or
3 guardian or legally authorized representative of a patient, furnish a copy of his or her record of
4 that patient's health history and treatment rendered to the person submitting a written request,
5 except that such right shall be limited to access consistent with the patient's condition and sound
6 therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record
7 shall be furnished within a reasonable time of the receipt of the request therefor and upon
8 payment of a fee as provided in this section.

9 2. Health care providers may condition the furnishing of the patient's health care records
10 to the patient, the patient's authorized representative or any other person or entity authorized by
11 law to obtain or reproduce such records upon payment of a fee for:

12 (1) Copying, in an amount [not more than seventeen] **of eighteen** dollars and [five]
13 **forty-nine** cents plus [forty] **forty-four** cents per page for the cost of supplies and labor;

14 (2) Postage, to include packaging and delivery cost; and

15 (3) **Certification and** notary fee[, not to exceed two] **of eight** dollars, if **certification**
16 **is** requested.

17 3. Notwithstanding provisions of this section to the contrary, providers may charge for
18 the reasonable cost of all duplications of health care record material or information which cannot
19 routinely be copied or duplicated on a standard commercial photocopy machine.

20 4. The transfer of the patient's record done in good faith shall not render the provider
21 liable to the patient or any other person for any consequences which resulted or may result from
22 disclosure of the patient's record as required by this section.

23 5. Effective February first of each year, the fees listed in subsection 2 of this section shall
24 be increased or decreased annually based on the annual percentage change in the unadjusted,
25 U.S. city average, annual average inflation rate of the medical care component of the Consumer
26 Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as
27 published by the Bureau of Labor Statistics of the United States Department of Labor, shall be
28 used as the reference base. For purposes of this subsection, the annual average inflation rate
29 shall be based on a twelve-month calendar year beginning in January and ending in December
30 of each preceding calendar year. The department of health and senior services shall report the
31 annual adjustment and the adjusted fees authorized in this section on the department's Internet
32 web site by February first of each year.

 191.656. 1. (1) All information known to, and records containing any information held
2 or maintained by, any person, or by any agency, department, or political subdivision of the state
3 concerning an individual's HIV infection status or the results of any individual's HIV testing shall
4 be strictly confidential and shall not be disclosed except to:

5 (a) Public employees within the agency, department, or political subdivision who need
6 to know to perform their public duties;

7 (b) Public employees of other agencies, departments, or political subdivisions who need
8 to know to perform their public duties;

9 (c) Peace officers, as defined in section 590.100, RSMo, the attorney general or any
10 assistant attorneys general acting on his or her behalf, as defined in chapter 27, RSMo, and
11 prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, and pursuant to section
12 191.657;

13 (d) Prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, to
14 prosecute cases pursuant to section 191.677 or 567.020, RSMo. Prosecuting attorneys or circuit
15 attorneys may obtain from the department of health and senior services the contact information
16 and test results of individuals with whom the HIV-infected individual has had sexual intercourse
17 or deviate sexual intercourse. Any prosecuting attorney or circuit attorney who receives
18 information from the department of health and senior services pursuant to the provisions of this
19 section shall use such information only for investigative and prosecutorial purposes and such

20 information shall be considered strictly confidential and shall only be released as authorized by
21 this section;

22 (e) Persons other than public employees who are entrusted with the regular care of those
23 under the care and custody of a state agency, including but not limited to operators of day care
24 facilities, group homes, residential care facilities and adoptive or foster parents;

25 (f) As authorized by subsection 2 of this section;

26 (g) Victims of any sexual offense defined in chapter 566, RSMo, which includes sexual
27 intercourse or deviate sexual intercourse, as an element of the crime or to a victim of a section
28 566.135, RSMo, offense, in which the court, for good cause shown, orders the defendant to be
29 tested for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, or chlamydia, once the charge is
30 filed. Prosecuting attorneys or circuit attorneys, or the department of health and senior services
31 may release information to such victims;

32 (h) Any individual who has tested positive or false positive to HIV, hepatitis B, hepatitis
33 C, syphilis, gonorrhea, or chlamydia, may request copies of any and all test results relating to
34 said infections.

35 (2) Further disclosure by public employees shall be governed by subsections 2 and 3 of
36 this section;

37 (3) Disclosure by a public employee or any other person in violation of this section may
38 be subject to civil actions brought under subsection 6 of this section, unless otherwise required
39 by chapter 330, 332, 334, or 335, RSMo, pursuant to discipline taken by a state licensing board.

40 2. (1) Unless the person acted in bad faith or with conscious disregard, no person shall
41 be liable for violating any duty or right of confidentiality established by law for disclosing the
42 results of an individual's HIV testing:

43 (a) To the department of health and senior services;

44 (b) To health care personnel working directly with the infected individual who have a
45 reasonable need to know the results for the purpose of providing direct patient health care;

46 (c) Pursuant to the written authorization of the subject of the test result or results;

47 (d) To the spouse of the subject of the test result or results;

48 (e) To the subject of the test result or results;

49 (f) To the parent or legal guardian or custodian of the subject of the testing, if he is an
50 unemancipated minor;

51 (g) To the victim of any sexual offense defined in chapter 566, RSMo, which includes
52 sexual intercourse or deviate sexual intercourse, as an element of the crime or to a victim of a
53 section 566.135, RSMo, offense, in which the court, for good cause shown, orders the defendant
54 to be tested for HIV, B, hepatitis C, syphilis, gonorrhea, or chlamydia, once the charge is filed;

55 (h) To employees of a state licensing board in the execution of their duties under chapter
56 330, 332, 334, or 335, RSMo, pursuant to discipline taken by a state licensing board;

57

58 The department of health and senior services and its employees shall not be held liable for
59 disclosing an HIV-infected person's HIV status to individuals with whom that person had sexual
60 intercourse or deviate sexual intercourse;

61 (2) Paragraphs (b) and (d) of subdivision (1) of this subsection shall not be construed in
62 any court to impose any duty on a person to disclose the results of an individual's HIV testing
63 to a spouse or health care professional or other potentially exposed person, parent or guardian;

64 (3) No person to whom the results of an individual's HIV testing has been disclosed
65 pursuant to paragraphs (b) and (c) of subdivision (1) of this subsection shall further disclose such
66 results; except that prosecuting attorneys or circuit attorneys may disclose such information to
67 defense attorneys defending actions pursuant to section 191.677 or 567.020, RSMo, under the
68 rules of discovery, or jurors or court personnel hearing cases pursuant to section 191.677 or
69 567.020, RSMo. Such information shall not be used or disclosed for any other purpose;

70 (4) When the results of HIV testing, disclosed pursuant to paragraph (b) of subdivision
71 (1) of this subsection, are included in the medical record of the patient who is subject to the test,
72 the inclusion is not a disclosure for purposes of such paragraph so long as such medical record
73 is afforded the same confidentiality protection afforded other medical records.

74 3. All communications between the subject of HIV testing and a physician, hospital, or
75 other person authorized by the department of health and senior services who performs or
76 conducts HIV sampling shall be privileged communications.

77 4. The identity of any individual participating in a research project approved by an
78 institutional review board shall not be reported to the department of health and senior services
79 by the physician conducting the research project.

80 5. The subject of HIV testing who is found to have HIV infection and is aware of his or
81 her HIV status shall disclose such information to any health care professional from whom such
82 person receives health care services. Said notification shall be made prior to receiving services
83 from such health care professional if the HIV-infected person is medically capable of conveying
84 that information or as soon as he or she becomes capable of conveying that information.

85 6. Any individual aggrieved by a violation of this section or regulations promulgated by
86 the department of health and senior services may bring a civil action for damages. If it is found
87 in a civil action that:

88 (1) A person has negligently violated this section, the person is liable, for each violation,
89 for:

90 (a) The greater of actual damages or liquidated damages of one thousand dollars; and

91 (b) Court costs and reasonable attorney's fees incurred by the person bringing the action;
92 and

93 (c) Such other relief, including injunctive relief, as the court may deem appropriate; or

94 (2) A person has willfully or intentionally or recklessly violated this section, the person
95 is liable, for each violation, for:

96 (a) The greater of actual damages or liquidated damages of five thousand dollars; and

97 (b) Exemplary damages; and

98 (c) Court costs and reasonable attorney's fees incurred by the person bringing the action;
99 and

100 (d) Such other relief, including injunctive relief, as the court may deem appropriate.

101 7. No civil liability shall accrue to any health care provider as a result of making a good
102 faith report to the department of health and senior services about a person reasonably believed
103 to be infected with HIV, or cooperating in good faith with the department in an investigation
104 determining whether a court order directing an individual to undergo HIV testing will be sought,
105 or in participating in good faith in any judicial proceeding resulting from such a report or
106 investigations; and any person making such a report, or cooperating with such an investigation
107 or participating in such a judicial proceeding, shall be immune from civil liability as a result of
108 such actions so long as taken in good faith.

109 **8. Notwithstanding the other provisions of this section, nothing in this section shall**
110 **be construed to require or justify:**

111 **(1) The closing of a court proceeding to the public in any matter pending before a**
112 **court of this state where the proceeding would otherwise be held in open court; or**

113 **(2) The closing or sealing of a court record in any criminal case brought under**
114 **section 191.677 or section 567.020, RSMo, where the record would otherwise be open to the**
115 **public.**

195.202. 1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any
2 person to possess or have under his control a controlled substance.

3 2. Any person who violates this section with respect to any controlled substance except
4 thirty-five grams or less of marijuana is guilty of a class C felony.

5 3. Any person who violates this section with respect to not more than thirty-five grams
6 of marijuana is guilty of a class A misdemeanor.

7 **4. Any person who violates this section in the presence of a person less than**
8 **seventeen years of age or in a residence where a person less than seventeen years of age**
9 **resides is guilty of a class B felony.**

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 or she is

3 accused through authorized prepayment of fine and court costs and fails to appear on the return
4 date or at any subsequent date to which the case has been continued, or without good cause fails
5 to pay any fine or court costs assessed against him **or her** for any such violation within the period
6 of time specified or in such installments as approved by the court or as otherwise provided by
7 law, 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.

24 **2.** If any city, town, or village receives more than [forty-five] **thirty-five** percent of its
25 [total] annual **general operating** revenue from fines **and court costs** for traffic violations
26 occurring on state highways, all revenues from such violations in excess of [forty-five] **thirty-**
27 **five** percent of the [total] annual **general operating** revenue of the city, town, or village shall
28 be sent to the director of the department of revenue and shall be distributed annually to the
29 schools of the county in the same manner that proceeds of all penalties, forfeitures and fines
30 collected for any breach of the penal laws of the state are distributed. For the purpose of this
31 section the words "state highways" shall mean any state or federal highway, including any such
32 highway continuing through the boundaries of a city, town or village with a designated street
33 name other than the state highway number. **If any city, town, or village fails to send such**
34 **excess revenues to the director of the department of revenue in a timely fashion which shall**
35 **be set forth by the director by rule, such city, town, or village may submit to an annual**
36 **audit by the state auditor pursuant to the authority of article IV, section 13 of the Missouri**
37 **Constitution. Any rule or portion of a rule, as that term is defined in section 536.010,**
38 **RSMo, that is created under the authority delegated in this section shall become effective**

39 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
40 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
41 nonseverable and if any of the powers vested with the general assembly pursuant to
42 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
43 are subsequently held unconstitutional, then the grant of rulemaking authority and any
44 rule proposed or adopted after August 28, 2007, shall be invalid and void.

45 **3. The provisions of subsection 2 of this section shall not be applicable prior to**
46 **January 1, 2010, for any city, town, or village located in any county with a charter form**
47 **of government and with more than six hundred thousand but fewer than seven hundred**
48 **thousand inhabitants.**

347.137. 1. A domestic limited liability company shall be dissolved upon the occurrence
2 of any of the following:

3 (1) Upon the happening of the events specified in the operating agreement or in the
4 articles of organization;

5 (2) Upon the written consent of all members;

6 (3) Except as otherwise provided in the operating agreement, an event of withdrawal of
7 a member, if a majority, by number, of the remaining members agree within ninety days after the
8 occurrence of the event of withdrawal to dissolve the limited liability company;

9 (4) [An event of withdrawal with respect to the sole remaining member] **At any time**
10 **there are no members; provided, that the limited liability company is not dissolved and is**
11 **not required to be wound up if:**

12 (a) **Unless otherwise provided in the operating agreement, within ninety days or**
13 **such other period as is provided for in the operating agreement after the occurrence of the**
14 **event that terminated the continued membership of the last remaining member, the**
15 **personal representative, statutory or otherwise, of the last remaining member agrees in**
16 **writing to continue the limited liability company and to the admission of such personal**
17 **representative of such member or its nominee or designee to the limited liability company**
18 **as a member, effective as of the occurrence of the event that terminated the continued**
19 **membership of the last remaining member; provided, that the operating agreement may**
20 **provide that the personal representative, statutory or otherwise, of the last remaining**
21 **member shall be obligated to agree in writing to continue the limited liability company and**
22 **to the admission of such personal representative of such member or its nominee or designee**
23 **to the limited liability company as a member, effective as of the occurrence of the event that**
24 **terminated the continued membership of the last remaining member; or**

25 (b) **A member is admitted to the limited liability company in the manner provided**
26 **for in the operating agreement, effective as of the occurrence of the event that terminated**

27 **the continued membership of the last remaining member, within ninety days or such other**
28 **period as is provided for in the limited liability company agreement after the occurrence**
29 **of the event that terminated the continued membership of the last remaining member,**
30 **under a provision of the operating agreement that specifically provides for the admission**
31 **of a member to the limited liability company after there is no longer a remaining member**
32 **of the limited liability company;**

33 (5) Entry of a decree of dissolution under section 347.143; or

34 (6) When the limited liability company is not the surviving entity in a merger or
35 consolidation.

36 2. As soon as possible following the occurrence of any of the events specified in
37 subdivisions (1) to (4) of subsection 1 of this section effecting the dissolution of the limited
38 liability company, the limited liability company shall file a notice of winding up with the
39 secretary which discloses the dissolution of the limited liability company and the commencement
40 of winding up of its business and affairs.

347.179. The secretary shall charge and collect:

2 (1) For filing the original articles of organization, a fee of one hundred dollars;

3 (2) **For filing the original articles of organization online, in an electronic format**
4 **prescribed by the secretary of state, a fee of forty-five dollars;**

5 (3) Applications for registration of foreign limited liability companies and issuance of
6 a certificate of registration to transact business in this state, a fee of one hundred dollars;

7 [(3)] (4) Amendments to and restatements of articles of limited liability companies to
8 application for registration of a foreign limited liability company or any other filing otherwise
9 provided for, a fee of twenty dollars;

10 [(4)] (5) Articles of termination of limited liability companies or cancellation of
11 registration of foreign limited liability companies, a fee of twenty dollars;

12 [(5)] (6) For filing notice of merger or consolidation, a fee of twenty dollars;

13 [(6)] (7) For filing a notice of winding up, a fee of twenty dollars;

14 [(7)] (8) For issuing a certificate of good standing, a fee of five dollars;

15 [(8)] (9) For a notice of the abandonment of merger or consolidation, a fee of twenty
16 dollars;

17 [(9)] (10) For furnishing a copy of any document or instrument, a fee of fifty cents per
18 page;

19 [(10)] (11) For accepting an application for reservation of a name, or for filing a notice
20 of the transfer or cancellation of any name reservation, a fee of twenty dollars;

21 [(11)] (12) For filing a statement of change of address of registered office or registered
22 agent, or both, a fee of five dollars;

23 [(12)] **(13)** For any service of notice, demand, or process upon the secretary as resident
24 agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as
25 taxable costs by the party instituting such suit, action, or proceeding causing such service to be
26 made if such party prevails therein;

27 [(13)] **(14)** For filing an amended certificate of registration a fee of twenty dollars; and

28 [(14)] **(15)** For filing a statement of correction a fee of five dollars.

351.015. As used in this chapter, unless the context otherwise requires:

2 (1) "Articles of incorporation" includes the original articles of incorporation and all
3 amendments thereto, and includes articles of merger or consolidation;

4 (2) "Authorized shares" means the aggregate number of shares of stock of all classes,
5 whether with or without par value, which the corporation is authorized to issue. Shares of its
6 own stock belonging to a corporation shall be deemed to be "issued" shares but not "outstanding"
7 shares;

8 (3) "Certificate of stock" means a written instrument signed by or bearing the facsimile
9 signature of the proper corporate officers, as required by this chapter, evidencing the fact that the
10 person therein named is the holder of record of the share or shares therein described;

11 (4) "Control share acquisition" means the acquisition, directly or indirectly, by any
12 person of ownership of, or the power to direct the exercise of voting power with respect to,
13 issued and outstanding control shares. For the purposes of this chapter, shares acquired within
14 ninety days of any acquisition of shares or shares acquired pursuant to a plan to make a control
15 share acquisition are considered to have been acquired in the same acquisition. For the purposes
16 of this chapter, a person who acquires shares in the ordinary course of business for the benefit
17 of others in good faith and not for the purpose of circumventing this chapter has voting power
18 only of shares in respect of which that person would be able to exercise or direct the exercise of
19 votes without further instruction from others. The acquisition of any shares of an issuing public
20 corporation does not constitute a control share acquisition if the acquisition is consummated in
21 any of the following circumstances:

22 (a) Prior to June 13, 1984;

23 (b) Pursuant to a contract in existence prior to June 13, 1984;

24 (c) Pursuant to a will or other testamentary disposition, the laws of descent and
25 distribution or by intervivos gift where such gift is made in good faith and not for the purpose
26 of circumventing section 351.407;

27 (d) Pursuant to a public offering, a private placement, or any other issuance of shares by
28 an issuing public corporation;

29 (e) By, on behalf of, or pursuant to any benefit or other compensation plan or
30 arrangement of an issuing public corporation;

31 (f) Pursuant to the conversion of debt securities into shares of an issuing public
32 corporation under the terms of such debt securities;

33 (g) Pursuant to a binding contract, other than any contract created by, pursuant to, or in
34 connection with a tender offer, whereby the holders of shares representing at least two-thirds of
35 the voting power of an issuing public corporation, such holders acting simultaneously, agreed
36 to sell such shares to any person;

37 (h) Pursuant to the satisfaction of a pledge or other security interest created in good faith
38 and not for the purpose of circumventing section 351.407;

39 (i) Pursuant to a merger or consolidation effected in compliance with sections 351.410
40 to 351.458 if the issuing public corporation is a party to the agreement of merger or
41 consolidation;

42 (j) Pursuant to a binding contract or other arrangement with any individual, foreign or
43 domestic corporation (whether or not for profit), partnership, limited liability company,
44 unincorporated society or association, or other entity which, at any time within one year prior to
45 the acquisition in question, owned shares representing more than fifty percent of the voting
46 power of the issuing public corporation;

47 (k) By or from any person whose shares have been previously accorded voting rights
48 pursuant to section 351.407; provided, the acquisition entitles the person making the acquisition,
49 directly or indirectly, alone or as a part of a group, to exercise or direct the exercise of voting
50 power of the corporation in the election of directors within a range of the voting power not in
51 excess of the range of voting power associated with the shares to which voting rights have been
52 previously accorded;

53 (5) "Control shares" means shares that, except for this chapter, would have voting power
54 with respect to shares of an issuing public corporation that, when added to all other shares of the
55 issuing public corporation owned by a person or in respect to which that person may exercise or
56 direct the exercise of voting power, would entitle that person, immediately after acquisition of
57 the shares, directly or indirectly, alone or as a part of a group, to exercise or direct the exercise
58 of the voting power of the issuing public corporation in the election of directors within any of
59 the following ranges of voting power:

60 (a) One-fifth or more but less than one-third of all voting power;

61 (b) One-third or more but less than a majority of all voting power;

62 (c) A majority or more of all voting power; provided, however, that shares which the
63 person or the group have owned or of which the person or the group could have exercised or
64 directed the voting for more than ten years shall not be deemed to be "control shares" and shall
65 not be aggregated for the purpose of determining inclusion within the above-stated ranges;

66 (6) "Corporation" or "domestic corporation" includes corporations organized under this
67 chapter or subject to some or all of the provisions of this chapter except a foreign corporation;

68 (7) "Foreign corporation" means a corporation for profit organized under laws other than
69 the laws of this state;

70 (8) "Incorporator" means a signer of the original articles of incorporation;

71 (9) "Interested shares" means the shares of an issuing public corporation in respect of
72 which any of the following persons may exercise or direct the exercise of the voting power of
73 the corporation in the election of directors:

74 (a) An acquiring person or member of a group with respect to a control share acquisition;

75 (b) Any officer of the issuing public corporation elected or appointed by the directors of
76 the issuing public corporation;

77 (c) Any employee of the issuing public corporation who is also a director of such
78 corporation;

79 (10) "Issuing public corporation", **unless the articles of incorporation provide**
80 **otherwise as to the applicability of this section, means a corporation that has a class of**
81 **voting stock registered with the securities and exchange commission under section 12 of the**
82 **Exchange Act and is either (a) a corporation incorporated under the laws of the state of**
83 **Missouri, or, (b) subdivision (2) of section 351.690 notwithstanding, any insurance company**
84 **organized pursuant to the laws of Missouri and doing business under the provisions of chapter**
85 **376, RSMo, provided that the bylaws of such insurance company expressly state that such**
86 **insurance company shall, for the purposes of this chapter, be included within the definition of**
87 **"issuing public corporation"[, that has:**

88 (a) One hundred or more shareholders;

89 (b) Its principal place of business, its principal office, or substantial assets within
90 Missouri; and

91 (c) One of the following:

92 a. More than ten percent of its shareholders resident in Missouri;

93 b. More than ten percent of its shares owned by Missouri residents; or

94 c. Ten thousand shareholders resident in Missouri. The residence of a shareholder is
95 presumed to be the address appearing in the records of the corporation. Shares held by banks
96 (except as trustee or guardian), brokers or nominees shall be disregarded for purposes of
97 calculating the percentages or numbers described above];

98 (11) "Net assets", for the purpose of determining the right of a corporation to purchase
99 its own shares and of determining the right of a corporation to declare and pay dividends and the
100 liabilities of directors therefor, shall not include shares of its own stock belonging to a
101 corporation;

102 (12) "Paid-in surplus" means all that part of the consideration received by the corporation
103 for, or on account of, all shares issued which does not constitute stated capital minus such formal
104 reductions from said sum as may have been effected in a manner permitted by this chapter;

105 (13) "Person" includes, without limitation, an individual, a foreign or domestic
106 corporation whether not for profit or for profit, a partnership, a limited liability company, an
107 unincorporated society or association, two or more persons having a joint or common interest,
108 or any other entity;

109 (14) "Registered office" means that office maintained by the corporation in this state, the
110 address of which is on file in the office of the secretary of state;

111 (15) "Shareholder" means one who is a holder of record of shares in a corporation;

112 (16) "Shares" are the units into which the shareholders' rights to participate in the control
113 of the corporation, in its surplus or profits, or in the distribution of its assets, are divided;

114 (17) "Stated capital" means at any particular time the sum of:

115 (a) The par value of all shares then issued having a par value; and

116 (b) The consideration received by the corporation for all shares then issued without par
117 value except such part thereof as may have been allocated otherwise than to stated capital in a
118 manner permitted by law; and

119 (c) Such amounts not included in paragraphs (a) and (b) of this subdivision as may have
120 been transferred to the stated capital account of the corporation, whether upon the issue of shares
121 as a share dividend or otherwise, minus such formal reductions from said sum as may have been
122 effected in a manner permitted by this chapter;

123 (18) "Subscriber" means one who subscribes for shares in a corporation, whether before
124 or after incorporation.

351.047. The secretary of state may prescribe and furnish on request forms for all
2 documents required or permitted to be filed by this chapter. The use of the following forms is
3 mandatory:

4 (1) A foreign corporation's application for a certificate of authority to do business in this
5 state;

6 (2) A foreign corporation's application for a certificate of withdrawal;

7 (3) A corporation's [annual] **corporate registration** report.

351.120. 1. Every corporation organized pursuant to the laws of this state, including
2 corporations organized pursuant to or subject to this chapter, and every foreign corporation
3 licensed to do business in this state, whether such license shall have been issued pursuant to this
4 chapter or not, other than corporations exempted from taxation by the laws of this state, shall file
5 [an annual corporation] **a corporate** registration report.

6 2. The [annual] corporate registration report shall state the corporate name, the name of
7 its registered agent and such agent's Missouri **physical** address, giving street and number, or
8 building and number, or both, as the case may require, the name and correct business or
9 residence address of its officers and directors, and the mailing address of the corporation's
10 principal place of business or corporate headquarters.

11 3. The [annual] corporate registration report shall **be filed annually, except as provided**
12 **in section 351.122, and shall** be due the month that the corporation incorporated or qualified,
13 **unless changed by the corporation under subsection 8 of this section.** Corporations existing
14 prior to July 1, 2003, shall file the [annual] **corporate** registration report on the month indicated
15 on the corporation's last [annual] **corporate registration** report. Corporations formed on or after
16 July 1, 2003, shall file [an annual] **a corporate** registration report within thirty days of the date
17 of incorporation or qualification and every year thereafter, **except as provided in section**
18 **351.122, in the month that they were incorporated or qualified, unless such month is changed**
19 **by the corporation under subsection 8 of this section.**

20 4. The [annual] **corporate** registration report shall be signed by an officer or authorized
21 person.

22 5. In the event of any error in the names and addresses of the officers and directors set
23 forth in [an annual] **a corporate** registration report, the corporation may correct such information
24 by filing a certificate of correction pursuant to section 351.049.

25 6. A corporation may change the corporation's registered office or registered agent with
26 the filing of the corporation's [annual] **corporate** registration report. To change the corporation's
27 registered agent with the filing of the [annual] **corporate** registration report, the corporation must
28 include the new registered agent's written consent to the appointment as registered agent and a
29 written consent stating that such change in registered agents was authorized by resolution duly
30 adopted by the board of directors. The written consent must be signed by the new registered
31 agent and must include such agent's address. If the [annual] corporate registration report is not
32 completed correctly, the secretary of state may reject the filing of such report.

33 7. A corporation's [annual] **corporate** registration report must be filed in a format as
34 prescribed by the secretary of state.

35 **8. A corporation may change the month of its corporate registration report in the**
36 **corporation's initial corporate registration report or a subsequent report. To change its**
37 **filing month, a corporation shall designate the desired month in its corporate registration**
38 **report and include with that report an additional fee of twenty dollars. After a corporation**
39 **registration report designating a new filing month is filed by the secretary of state, the**
40 **corporation's next corporate registration report shall be filed in the newly designated**

41 month in the next year in which a report is due under subsection 3 of this section or under
42 section 351.122.

351.122. 1. Notwithstanding the provisions of section 351.120 to the contrary,
2 beginning January 1, 2008, the secretary of state may provide corporations the option of
3 biennially filing corporate registration reports. Any corporation incorporated or qualified
4 in an even-numbered year may file a biennial corporate registration report only in an even-
5 numbered calendar year, and any corporation incorporated or qualified in an odd-
6 numbered year may file a biennial corporate registration report only in an odd-numbered
7 calendar year, subject to the following requirements:

8 (1) The fee paid at the time of biennial registration shall be eighty dollars if the
9 report is filed in a written format. The fee shall be thirty dollars if the report is filed via
10 an electronic format prescribed by the secretary of state;

11 (2) A corporation's biennial corporate registration report shall be filed in a format
12 as prescribed by the secretary of state;

13 (3) The secretary of state may collect an additional fee of ten dollars for each
14 biennial corporate registration report filed under this section. Such fee shall be deposited
15 into the state treasury and credited to the secretary of state's technology trust fund
16 account.

17 2. Once a corporation chooses the option of biennial registration, such registration
18 shall be maintained for the full twenty-four month period. Once the twenty-four month
19 period has expired and another corporate registration report is due, a corporation may
20 choose to file an annual registration report under section 351.120. However, upon making
21 such choice the corporation may later only choose to file a biennial corporate registration
22 report in a year appropriate under subsection 1 of this section, based on the year in which
23 the corporation was incorporated.

24 3. The secretary of state may promulgate rules for the effective administration of
25 this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
26 that is created under the authority delegated in this section shall become effective only if
27 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
28 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
29 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
30 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
31 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
32 adopted after August 28, 2007, shall be invalid and void.

351.125. Every corporation required to register under the provisions of this chapter shall
2 pay to the state a fee of forty dollars for its [annual] corporate registration if the report is filed

3 in a written format. The fee is fifteen dollars for each [annual] **corporate** registration report filed
4 via an electronic format prescribed by the secretary of state. **Biennial corporate registration**
5 **reports filed under section 351.122 shall require the fee prescribed in that section.** If a
6 corporation fails to file a corporation registration report when due, it shall be assessed, in
7 addition to its regular registration fee, a late fee of fifteen dollars for each thirty-day period
8 within which the registration report is filed whether in writing or in an electronic format. If the
9 registration report is not filed within ninety days, [the corporation shall forfeit its charter] **the**
10 **secretary of state may proceed with administrative dissolution of such corporation under**
11 **sections 351.484 and 351.486.**

351.127. The secretary of state may collect an additional fee of five dollars on each and
2 every fee required in this chapter, **provided that the secretary of state may collect an**
3 **additional fee of ten dollars on each corporate registration report fee filed under section**
4 **351.122.** All fees collected as provided in this section shall be deposited in the state treasury and
5 credited to the secretary of state's technology trust fund account. The provisions of this section
6 shall expire on December 31, 2009.

351.145. It shall be the duty of the secretary of state to send notice that the [annual]
2 corporate registration report is due to each corporation in this state required to register. The
3 notice shall be directed to its registered office as disclosed originally by its articles of
4 incorporation or by its application for a certificate of authority to transact business in this state
5 and thereafter as disclosed by its **immediately preceding corporate** registration [for the year
6 preceding] **report**, as provided by law. The secretary of state may provide a form of the [annual]
7 corporate registration report for filing in a format and medium prescribed by the secretary of
8 state.

351.155. It shall be the duty of the secretary of state to furnish forms of [annual]
2 corporate registration reports to any corporation upon request to any representative of the
3 corporation, but no such form of the [annual] corporate registration report shall be furnished
4 unless the name of the corporation for which [they are] **it is** desired shall accompany the request.

351.459. 1. For the purposes of this section, the following terms mean:

2 (1) "Affiliate", a person that directly, or indirectly through one or more intermediaries,
3 controls, or is controlled by, or is under common control with, a specified person;

4 (2) "Announcement date", when used in reference to any business combination, means
5 the date of the first public announcement of the final, definitive proposal for such business
6 combination;

7 (3) "Associate", when used to indicate a relationship with any person, means any
8 corporation or organization of which such person is an officer or partner or is, directly or
9 indirectly, the beneficial owner of ten percent or more of any class of voting stock, any trust or

10 other estate in which such person has a substantial beneficial interest or as to which such person
11 serves as trustee or in a similar fiduciary capacity, and any relative or spouse of such person, or
12 any relative of such spouse, who has the same home as such person;

13 (4) "Beneficial owner", when used with respect to any stock, means a person that:

14 (a) Individually or with or through any of its affiliates or associates, beneficially owns
15 such stock, directly or indirectly; or

16 (b) Individually or with or through any of its affiliates or associates, has the right to
17 acquire such stock, whether such right is exercisable immediately or only after the passage of
18 time, pursuant to any agreement, arrangement or understanding, whether or not in writing, or
19 upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise;
20 provided, however, that a person shall not be deemed the beneficial owner of stock tendered
21 pursuant to a tender or exchange offer made by such person or any of such person's affiliates or
22 associates until such tendered stock is accepted for purchase or exchange; or the right to vote
23 such stock pursuant to any agreement, arrangement or understanding, whether or not in writing;
24 provided, however, that a person shall not be deemed the beneficial owner of any stock under
25 this item if the agreement, arrangement or understanding to vote such stock arises solely from
26 a revocable proxy or consent given in response to a proxy or consent solicitation made in
27 accordance with the applicable rules and regulations under the Exchange Act and is not then
28 reportable on a Schedule 13D under the Exchange Act, or any comparable or successor report;
29 or

30 (c) Has any agreement, arrangement or understanding, whether or not in writing, for the
31 purpose of acquiring, holding, voting, except voting pursuant to a revocable proxy or consent as
32 described in paragraph (b) of this subdivision, or disposing of such stock with any other person
33 that beneficially owns, or whose affiliates or associates beneficially own, directly or indirectly,
34 such stock;

35 (5) "Business combination", when used in reference to any [resident] domestic
36 corporation and any interested shareholder of such [resident] domestic corporation, means:

37 (a) Any merger or consolidation of such [resident] domestic corporation or any
38 subsidiary of such [resident] domestic corporation with such interested shareholder or any other
39 corporation, whether or not itself an interested shareholder of such [resident] domestic
40 corporation, which is, or after such merger or consolidation would be, an affiliate or associate
41 of such interested shareholder;

42 (b) Any sale, lease, exchange, mortgage, pledge, transfer or other disposition, in one
43 transaction or a series of transactions to or with such interested shareholder or any affiliate or
44 associate of such interested shareholder of assets of such [resident] domestic corporation or any
45 subsidiary of such [resident] domestic corporation having an aggregate market value equal to ten

46 percent or more of the aggregate market value of all the assets, determined on a consolidated
47 basis, of such [resident] domestic corporation, having an aggregate market value equal to ten
48 percent or more of the aggregate market value of all the outstanding stock of such [resident]
49 domestic corporation, or representing ten percent or more of the earning power or net income,
50 determined on a consolidated basis, of such [resident] domestic corporation;

51 (c) The issuance or transfer by such [resident] domestic corporation or any subsidiary
52 of such [resident] domestic corporation, in one transaction or a series of transactions, of any
53 stock of such [resident] domestic corporation or any subsidiary of such [resident] domestic
54 corporation which has an aggregate market value equal to five percent or more of the aggregate
55 market value of all the outstanding stock of such [resident] domestic corporation to such
56 interested shareholder or any affiliate or associate of such interested shareholder except pursuant
57 to the exercise of warrants or rights to purchase stock offered, or a dividend or distribution paid
58 or made, pro rata to all shareholders of such [resident] domestic corporation;

59 (d) The adoption of any plan or proposal for the liquidation or dissolution of such
60 [resident] domestic corporation proposed by, or pursuant to any agreement, arrangement or
61 understanding, whether or not in writing, with such interested shareholder or any affiliate or
62 associate of such interested shareholder;

63 (e) Any reclassification of securities, including, without limitation, any stock split, stock
64 dividend, or other distributions of stock in respect of stock, or any reverse stock split, or
65 recapitalization of such [resident] domestic corporation, or any merger or consolidation of such
66 [resident] domestic corporation with any subsidiary of such [resident] domestic corporation, or
67 any other transaction, whether or not with or into or otherwise involving such interested
68 shareholder, proposed by, or pursuant to any agreement, arrangement or understanding, whether
69 or not in writing, with such interested shareholder or any affiliate or associate of such interested
70 shareholder, which has the effect, directly or indirectly, of increasing the proportionate share of
71 the outstanding shares of any class or series of voting stock or securities convertible into voting
72 stock of such [resident] domestic corporation or any subsidiary of such [resident] domestic
73 corporation which is directly or indirectly owned by such interested shareholder or any affiliate
74 or associate of such interested shareholder, except as a result of immaterial changes due to
75 fractional share adjustments; or

76 (f) Any receipt by such interested shareholder or any affiliate or associate of such
77 interested shareholder of the benefit, directly or indirectly, except proportionately as a
78 shareholder of such [resident] domestic corporation, of any loans, advances, guarantees, pledges
79 or other financial assistance or any tax credits or other tax advantages provided by or through
80 such [resident] domestic corporation;

81 (6) "Common stock", any stock other than preferred stock;

82 (7) "Consummation date", with respect to any business combination, means the date of
83 consummation of such business combination, or, in the case of a business combination as to
84 which a shareholder vote is taken, the later of the business day prior to the vote or twenty days
85 prior to the date of consummation of such business combination;

86 (8) "Control", including the terms "controlling", "controlled by" and "under common
87 control with", the possession, directly or indirectly, of the power to direct or cause the direction
88 of the management and policies of a person, whether through the ownership of voting stock, by
89 contract, or otherwise. A person's beneficial ownership of ten percent or more of a corporation's
90 outstanding voting stock shall create a presumption that such person has control of such
91 corporation. Notwithstanding the foregoing, a person shall not be deemed to have control of a
92 corporation if such person holds voting stock, in good faith and not for the purpose of
93 circumventing this section, as an agent, bank, broker, nominee, custodian or trustee for one or
94 more beneficial owners who do not individually or as a group have control of such corporation;

95 (9) **"Domestic corporation", a corporation incorporated under the laws of the state**
96 **of Missouri;**

97 (10) "Exchange Act", the act of Congress known as the "Securities Exchange Act of
98 1934", as the same has been or hereafter may be amended from time to time;

99 [(10)] (11) "Interested shareholder", when used in reference to any [resident] domestic
100 corporation, any person, other than such [resident] domestic corporation or any subsidiary of
101 such resident domestic corporation, that:

102 (a) Is the beneficial owner, directly or indirectly, of twenty percent or more of the
103 outstanding voting stock of such [resident] domestic corporation; or

104 (b) Is an affiliate or associate of such [resident] domestic corporation and at any time
105 within the five-year period immediately prior to the date in question was the beneficial owner,
106 directly or indirectly, of twenty percent or more of the then outstanding voting stock of such
107 [resident] domestic corporation; provided that, for the purpose of determining whether a person
108 is an interested shareholder, the number of shares of voting stock of such [resident] domestic
109 corporation deemed to be outstanding shall include shares deemed to be beneficially owned by
110 the person through application of subdivision (4) of this subsection but shall not include any
111 other unissued shares of voting stock of such [resident] domestic corporation which may be
112 issuable pursuant to any agreement, arrangement or understanding, or upon exercise of
113 conversion rights, warrants or options, or otherwise;

114 [(11)] (12) "Market value", when used in reference to stock or property of any [resident]
115 domestic corporation, means:

116 (a) In the case of stock, the highest closing sale price during the thirty-day period
117 immediately preceding the date in question of a share of such stock on the composite tape for

118 New York stock exchange listed stocks, or, if such stock is not quoted on such composite tape
119 or if such stock is not listed on such exchange, on the principal United States securities exchange
120 registered under the Exchange Act on which such stock is listed, or, if such stock is not listed on
121 any such exchange, the highest closing bid quotation with respect to a share of such stock during
122 the thirty-day period preceding the date in question on the National Association of Securities
123 Dealers, Inc., Automated Quotations System or any system then in use, or if no such quotations
124 are available, the fair market value on the date in question of a share of such stock as determined
125 by the board of directors of such [resident] domestic corporation in good faith; and

126 (b) In the case of property other than cash or stock, the fair market value of such property
127 on the date in question as determined by the board of directors of such [resident] domestic
128 corporation in good faith;

129 [(12)] **(13)** "Preferred stock", any class or series of stock of a [resident] domestic
130 corporation which under the bylaws or articles of incorporation of such [resident] domestic
131 corporation is entitled to receive payment of dividends prior to any payment of dividends on
132 some other class or series of stock, or is entitled in the event of any voluntary liquidation,
133 dissolution or winding up of the [resident] domestic corporation to receive payment or
134 distribution of a preferential amount before any payments or distributions are received by some
135 other class or series of stock;

136 [(13)] "Resident domestic corporation", a corporation incorporated under the laws of the
137 state of Missouri that has:

138 (a) One hundred or more shareholders;

139 (b) Its principal place of business, its principal office, or substantial assets within
140 Missouri; and

141 (c) One of the following:

142 a. More than ten percent of its shareholders resident in Missouri;

143 b. More than ten percent of its shares owned by Missouri residents; or

144 c. Ten thousand shareholders resident in Missouri.

145

146 For purposes of this section, reference to shareholders or ownership of shares shall refer to
147 ownership of voting stock; the residence of a partnership, unincorporated association, trust or
148 similar organization shall be the principal office of such organization; the residence of a
149 shareholder shall otherwise be presumed to be the address appearing in the records of the
150 corporation; and shares held by banks (except as trustee or guardian), brokers or nominees shall
151 be disregarded for purposes of calculating the percentages or numbers described above. No
152 resident domestic corporation, which is organized under the laws of this state, shall cease to be

153 a resident domestic corporation by reason of events occurring or actions taken while such
154 resident domestic corporation is subject to the provisions of this section;]

155 (14) "Stock" means:

156 (a) Any stock or similar security, any certificate of interest, any participation in any
157 profit-sharing agreement, any voting trust certificate, or any certificate of deposit for stock; and

158 (b) Any security convertible, with or without consideration, into stock, or any warrant,
159 call or other option or privilege of buying stock without being bound to do so, or any other
160 security carrying any right to acquire, subscribe to or purchase stock;

161 (15) "Stock acquisition date", with respect to any person and any [resident] domestic
162 corporation, means the date that such person first becomes an interested shareholder of such
163 [resident] domestic corporation;

164 (16) "Subsidiary" of any [resident] domestic corporation, means any other corporation
165 of which voting stock, having a majority of the outstanding voting stock of such other
166 corporation, is owned, directly or indirectly, by such [resident] domestic corporation;

167 (17) "Voting stock", shares of capital stock of a corporation entitled to vote generally in
168 the election of directors.

169 2. Notwithstanding anything to the contrary contained in this section, except the
170 provisions of subsection 4 of this section, no [resident] domestic corporation shall engage in any
171 business combination with any interested shareholder of such [resident] domestic corporation
172 for a period of five years following such interested shareholder's stock acquisition date unless
173 such business combination or the purchase of stock made by such interested shareholder on such
174 interested shareholder's stock acquisition date is approved by the board of directors of such
175 [resident] domestic corporation on or prior to such stock acquisition date. If a good faith
176 proposal is made in writing to the board of directors of such [resident] domestic corporation
177 regarding a business combination, the board of directors shall respond, in writing, within sixty
178 days or such shorter period, if any, as may be required by the Exchange Act, setting forth its
179 reasons for its decision regarding such proposal. If a good faith proposal to purchase stock is
180 made in writing to the board of directors of such [resident] domestic corporation, the board of
181 directors, unless it responds affirmatively in writing within sixty days or such shorter period, if
182 any, as may be required by the Exchange Act, shall be deemed to have disapproved such stock
183 purchase.

184 3. Notwithstanding anything to the contrary contained in this section, except the
185 provisions of subsections 2 and 4 of this section, no [resident] domestic corporation shall engage
186 at any time in any business combination with any interested shareholder of such [resident]
187 domestic corporation other than any of the following business combinations:

188 (1) A business combination approved by the board of directors of such [resident]
189 domestic corporation prior to such interested shareholder's stock acquisition date, or where the
190 purchase of stock made by such interested shareholder on such interested shareholder's stock
191 acquisition date had been approved by the board of directors of such [resident] domestic
192 corporation prior to such interested shareholder's stock acquisition date;

193 (2) A business combination approved by the affirmative vote of the holders of a majority
194 of the outstanding voting stock not beneficially owned by such interested shareholder or any
195 affiliate or associate of such interested shareholder at a meeting called for such purpose no earlier
196 than five years after such interested shareholder's stock acquisition date;

197 (3) A business combination that meets all of the following conditions:

198 (a) The aggregate amount of the cash and the market value as of the consummation date
199 of consideration other than cash to be received per share by holders of outstanding shares of
200 common stock of such [resident] domestic corporation in such business combination is at least
201 equal to the higher of the following:

202 a. The highest per share price paid by such interested shareholder at a time when he was
203 the beneficial owner, directly or indirectly, of five percent or more of the outstanding voting
204 stock of such [resident] domestic corporation, for any shares of common stock of the same class
205 or series acquired by it within the five-year period immediately prior to the announcement date
206 with respect to such business combination, or within the five-year period immediately prior to,
207 or in, the transaction in which such interested shareholder became an interested shareholder,
208 whichever is higher; plus, in either case, interest compounded annually from the earliest date on
209 which such highest per share acquisition price was paid through the consummation date at the
210 rate for one-year United States treasury obligations from time to time in effect; less the aggregate
211 amount of any cash dividends paid, and the market value of any dividends paid other than in
212 cash, per share of common stock since such earliest date, up to the amount of such interest; and

213 b. The market value per share of common stock on the announcement date with respect
214 to such business combination or on such interested shareholder's stock acquisition date,
215 whichever is higher; plus interest compounded annually from such date through the
216 consummation date at the rate for one-year United States treasury obligations from time to time
217 in effect; less the aggregate amount of any cash dividends paid, and the market value of any
218 dividends paid other than in cash, per share of common stock since such date, up to the amount
219 of such interest;

220 (b) The aggregate amount of the cash and the market value as of the consummation date
221 of consideration other than cash to be received per share by holders of outstanding shares of any
222 class or series of stock, other than common stock, of such [resident] domestic corporation is at

223 least equal to the highest of the following, whether or not such interested shareholder has
224 previously acquired any shares of such class or series of stock:

225 a. The highest per share price paid by such interested shareholder at a time when he was
226 the beneficial owner, directly or indirectly, of five percent or more of the outstanding voting
227 stock of such [resident] domestic corporation, for any shares of such class or series of stock
228 acquired by him within the five-year period immediately prior to the announcement date with
229 respect to such business combination, or within the five-year period immediately prior to, or in,
230 the transaction in which such interested shareholder became an interested shareholder, whichever
231 is higher; plus, in either case, interest compounded annually from the earliest date on which such
232 highest per share acquisition price was paid through the consummation date at the rate for
233 one-year United States treasury obligations from time to time in effect; less the aggregate amount
234 of any cash dividends paid, and the market value of any dividends paid other than in cash, per
235 share of such class or series of stock since such earliest date, up to the amount of such interest;

236 b. The highest preferential amount per share to which the holders of shares of such class
237 or series of stock are entitled in the event of any voluntary liquidation, dissolution or winding
238 up of such [resident] domestic corporation, plus the aggregate amount of any dividends declared
239 or due as to which such holders are entitled prior to payment of dividends on some other class
240 or series of stock, unless the aggregate amount of such dividends is included in such preferential
241 amount; and

242 c. The market value per share of such class or series of stock on the announcement date
243 with respect to such business combination or on such interested shareholder's stock acquisition
244 date, whichever is higher; plus interest compounded annually from such date through the
245 consummation date at the rate for one-year United States treasury obligations from time to time
246 in effect; less the aggregate amount of any cash dividends paid, and the market value of any
247 dividends paid other than in cash, per share of such class or series of stock since such date, up
248 to the amount of such interest;

249 (c) The consideration to be received by holders of a particular class or series of
250 outstanding stock, including common stock, of such [resident] domestic corporation in such
251 business combination is in cash or in the same form as the interested shareholder has used to
252 acquire the largest number of shares of such class or series of stock previously acquired by it, and
253 such consideration shall be distributed promptly;

254 (d) The holders of all outstanding shares of stock of such [resident] domestic corporation
255 not beneficially owned by such interested shareholder immediately prior to the consummation
256 of such business combination are entitled to receive in such business combination cash or other
257 consideration for such shares in compliance with paragraphs (a), (b) and (c) of this subdivision;

258 (e) After such interested shareholder's stock acquisition date and prior to the
259 consummation date with respect to such business combination, such interested shareholder has
260 not become the beneficial owner of any additional shares of voting stock of such [resident]
261 domestic corporation except:

262 a. As part of the transaction which resulted in such interested shareholder becoming an
263 interested shareholder;

264 b. By virtue of proportionate stock splits, stock dividends or other distributions of stock
265 in respect of stock not constituting a business combination under paragraph (e) of subdivision
266 (5) of subsection 1 of this section;

267 c. Through a business combination meeting all of the conditions of subsection 2 of this
268 section and this subsection; or

269 d. Through purchase by such interested shareholder at any price which, if such price had
270 been paid in an otherwise permissible business combination the announcement date and
271 consummation date of which were the date of such purchase, would have satisfied the
272 requirements of paragraphs (a), (b) and (c) of this subdivision.

273 4. The provisions of this section shall not apply to:

274 (1) Any business combination of a [resident] domestic corporation that does not have
275 a class of voting stock registered with the securities and exchange commission pursuant to
276 Section 12 of the Exchange Act, unless the articles of incorporation provide otherwise; or

277 (2) Any business combination of a [resident] domestic corporation whose articles of
278 incorporation have been amended to provide that such [resident] domestic corporation shall be
279 subject to the provisions of this section, which did not have a class of voting stock registered
280 with the securities and exchange commission pursuant to Section 12 of the Exchange Act on the
281 effective date of such amendment, and which is a business combination with an interested
282 shareholder whose stock acquisition date is prior to the effective date of such amendment; or

283 (3) Any business combination of a [resident] domestic corporation the original articles
284 of incorporation of which contain a provision expressly electing not to be governed by this
285 section, or which adopts an amendment to such [resident] domestic corporation's bylaws prior
286 to August 1, 1986, expressly electing not to be governed by this section, or which adopts an
287 amendment to such [resident] domestic corporation's bylaws, approved by the affirmative vote
288 of the holders, other than interested shareholders and their affiliates and associates, expressly
289 electing not to be governed by this section, provided that such amendment to the bylaws shall
290 not be effective until eighteen months after such vote of such [resident] domestic corporation's
291 shareholders and shall not apply to any business combination of such [resident] domestic
292 corporation with an interested shareholder whose stock acquisition date is on or prior to the
293 effective date of such amendment; or

294 (4) Any business combination of a [resident] domestic corporation with an interested
295 shareholder of such [resident] domestic corporation which became an interested shareholder
296 inadvertently, if such interested shareholder as soon as practicable, divests itself of a sufficient
297 amount of the voting stock of such [resident] domestic corporation so that it no longer is the
298 beneficial owner, directly or indirectly, of twenty percent or more of the outstanding voting stock
299 of such [resident] domestic corporation, and would not at any time within the five-year period
300 preceding the announcement date with respect to such business combination have been an
301 interested shareholder but for such inadvertent acquisition;

302 (5) Any business combination with an interested shareholder who was the beneficial
303 owner, directly or indirectly, of five percent or more of the outstanding voting stock of such
304 [resident] domestic corporation on December 1, 1985, and remained so to such interested
305 shareholder's stock acquisition date;

306 (6) Any business combination with an interested shareholder or any of its affiliates or
307 associates, provided that such interested shareholder became an interested shareholder at a time
308 when the restrictions contained in this section did not apply by reason of:

309 (a) Any of subdivisions (1) through (5) of this subsection; or

310 (b) The fact that the corporation was not then a [resident] domestic corporation,
311 provided, however, that this subdivision shall not apply if, at the time such interested shareholder
312 became an interested shareholder, the corporation's articles of incorporation contained a
313 provision authorized by the last sentence of this subsection. This subdivision shall apply
314 regardless of whether the stock acquisition date of such interested shareholder occurred prior to
315 August 28, 1999.

316

317 Notwithstanding subdivisions (1), (2), (3), (4) and (5) of this subsection, a corporation, whether
318 or not a [resident] domestic corporation, may elect by a provision of its original articles of
319 incorporation or any amendment thereto to be governed by this section; provided that any such
320 amendment to the articles of incorporation shall not apply to restrict a business combination
321 between the corporation and an interested shareholder of the corporation or any of its affiliates
322 or associates if the interested shareholder became such prior to the effective date of the
323 amendment.

351.484. The secretary of state may commence a proceeding pursuant to section 351.486
2 to dissolve a corporation administratively if:

3 (1) The corporation fails to pay any final assessment of Missouri corporation franchise
4 tax as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of
5 state of such failure;

6 (2) The corporation fails or neglects to file the Missouri corporation franchise tax report
7 required pursuant to chapter 147, RSMo, provided the director of revenue has provided a place
8 on both the individual and corporation income tax return to indicate no such tax is due and
9 provided the director has delivered or mailed at least two notices of such failure to file to the
10 usual place of business of such corporation or the corporation's last known address and the
11 corporation has failed to respond to such second notice within thirty days of the date of mailing
12 of the second notice and the director of revenue has notified the secretary of state of such failure;

13 (3) The corporation fails to file any corporation income tax return or pay any final
14 assessment of corporation income tax as provided in chapter 143, RSMo, and the director of
15 revenue has notified the secretary of state of such failure;

16 (4) The corporation does not deliver its [annual] **corporate registration** report to the
17 secretary of state within [thirty] **ninety** days after it is due;

18 (5) The corporation is without a registered agent or registered office in this state for
19 thirty days or more;

20 (6) The corporation does not notify the secretary of state within thirty days that its
21 registered agent or registered office has been changed, that its registered agent has resigned, or
22 that its registered office has been discontinued;

23 (7) The corporation's period of duration stated in its articles of incorporation expires;

24 (8) The corporation procures its franchise through fraud practiced upon the state;

25 (9) The corporation has continued to exceed or abuse the authority conferred upon it by
26 law, or has continued to violate any section or sections of the criminal law of the state of
27 Missouri after a written demand to discontinue the same has been delivered by the secretary of
28 state to the corporation, either personally or by mail;

29 (10) The corporation fails to pay any final assessment of employer withholding tax, as
30 provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the
31 secretary of state of such failure; or

32 (11) The corporation fails to pay any final assessment of sales and use taxes, as provided
33 in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such
34 failure.

351.592. 1. The registered agent of a foreign corporation may resign his agency
2 appointment by signing and delivering to the secretary of state for filing the original and two
3 exact or conformed copies of a statement of resignation. The statement of resignation may
4 include a statement that the registered office is also discontinued.

5 2. After filing the statement, the secretary of state shall attach the filing receipt to one
6 copy, and mail the copy and receipt to the registered office if not discontinued. The secretary

7 of state shall mail the other copy to the foreign corporation at its principal office address shown
8 in its most recent [annual] **corporate registration** report.

9 3. The agency appointment is terminated, and the registered office discontinued if so
10 provided, on the thirty-first day after the date on which the statement was filed.

351.594. 1. The registered agent of a foreign corporation authorized to transact business
2 in this state is the corporation's agent for service of process, notice, or demand required or
3 permitted by law to be served on the foreign corporation.

4 2. A foreign corporation may be served by registered or certified mail, return receipt
5 requested, addressed to the secretary of the foreign corporation at its principal office shown in
6 its application for a certificate of authority or in its most recent [annual] **corporate registration**
7 report, if the foreign corporation:

8 (1) Has no registered agent or its registered agent cannot with reasonable diligence be
9 served;

10 (2) Has withdrawn from transacting business in this state as provided in section 351.596;
11 or

12 (3) Has had its certificate of authority revoked under section 351.602.

13

14 If the corporation has no secretary or if the secretary cannot, after the exercise of reasonable
15 diligence, be served, then service on the corporation may be obtained by registered or certified
16 mail, return receipt requested, addressed to any person designated as a director or officer of the
17 corporation at any place of business of the corporation, or at the residence of or any usual
18 business address of such director or officer.

19 3. Service is perfected as provided in subsection 2 of this section at the earliest of:

20 (1) The date the foreign corporation receives the mail;

21 (2) The date shown on the return receipt, if signed on behalf of the foreign corporation;

22 or

23 (3) Five days after its deposit in the United States mail, as evidenced by the postmark,
24 if mailed postpaid and correctly addressed.

25 4. This section does not prescribe the only means, or necessarily the required means, of
26 serving a foreign corporation.

351.598. The secretary of state may commence a proceeding pursuant to section 351.602
2 to revoke the certificate of a foreign corporation authorized to transact business in this state if:

3 (1) The foreign corporation does not deliver its [annual] **corporate registration** report
4 to the secretary of state within thirty days after it is due;

5 (2) The foreign corporation fails to pay any final assessment of Missouri corporation
6 franchise tax, as provided in chapter 147, RSMo, and the director of revenue has notified the
7 secretary of state of such failure;

8 (3) The foreign corporation is without a registered agent or registered office in this state
9 for thirty days or more;

10 (4) The foreign corporation does not inform the secretary of state pursuant to section
11 351.588 or 351.592 that its registered agent or registered office has changed, that its registered
12 agent has resigned, or that its registered office has been discontinued within thirty days of the
13 change, resignation, or discontinuance;

14 (5) An incorporator, director, officer, or agent of the foreign corporation signed a
15 document the person knew was false in any material respect with intent that the document be
16 delivered to the secretary of state for filing;

17 (6) The secretary of state receives a duly authenticated certificate [from the secretary of
18 state or other] **an** official having custody of corporate records in the state or country under whose
19 law the foreign corporation is incorporated stating that it has been dissolved or has disappeared
20 as the result of a merger;

21 (7) The foreign corporation fails to pay any final assessment of employer withholding
22 tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified
23 the secretary of state of such failure; or

24 (8) The foreign corporation fails to pay any final assessment of sales and use taxes, as
25 provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of
26 such failure.

351.602. 1. If the secretary of state determines that one or more grounds exist under
2 section 351.598 for revocation of a certificate of authority, he shall serve the foreign corporation
3 with written notice of his determination as provided in section 351.594.

4 2. If the foreign corporation does not correct each ground for revocation or demonstrate
5 to the reasonable satisfaction of the secretary of state that each ground determined by the
6 secretary of state does not exist within sixty days after service of the notice is perfected under
7 section 351.594, the secretary of state may revoke the foreign corporation's certificate of
8 authority by signing a certificate of revocation that recites the ground or grounds for revocation
9 and its effective date. The secretary of state shall file the original of the certificate and serve a
10 copy on the foreign corporation as provided in section 351.594.

11 3. The authority of a foreign corporation to transact business in this state ceases on the
12 date shown on the certificate revoking its certificate of authority.

13 4. The secretary of state's revocation of a foreign corporation's certificate of authority
14 appoints the secretary of state the foreign corporation's agent for service of process in any

15 proceeding based on a cause of action which arose during the time the foreign corporation was
16 authorized to transact business in this state. Service of process on the secretary of state under
17 this subsection is service on the foreign corporation. Upon receipt of process, the secretary of
18 state shall mail a copy of the process to the secretary of the foreign corporation at its principal
19 office shown in its most recent [annual] **corporate registration** report or in any subsequent
20 communication received from the corporation specifically advising the secretary of state of the
21 current mailing address of its principal office, or, if none are on file, in its application for a
22 certificate of authority.

23 5. Revocation of a foreign corporation's certificate of authority does not terminate the
24 authority of the registered agent of the corporation.

351.690. The provisions of this chapter shall be applicable to existing corporations and
2 corporations not formed pursuant to this chapter as follows:

3 (1) Those provisions of this chapter requiring reports, registration statements and the
4 payment of taxes and fees, shall be applicable, to the same extent and with the same effect, to
5 all existing corporations, domestic and foreign, which were required to make such reports and
6 registration statements and to pay such taxes and fees, prior to November 21, 1943;

7 (2) The provisions of this chapter shall be applicable to banks, trust companies and safe
8 deposit companies when such provisions relating to the internal affairs of a corporation
9 supplement the existing provisions of chapter 362, RSMo, or when the provisions of chapter 362,
10 RSMo, do not deal with a matter involving the internal affairs of a corporation organized
11 pursuant to the provisions of chapter 362, RSMo, as well as those provisions mentioned in
12 subdivision (1) of this section, to the extent applicable. For the purposes of this chapter, the
13 "internal affairs of a corporation" shall include, but not be limited to, matters of corporate
14 governance, director and officer liability, and financial structure;

15 (3) No provisions of this chapter, other than those mentioned in subdivision (1) of this
16 section, and then only to the extent required by the statutes pursuant to which they are
17 incorporated, or other than the provisions of section 351.347, or section 351.355, shall be
18 applicable to insurance companies, savings and loan associations, corporations formed for
19 benevolent, religious, scientific or educational purposes, and nonprofit corporations;

20 (4) Only those provisions of this chapter which supplement the existing laws applicable
21 to railroad corporations, union stations, cooperative companies for profit, credit unions, street
22 railroads, telegraph and telephone companies, boating and rafting companies, urban
23 redevelopment corporations, professional corporations, development finance corporations, and
24 loan and investment companies, and which are not inconsistent with, or in conflict with the
25 purposes of, or are not in derogation or limitation of, such existing laws, shall be applicable to
26 the type of corporations mentioned above in this subdivision; and without limiting the generality

27 of the foregoing, those provisions of this chapter which permit the issuance of shares without par
28 value and the amendment of articles of incorporation for such purpose shall be applicable to
29 railroad corporations, union stations, street railroads, telegraph and telephone companies, and
30 boating and rafting companies, professional corporations, development finance corporations,
31 and loan and investment companies, and those provisions of this chapter mentioned in
32 subdivisions (1) and (2) of this section will apply to all corporations mentioned in this
33 subdivision; except that, the [annual] **corporate registration** report and fee of a professional
34 corporation pursuant to section 356.211, RSMo, shall suffice in lieu of the [annual] **corporate**
35 **registration report** and fee required of a business corporation;

36 (5) All of the provisions of this chapter to the extent provided shall apply to all other
37 corporations existing pursuant to general laws of this state enacted prior to November 21, 1943,
38 and not specifically mentioned in subdivisions (1), (2) and (3) of this section.

355.016. 1. The secretary of state may prescribe and furnish on request, forms for:

2 (1) A foreign corporation's application for a certificate of authority to transact business
3 in this state;

4 (2) A foreign corporation's application for a certificate of withdrawal; and

5 (3) The [annual] **corporate registration** report.

6 If the secretary of state so requires, use of these forms is mandatory.

7 2. The secretary of state may prescribe and furnish on request forms for other documents
8 required or permitted to be filed by this chapter but their use is not mandatory.

355.021. 1. The secretary of state shall collect the following fees when the documents
2 described in this subsection are delivered for filing:

3 (1) Articles of incorporation, twenty dollars;

4 (2) Application for reserved name, twenty dollars;

5 (3) Notice of transfer of reserved name, two dollars;

6 (4) Application for renewal of reserved name, twenty dollars;

7 (5) Corporation's statement of change of registered agent or registered office or both, five
8 dollars;

9 (6) Agent's statement of change of registered office for each affected corporation, five
10 dollars;

11 (7) Agent's statement of resignation, five dollars;

12 (8) Amendment of articles of incorporation, five dollars;

13 (9) Restatement of articles of incorporation with amendments, five dollars;

14 (10) Articles of merger, five dollars;

15 (11) Articles of dissolution, five dollars;

16 (12) Articles of revocation of dissolution, five dollars;

- 17 (13) Application for reinstatement following administrative dissolution, twenty dollars;
18 (14) Application for certificate of authority, twenty dollars;
19 (15) Application for amended certificate of authority, five dollars;
20 (16) Application for certificate of withdrawal, five dollars;
21 (17) **[Annual] Corporate registration report filed annually**, ten dollars if filed in a
22 written format or five dollars if filed electronically in a format prescribed by the secretary of
23 state;
24 (18) **Corporate registration report filed biennially, twenty dollars if filed in a**
25 **written format or ten dollars if filed electronically in a format prescribed by the secretary**
26 **of state;**
27 (19) Articles of correction, five dollars;
28 [(19)] (20) Certificate of existence or authorization, five dollars;
29 [(20)] (21) Any other document required or permitted to be filed by this chapter, five
30 dollars.

31 2. The secretary of state shall collect a fee of ten dollars upon being served with process
32 under this chapter. The party to a proceeding causing service of process is entitled to recover the
33 fee paid the secretary of state as costs if the party prevails in the proceeding.

34 3. The secretary of state shall collect the following fees for copying and certifying the
35 copy of any filed document relating to a domestic or foreign corporation: in a written format
36 fifty cents per page plus five dollars for certification, or in an electronic format five dollars for
37 certification and copies.

355.066. Unless the context otherwise requires or unless otherwise indicated, as used
2 in this chapter the following terms mean:

- 3 (1) "Approved by or approval by the members", approved or ratified by the affirmative
4 vote of a majority of the voters represented and voting at a duly held meeting at which a quorum
5 is present, which affirmative votes also constitute a majority of the required quorum, or by a
6 written ballot or written consent in conformity with this chapter, or by the affirmative vote,
7 written ballot or written consent of such greater proportion, including the votes of all the
8 members of any class, unit or grouping as may be provided in the articles, bylaws or this chapter
9 for any specified member action;
10 (2) "Articles of incorporation" or "articles", amended and restated articles of
11 incorporation and articles of merger;
12 (3) "Board" or "board of directors", the board of directors except that no person or group
13 of persons is the board of directors because of powers delegated to that person or group pursuant
14 to section 355.316;

15 (4) "Bylaws", the code or codes of rules, other than the articles, adopted pursuant to this
16 chapter for the regulation or management of the affairs of the corporation, irrespective of the
17 name or names by which such rules are designated. Bylaws shall not include legally enforceable
18 covenants, declarations, indentures or restrictions imposed upon members by validly recorded
19 indentures, declarations, covenants, restrictions or other recorded instruments, as they apply to
20 real property;

21 (5) "Class", a group of memberships which have the same rights with respect to voting,
22 dissolution, redemption and transfer. For the purpose of this section, "rights" shall be considered
23 the same if they are determined by a formula applied uniformly;

24 (6) "Corporation", public benefit and mutual benefit corporations;

25 (7) "Delegates", those persons elected or appointed to vote in a representative assembly
26 for the election of a director or directors or on other matters;

27 (8) "Deliver" includes mail;

28 (9) "Directors", individuals, designated in the articles or bylaws or elected by the
29 incorporator or incorporators, and their successors and individuals elected or appointed by any
30 other name or title to act as members of the board;

31 (10) "Distribution", the payment of a dividend or any part of the income or profit of a
32 corporation to its members, directors or officers;

33 (11) "Domestic corporation", a Missouri corporation;

34 (12) "Effective date of notice" is defined in section 355.071;

35 (13) "Employee" does not include an officer or director who is not otherwise employed
36 by the corporation;

37 (14) "Entity", domestic corporations and foreign corporations, business corporations and
38 foreign business corporations, for-profit and nonprofit unincorporated associations, business
39 trusts, estates, partnerships, trusts, and two or more persons having a joint or common economic
40 interest, and a state, the United States, and foreign governments;

41 (15) "File", "filed" or "filing", filed in the office of the secretary of state;

42 (16) "Foreign corporation", a corporation organized under a law other than the laws of
43 this state which would be a nonprofit corporation if formed under the laws of this state;

44 (17) "Governmental subdivision" includes authority, county, district, and municipality;

45 (18) "Includes" denotes a partial definition;

46 (19) "Individual", a natural person;

47 (20) "Means" denotes a complete definition;

48 (21) "Member", without regard to what a person is called in the articles or bylaws, any
49 person or persons who on more than one occasion, pursuant to a provision of a corporation's

50 articles or bylaws, have the right to vote for the election of a director or directors; but a person
51 is not a member by virtue of any of the following:

52 (a) Any rights such person has as a delegate;

53 (b) Any rights such person has to designate a director or directors; or

54 (c) Any rights such person has as a director;

55 (22) "Membership", the rights and obligations a member or members have pursuant to
56 a corporation's articles, bylaws and this chapter;

57 (23) "Mutual benefit corporation", a domestic corporation which is formed as a mutual
58 benefit corporation pursuant to sections 355.096 to 355.121 or is required to be a mutual benefit
59 corporation pursuant to section 355.881;

60 (24) "Notice" is defined in section 355.071;

61 (25) "Person" includes any individual or entity;

62 (26) "Principal office", the office, in or out of this state, so designated in the [annual]
63 **corporate registration** report filed pursuant to section 355.856 where the principal offices of
64 a domestic or foreign corporation are located;

65 (27) "Proceeding" includes civil suits and criminal, administrative, and investigatory
66 actions;

67 (28) "Public benefit corporation", a domestic corporation which is formed as a public
68 benefit corporation pursuant to sections 355.096 to 355.121, or is required to be a public benefit
69 corporation pursuant to section 355.881;

70 (29) "Record date", the date established pursuant to sections 355.181 to 355.311 on
71 which a corporation determines the identity of its members for the purposes of this chapter;

72 (30) "Resident", a full-time resident of a long-term care facility or residential care
73 facility;

74 (31) "Secretary", the corporate officer to whom the board of directors has delegated
75 responsibility pursuant to subsection 2 of section 355.431 for custody of the minutes of the
76 directors' and members' meetings and for authenticating the records of the corporation;

77 (32) "State", when referring to a part of the United States, includes a state or
78 commonwealth, and its agencies and governmental subdivisions, and any territory or insular
79 possession, and its agencies and governmental subdivisions, of the United States;

80 (33) "United States" includes any agency of the United States;

81 (34) "Vote" includes authorization by written ballot and written consent; and

82 (35) "Voting power", the total number of votes entitled to be cast for the election of
83 directors at the time the determination of voting power is made, excluding a vote which is
84 contingent upon the happening of a condition or event that has not occurred at the time. Where
85 a class is entitled to vote as a class for directors, the determination of voting power of the class

86 shall be based on the percentage of the number of directors the class is entitled to elect out of the
87 total number of authorized directors.

355.071. 1. For purposes of this chapter, notice may be oral or written.

2 2. Notice may be communicated in person, by telephone, telegraph, teletype, or other
3 form of wire or wireless communication, or by mail or private carrier; if these forms of personal
4 notice are impracticable, notice may be communicated by a newspaper of general circulation in
5 the area where published, or by radio, television, or other form of public broadcast
6 communication.

7 3. Oral notice is effective when communicated if communicated in a comprehensible
8 manner.

9 4. Written notice, if in a comprehensible form, is effective at the earliest of the
10 following:

11 (1) When received;

12 (2) Five days after its deposit in the United States mail, as evidenced by the postmark,
13 if mailed correctly addressed and with first class postage affixed;

14 (3) On the date shown on the return receipt, if sent by registered or certified mail, return
15 receipt requested, and the receipt is signed by or on behalf of the addressee;

16 (4) Thirty days after its deposit in the United States mail, as evidenced by the postmark,
17 if mailed correctly addressed and with other than first class, registered or certified postage
18 affixed.

19 5. Written notice is correctly addressed to a member of a domestic or foreign corporation
20 if addressed to the member's address shown in the corporation's current list of members.

21 6. A written notice or report delivered as part of a newsletter, magazine or other
22 publication regularly sent to members shall constitute a written notice or report if addressed or
23 delivered to the member's address shown in the corporation's current list of members, or in the
24 case of members who are residents of the same household and who have the same address in the
25 corporation's current list of members, if addressed or delivered to one of such members, at the
26 address appearing on the current list of members.

27 7. Written notice is correctly addressed to a domestic or foreign corporation, authorized
28 to transact business in this state, other than in its capacity as a member, if addressed to its
29 registered agent or to its secretary at its principal office shown in its most recent [annual]
30 **corporate registration** report or, in the case of a foreign corporation that has not yet delivered
31 [an annual] **a corporate registration** report, in its application for a certificate of authority.

32 8. If subsection 2 of section 355.251 or any other provision of this chapter prescribes
33 notice requirements for particular circumstances, those requirements govern. If the articles or
34 bylaws prescribe notice requirements, not inconsistent with this section or other provisions of

35 this chapter, those requirements govern. Failure to comply with the terms of this section shall
36 not invalidate the terms of the notice delivered.

355.151. 1. A person may reserve the exclusive use of a corporate name, including a
2 fictitious name for a foreign corporation whose corporate name is not available, by delivering
3 an application to the secretary of state for filing. Upon finding that the corporate name applied
4 for is available, the secretary of state shall reserve the name for the applicant's exclusive use for
5 a sixty-day period. **A name reservation shall not exceed a period of one hundred eighty days**
6 **from the date of the first name reservation application. Upon the hundred eighty-first day,**
7 **the name shall cease reserve status and shall not be placed back in reserve status.**

8 2. The owner of a reserved corporate name may transfer the reservation to another person
9 by delivering to the secretary of state a signed notice of the transfer that states the name and
10 address of the transferee.

355.176. 1. A corporation's registered agent is the corporation's agent for service of
2 process, notice, or demand required or permitted by law to be served on the corporation.

3 2. If a corporation has no registered agent, or the agent cannot with reasonable diligence
4 be served, the corporation may be served by registered or certified mail, return receipt requested,
5 addressed to the secretary of the corporation at its principal office shown in the most recent
6 [annual] **corporate registration** report filed under section 355.856. Service is perfected under
7 this subsection on the earliest of:

- 8 (1) The date the corporation receives the mail;
9 (2) The date shown on the return receipt, if signed on behalf of the corporation; or
10 (3) Five days after its deposit in the United States mail, if mailed and correctly addressed
11 with first class postage affixed.

12 3. This section does not prescribe the only means, or necessarily the required means, of
13 serving a corporation.

355.688. A voluntarily dissolved corporation must continue to file the [annual]
2 **corporate** registration report and pay all required taxes due the state of Missouri until the
3 effective date of articles of termination.

355.706. The secretary of state may commence a proceeding under section 355.711 to
2 administratively dissolve a corporation if:

- 3 (1) The corporation does not pay within thirty days after they are due fees or penalties
4 imposed by this chapter;
5 (2) The corporation does not deliver its [annual] **corporate registration** report to the
6 secretary of state within [thirty] **ninety** days after it is due;
7 (3) The corporation is without a registered agent or registered office in this state for thirty
8 days or more;

9 (4) The corporation does not notify the secretary of state within thirty days that its
10 registered agent or registered office has been changed, that its registered agent has resigned, or
11 that its registered office has been discontinued;

12 (5) The corporation's period of duration, if any, stated in its articles of incorporation
13 expires; or

14 (6) The corporation has procured its charter through fraud practiced upon the state.

355.796. 1. The registered agent of a foreign corporation authorized to transact business
2 in this state is the corporation's agent for service of process, notice, or demand required or
3 permitted by law to be served on the foreign corporation.

4 2. A foreign corporation may be served by registered or certified mail, return receipt
5 requested, addressed to the secretary of the foreign corporation at its principal office shown in
6 its application for a certificate of authority or in its more recent [annual] **corporate registration**
7 report filed under section 355.856 if the foreign corporation:

8 (1) Has no registered agent or its registered agent cannot with reasonable diligence be
9 served;

10 (2) Has withdrawn from transacting business in this state under section 355.801; or

11 (3) Has had its certificate of authority revoked under section 355.811.

12 3. Service is perfected under subsection 2 of this section at the earliest of:

13 (1) The date the foreign corporation receives the mail;

14 (2) The date shown on the return receipt, if signed on behalf of the foreign corporation;

15 or

16 (3) Five days after its deposit in the United States mail, as evidenced by the postmark if
17 mailed postpaid and correctly addressed.

18 4. This section does not prescribe the only means, or necessarily the required means, of
19 serving a foreign corporation.

355.806. 1. The secretary of state may commence a proceeding under section 355.811
2 to revoke the certificate of authority of a foreign corporation authorized to transact business in
3 this state if:

4 (1) The foreign corporation does not deliver the [annual] **corporate registration** report
5 to the secretary of state within thirty days after it is due;

6 (2) The foreign corporation does not pay within thirty days after they are due any fees or
7 penalties imposed by this chapter;

8 (3) The foreign corporation is without a registered agent or registered office in this state
9 for thirty days or more;

10 (4) The foreign corporation does not inform the secretary of state under section 355.786
11 or 355.791 that its registered agent or registered office has changed, that its registered agent has

12 resigned, or that its registered office has been discontinued within thirty days of the change,
13 resignation, or discontinuance;

14 (5) An incorporator, director, officer or agent of the foreign corporation signed a
15 document such person knew was false in any material respect with intent that the document be
16 delivered to the secretary of state for filing;

17 (6) The secretary of state receives a duly authenticated certificate from the secretary of
18 state or other official having custody of corporate records in the state or country under whose law
19 the foreign corporation is incorporated stating that it has been dissolved or disappeared as the
20 result of a merger; or

21 (7) The corporation procured its certificate of authority through fraud practiced on the
22 state.

23 2. The attorney general may commence a proceeding under section 355.811 to revoke
24 the certificate of authority of a foreign corporation authorized to transact business in this state
25 if:

26 (1) The corporation has continued to exceed or abuse the authority conferred upon it by
27 law;

28 (2) The corporation would have been a public benefit corporation other than a church or
29 convention or association of churches had it been incorporated in this state and that its corporate
30 assets in this state are being misapplied or wasted; or

31 (3) The corporation would have been a public benefit corporation other than a church or
32 convention or association of churches had it been incorporated in this state and it is no longer
33 able to carry out its purposes.

355.811. 1. The secretary of state upon determining that one or more grounds exist
2 under section 355.806 for revocation of a certificate of authority shall serve the foreign
3 corporation with written notice of that determination under section 355.796.

4 2. The attorney general upon determining that one or more grounds exist under
5 subsection 2 of section 355.806 for revocation of a certificate of authority shall request the
6 secretary of state to serve, and the secretary of state shall serve the foreign corporation with
7 written notice of that determination under section 355.796.

8 3. If the foreign corporation does not correct each ground for revocation or demonstrate
9 to the reasonable satisfaction of the secretary of state or attorney general that each ground for
10 revocation determined by the secretary of state or attorney general does not exist within sixty
11 days after service of the notice is perfected under section 355.796, the secretary of state may
12 revoke the foreign corporation's certificate of authority by signing a certificate of revocation that
13 recites the ground or grounds for revocation and its effective date. The secretary of state shall

14 file the original of the certificate and serve a copy on the foreign corporation under section
15 355.796.

16 4. The authority of a foreign corporation to transact business in this state ceases on the
17 date shown on the certificate revoking its certificate of authority.

18 5. The secretary of state's revocation of a foreign corporation's certificate of authority
19 appoints the secretary of state the foreign corporation's agent for service of process in any
20 proceeding based on a cause of action which arose during the time the foreign corporation was
21 authorized to transact business in this state. Service of process on the secretary of state under
22 this subsection is service on the foreign corporation. Upon receipt of process, the secretary of
23 state shall mail a copy of the process to the secretary of the foreign corporation at its principal
24 office shown in its most recent [annual] **corporate registration** report or in any subsequent
25 communications received from the corporation stating the current mailing address of its principal
26 office, or, if none are on file, in its application for a certificate of authority.

27 6. Revocation of a foreign corporation's certificate of authority does not terminate the
28 authority of the registered agent of the corporation.

355.821. 1. A corporation shall keep as permanent records minutes of all meetings of
2 its members and board of directors, a record of all actions taken by the members or directors
3 without a meeting, and a record of all actions taken by committees of the board of directors as
4 authorized by subsection 4 of section 355.406.

5 2. A corporation shall maintain appropriate accounting records.

6 3. A corporation or its agent shall maintain a record of its members in a form that
7 permits preparation of a list of the names and addresses of all members, in alphabetical order by
8 class showing the number of votes each member is entitled to vote.

9 4. A corporation shall maintain its records in written form or in another form capable of
10 conversion into written form within a reasonable time.

11 5. A corporation shall keep a copy of the following records at its principal office:

12 (1) Its articles or restated articles of incorporation and all amendments to them currently
13 in effect;

14 (2) Its bylaws or restated bylaws and all amendments to them currently in effect;

15 (3) Resolutions adopted by its board of directors relating to the characteristics,
16 qualifications, rights, limitations and obligations of members or any class or category of
17 members;

18 (4) The minutes of all meetings of members and records of all actions approved by the
19 members for the past three years;

20 (5) All written communications to all members or any specific class of members
21 generally within the past three years, including the financial statements furnished for the past
22 three years under section 355.846;

23 (6) A list of the names and business or home addresses of its current directors and
24 officers;

25 (7) Its most recent [annual] **corporate registration** report delivered to the secretary of
26 state under section 355.856; and

27 (8) Appropriate financial statements of all income and expenses. Public benefit
28 corporations shall not be required, under this chapter, to disclose any information with respect
29 to donors, gifts, contributions or the purchase or sale of art objects.

355.856. 1. Each domestic corporation, and each foreign corporation authorized
2 pursuant to this chapter to transact business in this state, shall file with the secretary of state [an
3 annual] a corporate registration report on a form prescribed and furnished by the secretary of
4 state that sets forth:

5 (1) The name of the corporation and the state or country under whose law it is
6 incorporated;

7 (2) The address of its registered office and the name of its registered agent at the office
8 in this state;

9 (3) The address of its principal office;

10 (4) The names and physical business or residence addresses of its directors and principal
11 officers.

12 2. The information in the [annual] corporate registration report must be current on the
13 date the [annual] corporate registration report is executed on behalf of the corporation.

14 3. The [first annual] **initial** corporate registration report must be delivered to the
15 secretary of state no later than August thirty-first of the year following the calendar year in which
16 a domestic corporation was incorporated or a foreign corporation was authorized to transact
17 business. Subsequent [annual] corporate registration reports must be delivered to the secretary
18 of state no later than August thirty-first of the following calendar years, **except as provided in**
19 **section 355.857**. If an annual corporate registration report is not filed within the time limits
20 prescribed by this section, the secretary of state shall not accept the report unless it is
21 accompanied by a fifteen dollar fee. Failure to file the annual registration report as required by
22 this section will result in the administrative dissolution of the corporation as set forth in section
23 355.706.

24 4. If an annual corporate registration report does not contain the information required by
25 this section, the secretary of state shall promptly notify the reporting domestic or foreign
26 corporation in writing and return the report to it for correction.

27 5. A corporation may change the corporation's registered office or registered agent with
28 the filing of the corporation's annual registration report. To change the corporation's registered
29 agent with the filing of the annual registration report, the corporation must include the new
30 registered agent's written consent to the appointment as registered agent and a written consent
31 stating that such change in registered agents was authorized by resolution duly adopted by the
32 board of directors. The written consent must be signed by the new registered agent and must
33 include such agent's address. If the annual corporate registration report is not completed
34 correctly, the secretary of state may reject the filing of such report.

35 6. A corporation's annual registration report must be filed in a format and medium
36 prescribed by the secretary of state.

37 7. The annual registration report shall be signed by an officer or authorized person and
38 pursuant to this section represents that the signer believes the statements are true and correct to
39 the best knowledge and belief of the person signing, subject to the penalties of section 575.040,
40 RSMo.

**355.857. 1. Notwithstanding the provisions of section 355.856 to the contrary,
2 beginning January 1, 2008, the secretary of state may provide corporations the option of
3 biennially filing corporate registration reports. Any corporation incorporated or qualified
4 in an even-numbered year may file a biennial corporate registration report only in an even-
5 numbered calendar year, and any corporation incorporated or qualified in an odd-
6 numbered year may file a biennial corporate registration report only in an odd-numbered
7 calendar year, subject to the following requirements:**

8 **(1) The fee paid at the time of biennial registration shall be that specified in section
9 355.021;**

10 **(2) A corporation's biennial corporate registration report shall be filed in a format
11 as prescribed by the secretary of state;**

12 **(3) The secretary of state may collect an additional fee of ten dollars on each
13 biennial corporate registration report filed under this section. Such fee shall be deposited
14 into the state treasury and credited to the secretary of state's technology trust fund
15 account.**

16 **2. Once a corporation chooses the option of biennial registration, such registration
17 shall be maintained for the full twenty-four month period. Once the twenty-four month
18 period has expired and another corporate registration report is due, a corporation may
19 choose to file an annual registration report under section 355.856. However, upon making
20 such choice the corporation may later only choose to file a biennial corporate registration
21 report in a year appropriate under subsection 1 of this section, based on the year in which
22 the corporation was incorporated.**

23 **3. The secretary of state may promulgate rules for the effective administration of**
24 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
25 **that is created under the authority delegated in this section shall become effective only if**
26 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
27 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
28 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
29 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
30 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
31 **adopted after August 28, 2007, shall be invalid and void.**

356.211. 1. Each professional corporation and each foreign professional corporation
2 shall file with the secretary of state [an annual corporation] **a corporate** registration report
3 pursuant to section 351.120, RSMo, **or section 351.122, RSMo.** The corporate registration
4 report shall set forth the following information: the names and residence or physical business
5 addresses of all officers, directors and shareholders of that professional corporation as of the date
6 of the report.

7 2. The report shall be made on a form to be prescribed and furnished by the secretary of
8 state, and shall be executed by an officer of the corporation or authorized person.

9 3. A filing fee in the amount set out in section 351.125, RSMo, **or section 351.122,**
10 **RSMo,** shall be paid with the filing of each report, and no other fees shall be charged therefor;
11 except that, penalty fees may be imposed by the secretary of state for late filings. The report
12 shall be filed subject to the time requirements of section 351.120, RSMo, **or section 351.122,**
13 **RSMo.**

14 4. If a professional corporation or foreign professional corporation shall fail to file a
15 report qualifying with the provisions of this section when such a filing is due, then the
16 corporation shall be subject to the provisions of chapter 351, RSMo, that are applicable to a
17 corporation that has failed to timely file the [annual] report required to be filed under chapter
18 351, RSMo.

407.300. 1. Every **purchaser or** collector of, or dealer in junk, **scrap metal,** or any
2 secondhand property shall keep a register [which shall contain the name and address of the
3 person from whom] **containing a written or electronic record for each purchase or trade in**
4 **which each type of metal subject to the provisions of this section is obtained for value.**
5 **There shall be a separate record for each transaction involving** any copper, **aluminum** wire
6 or cable [is purchased], whatever may be the condition or length of such [copper wire or cable]
7 **metal. The record shall contain the following data: A copy of the operator's license or**
8 **other state-issued or federally issued form of identification of the person from whom the**
9 **material is obtained;** [the residence or place of business and driver's license number of such

10 person;] **the date, time, and place of and** a full description of each **such purchase or trade**
11 including the quantity by weight thereof; and shall permit any peace officer to inspect the
12 register at any reasonable time].

13 **2. The records required under this section shall be maintained for a minimum of**
14 **twenty-four months from when such material is obtained and shall be available for**
15 **inspection by any law enforcement agent.**

16 **3. Anyone convicted of violating this section shall be [fined not less than twenty-five**
17 **dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more**
18 **than six months, or both] guilty of a class A misdemeanor.**

19 **4. This section shall not apply to any of the following transactions:**

20 **(1) Any transaction for which the total amount paid for all regulated scrap metal**
21 **purchased or sold does not exceed fifty dollars or fifty pounds, whichever is greater;**

22 **(2) Any transaction in which the seller is an established scrap metal dealer that**
23 **operates a business with a fixed location that can be reasonably identified as a scrap metal**
24 **dealer;**

25 **(3) Any transaction for which the seller has an existing business relationship with**
26 **the scrap metal dealer and is known to the scrap metal dealer making the purchase to be**
27 **an established business or political subdivision that operates a business with a fixed**
28 **location that can be reasonably expected to generate regulated scrap metal and can be**
29 **reasonably identified as such a business.**

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

2 **(1) "Performing group", a vocal or instrumental group seeking to use the name of**
3 **another group that has previously released a commercial sound recording under that**
4 **name;**

5 **(2) "Recording group", a vocal or instrumental group at least one of whose**
6 **members has previously released a commercial sound recording under that group's name**
7 **and in which the member or members have a legal right by virtue of use or operation**
8 **under the group name without having abandoned the name or affiliation with the group;**

9 **(3) "Sound recording", a work that results from the fixation on a material object**
10 **of a series of musical, spoken, or other sounds regardless of the nature of the material**
11 **object, such as a disk, tape, or other phono-record, in which the sounds are embodied.**

12 **2. It shall be unlawful for any person to advertise or conduct a live musical**
13 **performance or production in this state through the use of a false, deceptive, or misleading**
14 **affiliation, connection, or association between the performing group and the recording**
15 **group. This section shall not apply if:**

16 (1) The performing group is the authorized registrant and owner of a federal
17 service mark for that group registered in the United States Patent and Trademark Office;

18 (2) At least one member of the performing group was a member of the recording
19 group and has a legal right by virtue of use or operation under the group name without
20 having abandoned the name or affiliation with the group;

21 (3) The live musical performance or production is identified in all advertising and
22 promotion as a salute or tribute;

23 (4) The advertising does not relate to a live musical performance or production
24 taking place in this state; or

25 (5) The performance or production is expressly authorized by the recording group.

26 3. (1) Whenever the attorney general or prosecuting attorney has reason to believe
27 that any person is advertising or conducting or is about to advertise or conduct a live
28 musical performance or production in violation of subsection 2 of this section and that
29 proceedings would be in the public interest, the attorney general or prosecuting attorney
30 may bring an action in the name of the state against the person to restrain by temporary
31 or permanent injunction that practice.

32 (2) Whenever any court issues a permanent injunction to restrain and prevent
33 violations of this section as authorized in subdivision (1) of this subsection, the court may
34 in its discretion direct that the defendant restore to any person in interest any moneys or
35 property, real or personal, which may have been acquired by means of any violation of this
36 section, under terms and conditions to be established by the court.

37 4. A person who violates subsection 2 of this section shall be liable to the state for
38 a civil penalty of not less than five thousand dollars nor more than fifteen thousand dollars
39 per violation, which civil penalty shall be in addition to any other relief which may be
40 granted under subsection 3 of this section. Each performance or production declared
41 unlawful by subsection 2 of this section shall constitute a separate violation.

407.485. 1. It shall be an unfair business practice in violation of section 407.020 for
2 a for profit entity or natural person to collect donations of unwanted household items via
3 a public receptacle and resell the donated items for profit unless the donation receptacle
4 prominently displays a statement in bold letters at least two inches high and two inches
5 wide stating: "DONATIONS ARE NOT FOR CHARITABLE ORGANIZATIONS AND
6 WILL BE RESOLD FOR PROFIT".

7 2. It shall be an unfair business practice in violation of section 407.020 for a for
8 profit entity or natural person to collect donations of unwanted household items via a
9 public receptacle and resell the donated items where some or all of the proceeds from the
10 sale are directly given to a not for profit entity unless the donation receptacle prominently

11 displays a statement in bold letters at least two inches high and two inches wide stating:
12 **"DONATIONS TO THE FOR PROFIT COMPANY: (name of the company) ARE SOLD**
13 **FOR PROFIT AND (% of proceeds donated to the not for profit) % OF ALL PROCEEDS**
14 **ARE DONATED TO (name of the non-profit beneficiary organization's name)".**

15 **3. It shall be an unfair business practice in violation of section 407.020 for a for**
16 **profit entity or natural person to collect donations of unwanted household items via a**
17 **public receptacle and resell the donated items, where such for profit entity is paid a flat fee,**
18 **not contingent upon the proceeds generated by the sale of the collected goods, and one**
19 **hundred percent of the proceeds from the sale of the items are given directly to the not for**
20 **profit, unless the donation receptacle prominently displays a statement in bold letters at**
21 **least two inches high and two inches wide stating: "THIS DONATION RECEPTACLE IS**
22 **OPERATED BY THE FOR PROFIT ENTITY: (name of the for profit/individual) ON**
23 **BEHALF of (name of the non-profit beneficiary organization's name)".**

24 **4. Nothing in section 407.485 shall apply to paper, glass, or aluminum products that**
25 **are donated for the purpose of being recycled in the manufacture of other products.**

26 **5. Any entity which, on or before June 1, 2007, has distributed one hundred or**
27 **more separate public receptacles within the state of Missouri to which the provisions of**
28 **subsections 2 or 3 of this section would apply shall be deemed in compliance with the**
29 **signage requirements imposed by this section for the first six months after the effective date**
30 **of this section, provided such entity has made or is making good faith efforts to bring all**
31 **signage in compliance with the provisions of this section and all such signage is in complete**
32 **compliance no later than six months after the effective date of this section.**

417.011. A mark by which the goods or services of any applicant for registration may
2 be distinguished from the goods or services of others shall not be registered if it:

3 (1) Consists of or comprises immoral, deceptive or scandalous matter; or

4 (2) Consists of or comprises matter which may disparage or falsely suggest a connection
5 with persons, living or dead, institutions, beliefs, or national symbols, or bring them into
6 contempt, or disrepute; or

7 (3) Consists of or comprises the flag or coat of arms or other insignia of the United
8 States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

9 (4) Consists of or comprises the name, signature or portrait of any living individual,
10 except with the written consent; or

11 (5) Consists of a mark which, (a) when applied to the goods or services of the applicant,
12 is merely descriptive or deceptively misdescriptive of them, or (b) when applied to the goods or
13 services of the applicant, is primarily geographically descriptive or deceptively misdescriptive
14 of them, or (c) is primarily merely a surname; provided, however, that nothing in this section

15 shall prevent the registration of a mark used in this state by the applicant which has become
16 distinctive of the applicant's goods or services. The secretary of state may accept as evidence
17 that the mark has become distinctive, as applied to the applicant's goods or services, proof of
18 continuous use thereof as a mark by the applicant in the state or elsewhere for the five years next
19 preceding the date of the filing of the application for registration; or

20 (6) Consists of or comprises a mark which so resembles a mark registered in this state,
21 or a mark or trade name previously used in this state by another and not abandoned, as to be
22 likely, when applied to the goods or services of the applicant, to cause confusion or mistake or
23 to deceive. **The duty of the secretary of state under this subsection shall be limited to**
24 **examination of its registration records.**

417.016. 1. Subject to the limitations set forth in sections 417.005 to 417.066, any
2 person who adopts and uses a mark in this state may file in the office of the secretary of state,
3 on a form to be authorized or furnished by the secretary of state, an application for registration
4 of that mark setting forth, but not limited to, the following information:

5 (1) The name and business address of the person applying for such registration; and, if
6 a corporation, the state of incorporation;

7 (2) The goods or services in connection with which the mark is used and the mode or
8 manner in which the mark is used in connection with such goods or services and the class in
9 which such goods or services fall;

10 (3) The date when the mark was first used anywhere and the date when it was first used
11 in this state by the applicant or his predecessor in business, **unless an application is filed under**
12 **subsection 2 of this section;** and

13 (4) A statement that the applicant is the owner of the mark and that no other person has
14 the right to use such mark in this state either in the identical form thereof or in such near
15 resemblance thereto as might be calculated to deceive or to be mistaken therefor.

16 2. **An application for registration may be filed under this section if the applicant**
17 **provides a signed statement providing that it has a bona fide intention to use the mark in**
18 **commerce on or in connection with the goods or services listed in the application. If the**
19 **statement is not filed with the initial application, the statement shall allege that the**
20 **applicant had a bona fide intention to use the mark in commerce on or in connection with**
21 **the goods or services listed in the application as of the filing date of the application.**

22 3. The application shall be signed [and verified] by the applicant or by a member of the
23 firm or an officer of the corporation or association applying.

24 [3.] 4. The application shall be accompanied by a specimen or facsimile of such mark,
25 in triplicate, **for each class of goods or services in which the applicant would like to register**
26 **the mark. A trademark specimen is a label, tag, or container for the goods, or a display**

27 **associated with the goods. The secretary of state may accept another document related to**
28 **the goods or the sale of the goods when it is not possible to place the mark on the goods or**
29 **packaging for the goods. A service mark specimen shall show the mark as actually used**
30 **in the sale or advertising of the services.**

31 [4.] **5.** The application for registration shall be accompanied by a fee of fifty dollars,
32 payable to the director of revenue.

33 [5.] **6.** The secretary of state may also require a statement as to whether an application
34 to register the mark, or portions or a composite thereof, has been filed by the applicant or a
35 predecessor in interest in the United States Patent and Trademark Office; and, if so, the applicant
36 shall provide full particulars with respect thereof including the filing date and serial number of
37 each application, the status thereof and, if any application was finally refused registration or has
38 otherwise not resulted in a registration, the reasons therefor.

39 [6.] **7.** The secretary of state may also require that a drawing of the mark, complying with
40 such requirements as the secretary of state may specify, accompany the application.

41 [7.] **8.** Upon the filing of an application for registration and payment of the application
42 fee, the secretary of state may cause the application to be examined for conformity with sections
43 417.005 to 417.066.

44 [8.] **9.** The applicant shall provide [any additional pertinent information requested by the]
45 **to the** secretary of state [including] a **written** description of a design mark and may make, or
46 authorize the secretary of state to make, such amendments to the application as may be
47 reasonably requested by the secretary of state or deemed by the applicant to be advisable to
48 respond to any rejection or objection.

49 [9.] **10.** The secretary of state may require the applicant to disclaim an unregistrable
50 component of a mark otherwise registrable, and an applicant may voluntarily disclaim a
51 component of a mark sought to be registered. No disclaimer shall prejudice or affect the
52 applicant's or registrant's rights then existing or thereafter arising in the disclaimed matter, or the
53 applicant's or registrant's rights of registration on another application if the disclaimed matter be
54 or shall have become distinctive of the applicant's or registrant's goods or services.

55 [10.] **11.** Amendments may be made by the secretary of state upon the application
56 submitted by the applicant with the applicant's agreement; or a fresh application may be required
57 to be submitted.

58 [11.] **12.** If the applicant is found not to be entitled to registration, the secretary of state
59 shall advise the applicant thereof and of the reasons therefor. The applicant shall have a
60 reasonable period of time specified by the secretary of state in which to reply or to amend the
61 application, in which event the application shall then be reexamined. This procedure may be
62 repeated until:

63 (1) The secretary of state finally refuses registration of the mark; or

64 (2) The applicant fails to reply or amend within the specified period, whereupon the
65 application shall be deemed to have been abandoned.

66 [12.] **13.** If the secretary of state finally refuses registration of the mark, the applicant
67 may seek, in the circuit court of Cole County, an extraordinary writ to compel such registration.
68 Such injunction may be granted, but without costs to the secretary of state, on proof that all the
69 statements in the application are true and that the mark is otherwise entitled to registration.

70 [13.] **14.** In the instance of applications concurrently being processed by the secretary
71 of state seeking registration of the same or confusingly similar marks for the same or related
72 goods or services, the secretary of state shall grant priority to the applications in order of filing.
73 If a prior-filed application is granted a registration, the other application or applications shall
74 then be rejected. Any rejected applicant may bring an action for cancellation of the registration
75 upon grounds of prior or superior rights to the mark, in accordance with the provisions of section
76 417.041.

417.046. 1. The general classes of goods and services as provided in this section are
2 established for convenience of administration of sections 417.005 to 417.066, but not to limit
3 or extend the applicant's or registrant's rights[, and a single application for registration of a mark
4 may include any or all goods upon which, or services with which, the mark is actually being used
5 comprised in a single class, but in no event shall a single application include goods or services
6 upon which the mark is being used which fall within different classes of goods or services].
7 **Applications for registration of a mark may include any or all goods upon which, or**
8 **services with which, the mark is actually being used, or in which the applicant has a bona**
9 **fide intention to use.**

10 2. **In a single application, an applicant may apply to register the same mark for**
11 **goods or services in multiple classes. The applicant shall:**

12 (1) **Specifically identify the goods or services in each class;**

13 (2) **Submit an application filing fee for each class as provided in this chapter; and**

14 (3) **Include either dates of use and one specimen for each class, or shall allege that**
15 **the applicant has a bona fide intention to use the mark in commerce on or in connection**
16 **with the goods or services listed in the application.**

17 3. The classes of goods and services are as follows:

18

19 GOODS

20 (1) **Chemicals used in industry, science, and photography, as well as in agriculture,**
21 **horticulture, and forestry; unprocessed artificial resins; unprocessed plastics; manures;**

- 22 **fire extinguishing compositions; tempering and soldering preparations; chemical**
23 **substances for preserving foodstuffs; tanning substances; adhesives used in industry;**
24 (2) **Paints, varnishes, and lacquers; preservatives against rust and against**
25 **deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder**
26 **form for painters, decorators, printers, and artists;**
27 (3) **[Cosmetics and cleaning preparations] Bleaching preparations and other**
28 **substances for laundry use; cleaning, polishing, scouring, and abrasive preparations;**
29 **soaps; perfumery; essential oils; cosmetics; hair lotions; dentifrices;**
30 (4) **[Lubricants and fuels] Industrial oils and greases; lubricants; dust absorbing,**
31 **wetting, and binding compositions; fuels, including motor spirit; illuminants; candles;**
32 **wicks;**
33 (5) **Pharmaceuticals, veterinary, and sanitary preparations; dietetic substances**
34 **adapted for medical use; food for babies; plasters; material for dressings; material for**
35 **stopping teeth; dental wax; disinfectants; preparations for destroying vermin; fungicides;**
36 **herbicides;**
37 (6) **[Metal goods] Common metals and their alloys; metal building materials;**
38 **transportable buildings of metal; materials of metal for railway tracks; nonelectric cables**
39 **and wires of common metal; ironmongery; small items of metal hardware; pipes and tubes**
40 **of metal; safes; goods of common metal not included in other classes; ores;**
41 (7) **[Machinery] Machines and machine tools; motors and engines, except for land**
42 **vehicles; machine coupling and transmission components, except for land vehicles;**
43 **agricultural implements not hand-operated; incubators for eggs;**
44 (8) **Hand tools and hand-operated implements; cutlery; side arms; razors;**
45 (9) **[Electrical and scientific apparatus] Scientific, nautical, surveying, electric,**
46 **photographic, cinematographic, optical, weighing, measuring, signaling, checking**
47 **(supervision), life-saving, and teaching apparatus and instruments; apparatus for**
48 **recording, transmission, or reproduction of sound or images; magnetic data carriers;**
49 **recording discs; automatic vending machines and mechanisms for coin-operated**
50 **apparatus; cash registers; calculating machines; data processing equipment and**
51 **computers; fire extinguishing apparatus;**
52 (10) **[Medical apparatus] Surgical, medical, dental, and veterinary apparatus and**
53 **instruments; artificial limbs, eyes, and teeth; orthopedic articles; suture materials;**
54 (11) **[Environmental control apparatus] Apparatus for lighting, heating, steam**
55 **generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary**
56 **purposes;**
57 (12) **Vehicles and apparatus for locomotion by land, air, or water;**

- 58 (13) Firearms; **ammunition and projectiles; explosives; fireworks;**
59 (14) [Jewelry] **Precious metals and their alloys and goods in precious metals or**
60 **coated therewith, not included in other classes; jewelry and precious stones; horological**
61 **and chronometric instruments;**
62 (15) Musical instruments;
63 (16) [Paper goods and printed matter] **Paper, cardboard, and goods made from these**
64 **materials, not included in other classes; printed matter; bookbinding material;**
65 **photographs; stationery; adhesives for stationery or household purposes; artists' materials;**
66 **paint brushes; typewriters and office requisites, except furniture; instructional and**
67 **teaching material, except apparatus; plastic materials for packaging, not included in other**
68 **classes; playing cards; printers' type; printing blocks;**
69 (17) Rubber [goods] , **gutta-percha, gum, asbestos, mica, and goods made from these**
70 **materials and not included in other classes; plastics in extruded form for use in**
71 **manufacture; packing, stopping, and insulating materials; flexible pipes, not of metal;**
72 (18) Leather [goods] , **imitations of leather, and goods made of these materials and**
73 **not included in other classes; animal skins and hides; trunks and traveling bags;**
74 **umbrellas, parasols, and walking sticks; whips, harnesses, and saddlery;**
75 (19) Nonmetallic building materials; **nonmetallic rigid pipes for building; asphalt,**
76 **pitch, and bitumen; nonmetallic transportable buildings; monuments, not of metal;**
77 (20) Furniture [and articles not otherwise classified] , **mirrors, and picture frames;**
78 **goods of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber,**
79 **mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics;**
80 (21) [Housewares and glass] **Household or kitchen utensils and containers not of**
81 **precious metal or coated therewith; combs and sponges; brushes, except paint brushes;**
82 **brush-making material; articles for cleaning purposes; steel wool; unworked or semi-**
83 **worked glass, except glass used in building; glassware, porcelain, and earthenware not**
84 **included in other classes;**
85 (22) [Cordage and fibers] **Ropes, strings, nets, tents, awnings, tarpaulins, sails, sacks,**
86 **and bags not included in other classes; padding and stuffing materials, except of rubber**
87 **or plastics; raw fibrous textile materials;**
88 (23) Yarns and threads **for textile use;**
89 (24) [Fabrics] **Textiles and textile goods, not included in other classes; beds and**
90 **table covers;**
91 (25) Clothing, **footwear, and headgear;**
92 (26) [Fancy goods] **Lace and embroidery; ribbons and braid; buttons, hooks, and**
93 **eyes; pins and needles; artificial flowers;**

94 (27) [Floor coverings] **Carpets, rugs, mats, and matting; linoleum and other**
95 **materials for covering existing floors; nontextile wall hangings;**

96 (28) [Toys and sporting goods] **Games and playthings; gymnastics and sporting**
97 **articles not included in other classes; decorations for Christmas trees;**

98 (29) [Meats and processed foods] **Meat, fish, poultry, and game; meat extracts;**
99 **preserved, dried, and cooked fruits and vegetables; jellies, jams, and fruit sauces; eggs,**
100 **milk, and milk products; edible oils and fats;**

101 (30) [Staple foods] **Coffee, tea, cocoa, sugar, rice, tapioca, sago, and artificial coffee;**
102 **flour and preparations made from cereals, bread, pastry and confectionary; ices; honey;**
103 **treacle; yeast; baking powder; salt; mustard; vinegar; sauces (condiments); spices;**

104 (31) [Natural agricultural products] **Agricultural, horticultural, and forestry products**
105 **and grains not included in other classes; live animals; fresh fruits and vegetables; seeds,**
106 **natural plants, and flowers; foodstuffs for animals; malt;**

107 (32) [Light beverages] **Beers; mineral and aerated waters and other nonalcoholic**
108 **drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages;**

109 (33) [Wines and spirits] **Alcoholic beverages, except beer; and**

110 (34) [Smokers' articles] **Tobacco; smokers' articles; matches.**

111

112 SERVICES

113 (35) [Advertising and business] **Advertising; business management; business**
114 **administration; office functions;**

115 (36) [Insurance and financial] **Insurance; financial affairs; monetary affairs; real**
116 **estate affairs;**

117 (37) [Construction and repair] **Building construction; repair; installation services;**

118 (38) [Communications] **Telecommunications;**

119 (39) [Transportation and storage] **Transport; packaging and storage of goods; travel**
120 **arrangement;**

121 (40) [Material treatment] **Treatment of materials;**

122 (41) Education [and entertainment and] ; **providing of training; entertainment;**
123 **sporting and cultural activities;**

124 (42) [Miscellaneous] **Scientific and technological services, research, and design**
125 **relating thereto; industrial analysis and research services; design and development of**
126 **computer hardware; legal services;**

127 (43) **Services for providing food and drink; temporary accommodations;**

128 (44) **Medical services; veterinary services; hygienic and beauty care for human**
129 **beings or animals; agriculture, horticulture, and forestry services; and**

130 **(45) Personal and social services rendered by others to meet the needs of**
131 **individuals; security services for the protection of property and individuals.**

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

 427.225. 1. Deceptive use of a financial institution's name in notification or solicitation
2 occurs when a business, or a person acting on its behalf, engages in the following activity:

3 (1) Through advertisement, solicitation, or other notification, either verbally or through
4 any other means, informs a consumer of the availability of any type of goods or services that are
5 not free;

6 (2) The name of an unrelated and unaffiliated financial institution is mentioned in any
7 manner;

8 (3) The goods or services mentioned are not actually provided by the unrelated and
9 unaffiliated financial institution whose name is mentioned;

10 (4) The business on whose behalf the notification or solicitation is made does not have
11 a consensual right to mention the name of the unrelated and unaffiliated financial institution; and

12 (5) Neither the actual name nor trade name of the business on whose behalf the
13 notification or solicitation is being made is stated, nor the actual name or trade name of any
14 actual provider of the goods or services is stated, so as to clearly identify for the consumer a
15 name that is distinguishable and separate from the name of the unrelated and unaffiliated
16 financial institution whose name is mentioned in any manner in the notification or solicitation,
17 and thereby a misleading implication or ambiguity is created, such that a consumer who is the
18 recipient of the advertisement, solicitation or notification may reasonably but erroneously
19 believe:

20 (a) That the goods or services whose availability is mentioned are made available by or
21 through the unrelated and unaffiliated financial institution whose name is mentioned; or

22 (b) That the unrelated and unaffiliated financial institution whose name is mentioned is
23 the one communicating with the consumer.

24 2. Deceptive use of another's name in notification or solicitation occurs when a business,
25 or a person acting on its behalf, engages in the following activity:

26 (1) Falsely states or implies that any person, product or service is recommended or
27 endorsed by a named third-person financial institution; or

28 (2) Falsely states that information about the consumer including but not limited to the
29 name, address, or phone number of the consumer has been provided by a third-person financial
30 institution, whether that person is named or unnamed.

31 3. [Only] The financial institution whose name is deceptively used, as provided in this
32 section, may bring a private civil action and recover a minimum amount of ten thousand dollars,
33 court costs, and attorney fees plus any damages such financial institution may prove at trial.

34 4. For the purposes of this section, a financial institution includes a commercial bank,
35 savings and loan association, savings bank, credit union, mortgage banker, or consumer finance
36 company, or an institution chartered pursuant to the provisions of an act of the United States
37 known as the Farm Credit Act of 1971.

38 **5. Nothing contained in this section shall bar the attorney general from enforcing**
39 **the provisions of sections 407.010 to 407.145, RSMo.**

429.010. 1. Any person who shall do or perform any work or labor upon **land**, rent any
2 machinery or equipment, **or use rented machinery or equipment**, or furnish any material,
3 fixtures, engine, boiler or machinery for any building, erection or improvements upon land, or
4 for repairing, grading, excavating, or filling of the same, or furnish and plant trees, shrubs,
5 bushes or other plants or provides any type of landscaping goods or services or who installs
6 outdoor irrigation systems under or by virtue of any contract with the owner or proprietor thereof,
7 or his or her agent, trustee, contractor or subcontractor, or without a contract if ordered by a city,
8 town, village or county having a charter form of government to abate the conditions that caused
9 a structure on that property to be deemed a dangerous building under local ordinances pursuant
10 to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340,
11 shall have for his or her work or labor done, machinery or equipment rented or materials,
12 fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants furnished, or any type
13 of landscaping goods or services provided, a lien upon such building, erection or improvements,
14 and upon the land belonging to such owner or proprietor on which the same are situated, to the
15 extent of three acres; or if such building, erection or improvements be upon any lot of land in any
16 town, city or village, or if such building, erection or improvements be for manufacturing,
17 industrial or commercial purposes and not within any city, town or village, then such lien shall
18 be upon such building, erection or improvements, and the lot, tract or parcel of land upon which
19 the same are situated, and not limited to the extent of three acres, to secure the payment of such
20 work or labor done, machinery or equipment rented, or materials, fixtures, engine, boiler,
21 machinery, trees, shrubs, bushes or other plants or any type of landscaping goods or services
22 furnished, or outdoor irrigation systems installed; except that if such building, erection or

23 improvements be not within the limits of any city, town or village, then such lien shall be also
24 upon the land to the extent necessary to provide a roadway for ingress to and egress from the lot,
25 tract or parcel of land upon which such building, erection or improvements are situated, not to
26 exceed forty feet in width, to the nearest public road or highway. Such lien shall be enforceable
27 only against the property of the original purchaser of such plants unless the lien is filed against
28 the property prior to the conveyance of such property to a third person. For claims involving the
29 rental of machinery or equipment **to others who use the rental machinery or equipment**, the
30 lien shall be for the reasonable rental value of the machinery or equipment during the period of
31 actual use and any periods of nonuse taken into account in the rental contract, while the
32 **machinery or equipment** is on the property in question.

33 **2.** There shall be no lien involving the rental of machinery or equipment unless:

34 (1) The improvements are made on commercial property;

35 (2) The amount of the claim exceeds five thousand dollars; and

36 (3) The party claiming the lien provides written notice within five business days of the
37 commencement of the use of the rental [property] **machinery or equipment** to the property
38 owner that rental machinery or equipment is being used upon their property. Such notice shall
39 identify the name of the entity that rented the machinery or equipment, the machinery or
40 equipment being rented, and the rental rate. **Nothing contained in this subsection shall apply**
41 **to persons who use rented machinery or equipment in performing the work or labor**
42 **described in subsection 1 of this section.**

429.080. It shall be the duty of every original contractor, every journeyman and day
2 laborer, **including persons who use rented machinery or equipment in performing such**
3 **work or labor**, and every other person seeking to obtain the benefit of the provisions of sections
4 429.010 to 429.340, within six months after the indebtedness shall have accrued, or, with respect
5 to rental equipment or machinery **rented to others, then**, within sixty days after the date the last
6 of the rental equipment or machinery was last removed from the property, to file with the clerk
7 of the circuit court of the proper county a just and true account of the demand due him or them
8 after all just credits have been given, which is to be a lien upon such building or other
9 improvements, and a true description of the property, or so near as to identify the same, upon
10 which the lien is intended to apply, with the name of the owner or contractor, or both, if known
11 to the person filing the lien, which shall, in all cases, be verified by the oath of himself or some
12 credible person for him.

429.603. As used in sections 429.600 to 429.630, the following terms mean:

2 (1) "Commercial real estate", any real estate other than real estate containing one to four
3 residential units[, real estate on which no buildings or structures are located,] or real estate
4 classified as agricultural and horticultural property for assessment purposes as provided by

5 section 137.016, RSMo. **Commercial real estate shall include any unimproved real estate**
6 **of any zoning classification, other than agricultural or horticultural real estate, being**
7 **purchased for development or subdivision.** Commercial real estate does not include
8 single-family residential units including condominiums, townhouses or homes in a subdivision
9 when such real estate is sold, leased or otherwise conveyed on a unit by unit basis even though
10 the units may be part of a larger building or parcel of real estate containing more than four
11 residential units;

12 (2) "Owner", the owner of record of commercial real estate;

13 (3) "Real estate broker" and "real estate salesperson", as such terms are defined in section
14 339.010, RSMo;

15 (4) "State certified real estate appraiser", an appraiser as defined in section 339.503,
16 RSMo.

17 **ARTICLE I**

18 **GENERAL PROVISIONS**

452.700. Sections 452.700 to 452.930 may be cited as the "Uniform Child Custody
2 **Jurisdiction and Enforcement Act".**

452.705. As used in sections 452.700 to 452.930:

2 (1) "Abandoned" means left without provision for reasonable and necessary care
3 or supervision;

4 (2) "Child" means an individual who has not attained eighteen years of age;

5 (3) "Child custody determination" means a judgment, decree, or other order of a
6 court providing for the legal custody, physical custody, or visitation with respect to a child.
7 The term includes a permanent, temporary, initial, or modification order. The term shall
8 not include an order relating to child support or other monetary obligation of an
9 individual;

10 (4) "Child custody proceeding" means a proceeding in which legal custody,
11 physical custody, or visitation with respect to a child is an issue. The term includes a
12 proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity,
13 termination of parental rights, and protection from domestic violence in which the issue
14 may appear. The term shall not include a proceeding involving juvenile delinquency,
15 contractual emancipation, or enforcement under sections 452.850 to 452.915;

16 (5) "Commencement" means the filing of the first pleading in a proceeding;

17 (6) "Court" means an entity authorized under the law of a state to establish,
18 enforce, or modify a child custody determination;

19 (7) "Decree" or "custody decree" means a custody determination contained in a
20 judicial decree or order made in a custody proceeding, and includes an initial decree and
21 a modification decree;

22 (8) "Home state" means the state in which a child has lived with a parent or a
23 person acting as a parent for at least six consecutive months immediately prior to the
24 commencement of a child custody proceeding. In the case of a child less than six months
25 of age, the term means the state in which the child has lived from birth with any of the
26 persons mentioned. A period of temporary absence of any of the mentioned persons is part
27 of such period;

28 (9) "Initial determination" means the first child custody determination concerning
29 a particular child;

30 (10) "Issuing court" means the court making a child custody determination for
31 which enforcement is sought under sections 452.700 to 452.930;

32 (11) "Issuing state" means the state in which a child custody determination is
33 made;

34 (12) "Litigant" means a person, including a parent, grandparent, or stepparent,
35 who claims a right to custody or visitation with respect to a child;

36 (13) "Modification" means a child custody determination that changes, replaces,
37 supersedes or is otherwise made after a previous determination concerning the same child,
38 whether or not it is made by the court that made the previous determination;

39 (14) "Person" includes government, a governmental subdivision, agency or
40 instrumentality, or any other legal or commercial entity;

41 (15) "Person acting as a parent" means a person, other than a parent, who:

42 (a) Has physical custody of the child or has had physical custody for a period of six
43 consecutive months, including any temporary absence, within one year immediately prior
44 to the commencement of a child custody proceeding; and

45 (b) Has been awarded legal custody by a court or claims a right to legal custody
46 under the law of this state;

47 (16) "Physical custody" means the physical care and supervision of a child;

48 (17) "State" means a state of the United States, the District of Columbia, Puerto
49 Rico, the United States Virgin Islands, or any territory or insular possession subject to the
50 jurisdiction of the United States;

51 (18) "Warrant" means an order issued by a court authorizing law enforcement
52 officers to take physical custody of a child.

452.710. Sections 452.700 to 452.930 shall not govern:

2 (1) An adoption proceeding; or

3 (2) A proceeding pertaining to the authorization of emergency medical care for a
4 child.

 452.715. 1. A child custody proceeding that pertains to an Indian child, as defined
2 in the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., is not subject to sections
3 452.700 to 452.930 to the extent that it is governed by the Indian Child Welfare Act.

 2. A court of this state shall treat a tribe as a state of the United States for purposes
5 of sections 452.700 to 452.930.

 3. A child custody determination made by a tribe under factual circumstances in
7 substantial conformity with the jurisdictional standards of sections 452.700 to 452.930 shall
8 be recognized and enforced under the provisions of sections 452.850 to 452.915.

 452.720. 1. A court of this state shall treat a foreign country as a state of the United
2 States for purposes of applying sections 452.700 to 452.785.

 2. A child custody determination made in a foreign country under factual
4 circumstances in substantial conformity with the jurisdictional standards of sections
5 452.700 to 452.930 shall be recognized and enforced under sections 452.850 to 452.915.

 3. The court need not apply the provisions of sections 452.700 to 452.930 when the
7 child custody law of the other country violates fundamental principles of human rights.

 452.725. 1. A party to a child custody proceeding who is not subject to personal
2 jurisdiction in this state and is a responding party under sections 452.740 to 452.785, a
3 party in a proceeding to modify a child custody determination under sections 452.740 to
4 452.785, or a petitioner in a proceeding to enforce or register a child custody determination
5 under sections 452.850 to 452.915 may appear and participate in such proceeding without
6 submitting to personal jurisdiction over the party for another proceeding or purpose.

 2. A party is not subject to personal jurisdiction in this state solely by being
8 physically present for the purpose of participating in a proceeding under sections 452.700
9 to 452.930. If a party is subject to personal jurisdiction in this state on a basis other than
10 physical presence, the party may be served with process in this state. If a party present in
11 this state is subject to the jurisdiction of another state, service of process permissible under
12 the laws of the other state may be accomplished in this state.

 3. The immunity granted by this section shall not extend to civil litigation based on
14 acts unrelated to the participation in a proceeding under sections 452.700 to 452.930
15 committed by an individual while present in this state.

 452.730. 1. A court of this state may communicate with a court in another state
2 concerning a proceeding arising under sections 452.700 to 452.930.

3 **2. The court may allow the parties to participate in the communication. If the**
4 **parties are not able to participate in the communication, the parties shall be given the**
5 **opportunity to present facts and legal arguments before a decision on jurisdiction is made.**

6 **3. A communication between courts on schedules, calendars, court records, and**
7 **similar matters may occur without informing the parties. A record need not be made of**
8 **such communication.**

9 **4. Except as provided in subsection 3 of this section, a record shall be made of the**
10 **communication. The parties shall be informed promptly of the communication and**
11 **granted access to the record.**

12 **5. For the purposes of this section, "record" means information that is inscribed**
13 **on a tangible medium, or that which is stored in an electronic or other medium and is**
14 **retrievable in perceivable form. A record includes notes or transcripts of a court reporter**
15 **who listened to a conference call between the courts, an electronic recording of a telephone**
16 **call, a memorandum or an electronic record of the communication between the courts, or**
17 **a memorandum or an electronic record made by a court after the communication.**

452.735. 1. A court of this state may request the appropriate court of another state
2 **to:**

3 **(1) Hold an evidentiary hearing;**

4 **(2) Order a person to produce or give evidence under procedures of that state;**

5 **(3) Order that an evaluation be made with respect to the custody of a child involved**
6 **in a pending proceeding;**

7 **(4) Forward to the court of this state a certified copy of the transcript of the record**
8 **of the hearing, the evidence otherwise presented and any evaluation prepared in**
9 **compliance with the request; and**

10 **(5) Order a party to a child custody proceeding or any person having physical**
11 **custody of the child to appear in the proceeding with or without the child.**

12 **2. Upon request of a court of another state, a court of this state may hold a hearing**
13 **or enter an order described in subsection 1 of this section.**

14 **3. Travel and other necessary and reasonable expenses incurred under subsection**
15 **1 or 2 of this section may be assessed against the parties according to the law of this state.**

16 **4. A court of this state shall preserve the pleadings, orders, decrees, records of**
17 **hearings, evaluations, and other pertinent records with respect to a child custody**
18 **proceeding until the child attains eighteen years of age. Upon appropriate request by a**
19 **court or law enforcement official of another state, the court shall forward a certified copy**
20 **of such records.**

21

ARTICLE II

22

JURISDICTION

452.740. 1. Except as otherwise provided in section 452.755, a court of this state has jurisdiction to make an initial child custody determination only if:

(1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months prior to the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;

(2) A court of another state does not have jurisdiction under subdivision (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 452.770 or 452.775, and:

(a) The child and the child's parents, or the child and at least one parent or person acting as a parent have a significant connection with this state other than mere physical presence; and

(b) Substantial evidence is available in this state concerning the child's care, protection, training and personal relationships;

(3) All courts having jurisdiction under subdivisions (1) and (2) of this subsection have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 452.770 or 452.775; or

(4) No state would have jurisdiction under subdivision (1), (2) or (3) of this subsection.

2. Subsection 1 of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.

3. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

452.745. 1. Except as otherwise provided in section 452.755, a court of this state that has made a child custody determination consistent with section 452.740 or 452.750 has exclusive continuing jurisdiction over the determination until:

(1) A court of this state determines that neither the child, the child and one parent, nor the child and a person acting as a parent have a significant connection with this state, and that substantial evidence is no longer available in this state concerning the child's care, protection, training and personal relationships; or

(2) A court of this state or a court of another state determines that neither the child, nor a parent, nor any person acting as a parent presently resides in this state.

10 **2. A court of this state that has exclusive continuing jurisdiction under this section**
11 **may decline to exercise its jurisdiction if the court determines that it is an inconvenient**
12 **forum under section 452.770.**

13 **3. A court of this state that has made a child custody determination and does not**
14 **have exclusive continuing jurisdiction under this section may modify that determination**
15 **only if it has jurisdiction to make an initial determination under section 452.740.**

452.747. 1. Any petition for modification of child custody decrees filed under the
2 **provisions of section 452.410 or sections 452.700 to 452.930 shall be verified and, if the**
3 **original proceeding originated in the state of Missouri, shall be filed in that original case,**
4 **but service shall be obtained and responsive pleadings may be filed as in any original**
5 **proceeding.**

6 **2. Before making a decree under section 452.410 or sections 452.700 to 452.930, the**
7 **litigants, any parent whose parental rights have not been previously terminated, and any**
8 **person who has physical custody of the child shall be served in the manner provided by the**
9 **rules of civil procedure and applicable court rules and may within thirty days after the**
10 **date of service (forty-five days if service by publication) file a verified answer. If any such**
11 **persons are outside this state, notice and opportunity to be heard shall be given under**
12 **section 452.740.**

13 **3. In any case in which the paternity of a child has been determined by a court of**
14 **competent jurisdiction and where the noncustodial parent is delinquent in the payment of**
15 **child support in an amount in excess of ten thousand dollars, the custodial parent shall**
16 **have the right to petition a court of competent jurisdiction for the termination of the**
17 **parental rights of the noncustodial parent.**

18 **4. When a person filing a petition for modification of a child custody decree owes**
19 **past due child support to a custodial parent in an amount in excess of ten thousand dollars,**
20 **such person shall post a bond in the amount of past due child support owed as ascertained**
21 **by the division of child support enforcement or reasonable legal fees of the custodial**
22 **parent, whichever is greater, before the filing of the petition. The court shall hold the bond**
23 **in escrow until the modification proceedings under this section have been concluded**
24 **wherein such bond shall be transmitted to the division of child support enforcement for**
25 **disbursement to the custodial parent.**

452.750. Except as otherwise provided in section 452.755, a court of this state shall
2 **not modify a child custody determination made by a court of another state unless a court**
3 **of this state has jurisdiction to make an initial determination under subdivision (1) or (2)**
4 **of subsection 1 of section 452.740 and:**

5 (1) The court of the other state determines it no longer has exclusive continuing
6 jurisdiction under section 452.745 or that a court of this state would be a more convenient
7 forum under section 452.770; or

8 (2) A court of this state or a court of the other state determines that neither the
9 child, nor a parent, nor any person acting as a parent presently resides in the other state.

10 **452.755. 1.** A court of this state has temporary emergency jurisdiction if the child
11 is present in this state and the child has been abandoned, or it is necessary in an emergency
12 to protect the child because the child, or a sibling or parent of the child, is subjected to or
13 threatened with mistreatment or abuse.

14 **2.** If there is no previous child custody determination that is entitled to be enforced
15 under sections 452.700 to 452.930, and if no child custody proceeding has been commenced
16 in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody
17 determination made under this section remains in effect until an order is obtained from a
18 court of a state having jurisdiction under sections 452.740 to 452.750. If a child custody
19 proceeding has not been or is not commenced in a court of a state having jurisdiction under
20 sections 452.740 to 452.750, a child custody determination made under this section becomes
21 a final determination if:

22 (1) It so provides; and

23 (2) This state becomes the home state of the child.

24 **3.** If there is a previous child custody determination that is entitled to be enforced
25 under sections 452.700 to 452.930, or a child custody proceeding has been commenced in
26 a court of a state having jurisdiction under sections 452.740 to 452.750, any order issued
27 by a court of this state under this section shall specify in the order a period of time which
28 the court considers adequate to allow the person seeking an order to obtain an order from
29 the state having jurisdiction under sections 452.740 to 452.750. The order issued in this
30 state remains in effect until an order is obtained from the other state within the period
specified or the period expires.

4. A court of this state that has been asked to make a child custody determination
under this section, upon being informed that a child custody proceeding has been
commenced, or a child custody determination has been made, by a court of a state having
jurisdiction under sections 452.740 to 452.750, shall immediately communicate with the
other court. A court of this state that is exercising jurisdiction under sections 452.740 to
452.750, upon being informed that a child custody proceeding has been commenced, or a
child custody determination has been made by a court of another state under a statute
similar to this section shall immediately communicate with the court of that state. The

31 purpose of such communication is to resolve the emergency, protect the safety of the parties
32 and the child, and determine a period for the duration of the temporary order.

452.760. 1. Before a child custody determination is made under sections 452.700
2 to 452.930, notice and an opportunity to be heard in accordance with the standards of
3 section 452.762 shall be given to:

4 (1) All persons entitled to notice under the provisions of the law of this state as in
5 child custody proceedings between residents of this state;

6 (2) Any parent whose parental rights have not been previously terminated; and

7 (3) Any person having physical custody of the child.

8 2. Sections 452.700 to 452.930 shall not govern the enforceability of a child custody
9 determination made without notice and an opportunity to be heard.

10 3. The obligation to join a party and the right to intervene as a party in a child
11 custody proceeding under sections 452.700 to 452.930 are governed by the law of this state
12 as in child custody proceedings between residents of this state.

452.762. 1. Notice required for the exercise of jurisdiction when a person is outside
2 this state may be given in a manner prescribed by the law of this state for the service of
3 process or by the law of the state in which the service is made. Notice must be given in a
4 manner reasonably calculated to give actual notice, but may be by publication if other
5 means are not effective.

6 2. Proof of service may be made in the manner prescribed by law of this state or by
7 the law of the state in which the service is made.

8 3. Notice is not required for the exercise of jurisdiction with respect to a person who
9 submits to the jurisdiction of the court.

452.765. 1. Except as otherwise provided in section 452.755, a court of this state
2 shall not exercise its jurisdiction under sections 452.740 to 452.785 if, at the time of the
3 commencement of the proceeding, a proceeding concerning the custody of the child had
4 been previously commenced in a court of another state having jurisdiction substantially
5 in conformity with sections 452.700 to 452.930, unless the proceeding has been terminated
6 or is stayed by the court of the other state because a court of this state is a more convenient
7 forum under section 452.770.

8 2. Except as otherwise provided in section 452.755, a court of this state, prior to
9 hearing a child custody proceeding, shall examine the court documents and other
10 information supplied by the parties under section 452.780. If the court determines that a
11 child custody proceeding was previously commenced in a court in another state having
12 jurisdiction substantially in accordance with sections 452.700 to 452.930, the court of this
13 state shall stay its proceeding and communicate with the court of the other state. If the

14 court of the state having jurisdiction substantially in accordance with sections 452.700 to
15 452.930 does not determine that the court of this state is a more appropriate forum, the
16 court of this state shall dismiss the proceeding.

17 3. In a proceeding to modify a child custody determination, a court of this state
18 shall determine if a proceeding to enforce the determination has been commenced in
19 another state. If a proceeding to enforce a child custody determination has been
20 commenced in another state, the court may:

21 (1) Stay the proceeding for modification pending the entry of an order of a court
22 of the other state enforcing, staying, denying or dismissing the proceeding for enforcement;

23 (2) Enjoin the parties from continuing with the proceeding for enforcement; or

24 (3) Proceed with the modification under conditions it considers appropriate.

452.770. 1. A court of this state that has jurisdiction under sections 452.700 to
2 452.930 to make a child custody determination may decline to exercise its jurisdiction at
3 any time if the court determines that it is an inconvenient forum under the circumstances
4 and that a court of another state is a more appropriate forum. The issue of inconvenient
5 forum may be raised upon the court's own motion, at the request of another court or upon
6 motion of a party.

7 2. Before determining whether the court is an inconvenient forum, a court of this
8 state shall consider whether it is appropriate that a court of another state exercise
9 jurisdiction. For this purpose, the court shall allow the parties to submit information and
10 shall consider all relevant factors, including:

11 (1) Whether domestic violence has occurred and is likely to continue in the future
12 and which state could best protect the parties and the child;

13 (2) The length of time the child has resided outside this state;

14 (3) The distance between the court in this state and the court in the state that would
15 assume jurisdiction;

16 (4) The relative financial circumstances of the parties;

17 (5) Any agreement of the parties as to which state should assume jurisdiction;

18 (6) The nature and location of the evidence required to resolve the pending
19 litigation, including the testimony of the child;

20 (7) The ability of the court of each state to decide the issue expeditiously and the
21 procedures necessary to present the evidence; and

22 (8) The familiarity of the court of each state with the facts and issues of the pending
23 litigation.

24 3. If a court of this state determines that it is an inconvenient forum and that a
25 court of another state is a more appropriate forum, the court shall stay the proceedings on

26 the condition that a child custody proceeding be promptly commenced in another
27 designated state and may impose any other condition the court considers just and proper.

28 4. A court of this state may decline to exercise its jurisdiction under sections
29 452.700 to 452.930 if a child custody determination is incidental to an action for divorce or
30 another proceeding while still retaining jurisdiction over the divorce or other proceeding.

452.775. 1. Except as otherwise provided in section 452.755, if a court of this state
2 has jurisdiction under sections 452.700 to 452.930 because a person invoking the
3 jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its
4 jurisdiction unless:

5 (1) The parents and all persons acting as parents have acquiesced in the exercise
6 of jurisdiction;

7 (2) A court of the state otherwise having jurisdiction under sections 452.740 to
8 452.750 determines that this state is a more appropriate forum under section 452.770; or

9 (3) No other state would have jurisdiction under sections 452.740 to 452.750.

10 2. If a court of this state declines to exercise its jurisdiction under subsection 1 of
11 this section, the court may fashion an appropriate remedy to ensure the safety of the child
12 and prevent a repetition of the wrongful conduct, including staying the proceeding until
13 a child custody proceeding is commenced in a court having jurisdiction under sections
14 452.740 to 452.750.

15 3. If a court dismisses a petition or stays a proceeding because it declines to exercise
16 its jurisdiction under subsection 1 of this section, the court shall charge the party invoking
17 the jurisdiction of the court with necessary and reasonable expenses including costs,
18 communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel
19 expenses and child care during the course of the proceedings, unless the party from whom
20 fees are sought establishes that the award would be clearly inappropriate. The court may
21 not assess fees, costs or expenses against this state except as otherwise provided by law
22 other than sections 452.700 to 452.930.

452.780. 1. Subject to local law providing for the confidentiality of procedures,
2 addresses, and other identifying information, in a child custody proceeding, each party, in
3 its first pleading or in an attached affidavit, shall give information, if reasonably
4 ascertainable, under oath as to the child's present address, the places where the child has
5 lived during the last five years, and the names and present addresses of the persons with
6 whom the child has lived during such period. The pleading or affidavit shall state whether
7 the party:

8 (1) Has participated, as a party or witness or in any other capacity, in any other
9 proceeding concerning the custody of or visitation with the child and, if so, identify the
10 court, case number of the proceeding and date of the child custody determination, if any;

11 (2) Knows of any proceeding that could affect the current proceeding, including
12 proceedings for enforcement and proceedings relating to domestic violence, protective
13 orders, termination of parental rights, and adoptions and, if so, identify the court and case
14 number and nature of the proceeding; and

15 (3) Knows the names and addresses of any person not a party to the proceeding
16 who has physical custody of the child or claims rights of legal custody or physical custody
17 of, or visitation with, the child and, if so, the names and addresses of such persons.

18 2. If the information required by subsection 1 of this section is not furnished, the
19 court, upon its own motion or that of a party, may stay the proceeding until the
20 information is furnished.

21 3. If the declaration as to any of the items described in subdivisions (1) to (3) of
22 subsection 1 of this section is in the affirmative, the declarant shall give additional
23 information under oath as required by the court. The court may examine the parties under
24 oath as to details of the information furnished and other matters pertinent to the court's
25 jurisdiction and the disposition of the case.

26 4. Each party has a continuing duty to inform the court of any proceeding in this
27 or any other state that could affect the current proceeding.

28 5. If a party alleges in an affidavit or a pleading under oath that the health, safety,
29 or liberty of a party or child would be put at risk by the disclosure of identifying
30 information, that information shall be sealed and not disclosed to the other party or the
31 public unless the court orders the disclosure to be made after a hearing in which the court
32 takes into consideration the health, safety, or liberty of the party or child and determines
33 that the disclosure is in the interest of justice.

452.782. If the court learns from information furnished by the parties under section
2 452.800 or from other sources that a person not a party to the custody proceeding has
3 physical custody of the child or claims to have custody or visitation rights with respect to
4 the child, it may order that person to be joined as a party and to be duly notified of the
5 pendency of the proceeding and of his or her joinder as a party. If the person joined as a
6 party is outside this state, such person shall be served with process or otherwise notified
7 in accordance with section 452.762.

452.785. 1. The court may order any party to the proceeding who is in this state
2 to appear before the court personally. If the court finds the physical presence of the child

3 to be in the best interest of the child, the court may order that the party who has physical
4 custody of the child to appear physically with the child.

5 2. If a party to a child custody proceeding whose presence is desired by the court
6 is outside this state, with or without the child, the court may order that a notice given
7 under section 452.762 include a statement directing the party to appear personally with or
8 without the child.

9 3. If a party to the proceeding who is outside this state is directed to appear under
10 subsection 1 of this section or desires to appear personally before the court with or without
11 the child, the court may require another party to pay to the clerk of the court travel and
12 other necessary expenses of the party so appearing and of the child, if this is just and
13 proper under the circumstances.

14 4. If the court finds it to be in the best interest of the child that a guardian ad litem
15 be appointed, the court may appoint a guardian ad litem for the child. The guardian ad
16 litem so appointed shall be an attorney licensed to practice law in the state of Missouri.
17 Disqualification of a guardian ad litem shall be ordered in any legal proceeding under this
18 chapter upon the filing of a written application by any party within ten days of
19 appointment. Each party shall be entitled to one disqualification of a guardian ad litem
20 appointed under this subsection in each proceeding, except a party may be entitled to
21 additional disqualifications of a guardian ad litem for good cause shown. The guardian
22 ad litem may, for the purpose of determining custody of the child only, participate in the
23 proceeding as if such guardian ad litem were a party. The court shall enter judgment
24 allowing a reasonable fee to the guardian ad litem.

25 5. The court shall appoint a guardian ad litem in any proceeding in which child
26 abuse or neglect is alleged.

27 6. The court may enter any orders necessary to ensure the safety of the child and
28 of any person ordered to appear under this section.

452.790. A child custody determination made by a court of this state that had
2 jurisdiction under sections 452.700 to 452.930 binds all persons who have been served in
3 accordance with the laws of this state or notified in accordance with section 452.762 or who
4 have submitted to the jurisdiction of the court, and who have been given an opportunity
5 to be heard. The determination is conclusive as to them as to all decided issues of law and
6 fact except to the extent the determination is modified.

452.795. A court of this state shall accord full faith and credit to an order made
2 consistently with sections 452.700 to 452.930 which enforces a child custody determination
3 by a court of another state unless the order has been vacated, stayed, or modified by a
4 court authorized to do so under sections 452.740 to 452.845.

452.800. Except as otherwise provided in section 452.755, a court of this state may
2 not modify a child custody determination made by a court of another state unless a court
3 of this state has jurisdiction to make an initial determination under subdivision (1) or (2)
4 of subsection 1 of section 452.740 and:

5 (1) The court of the other state determines that it no longer has exclusive,
6 continuing jurisdiction under section 452.745 or that a court of this state would be a more
7 convenient forum under section 452.770; or

8 (2) A court of this state or a court of the other state determines that neither child,
9 nor a parent, nor any person acting as a parent presently resides in the other state.

452.805. 1. A certified copy of a custody decree of another state may be filed in the
2 office of the clerk of any circuit court of this state. The clerk shall treat the decree in the
3 same manner as a custody decree of the circuit court of this state. A custody decree so filed
4 has the same effect and shall be enforced in like manner as a custody decree rendered by
5 a court of this state.

6 2. A person violating a custody decree of another state which makes it necessary
7 to enforce the decree in this state may be required to pay necessary travel and other
8 expenses, including attorneys' fees, incurred by the party entitled to the custody or the
9 party's witnesses.

10 3. A court of this state shall recognize and enforce a child custody determination
11 of a court of another state if the latter court exercised jurisdiction that was in substantial
12 conformity with sections 452.700 to 452.930 or the determination was made under factual
13 circumstances meeting the jurisdictional standards of sections 452.700 to 452.930 and the
14 determination has not been modified in accordance with sections 452.700 to 452.930.

15 4. A court may utilize any remedy available under other law of this state to enforce
16 a child custody determination made by a court of another state. The procedure provided
17 by sections 452.740 to 452.845 does not affect the availability of other remedies to enforce
18 a child custody determination.

452.810. 1. A child custody determination issued by a court of another state may
2 be registered in this state, with or without a simultaneous request for enforcement, by
3 sending to the appropriate court in this state:

4 (1) A letter or other document requesting registration;

5 (2) Two copies, including one certified copy, of the determination sought to be
6 registered, and a statement under penalty of perjury that to the best of the knowledge and
7 belief of the person seeking registration the order has not been modified; and

8 (3) Except as otherwise provided in section 452.780, the name and address of the
9 person seeking registration and any parent or person acting as a parent who has been
10 awarded custody or visitation in the child custody determination sought to be registered.

11 2. On receipt of the documents required in subsection 1 of this section, the
12 registering court shall:

13 (1) Cause the determination to be filed as a foreign judgment, together with one
14 copy of any accompanying documents and information, regardless of their form; and

15 (2) Serve notice upon the persons named under subdivision (3) of subsection 1 of
16 this section and provide them with an opportunity to contest the registration in accordance
17 with this section.

18 3. The notice required by subdivision (2) of subsection 2 of this section must state:

19 (1) That a registered determination is enforceable as of the date of the registration
20 in the same manner as a determination issued by a court of this state;

21 (2) That a hearing to contest the validity of the registered determination must be
22 requested within twenty days after service of notice; and

23 (3) That failure to contest the registration will result in confirmation of the child
24 custody determination and preclude further contest of that determination with respect to
25 any matter that could have been asserted.

26 4. A person seeking to contest the validity of a registered order must request a
27 hearing within twenty days after service of the notice. At that hearing, the court shall
28 confirm the registered order unless the person contesting registration establishes that:

29 (1) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

30 (2) The child custody determination sought to be registered has been vacated,
31 stayed, or modified by a court of a state having jurisdiction to do so under sections 452.740
32 to 452.845; or

33 (3) The person contesting registration was entitled to notice, but notice was not
34 given in accordance with the standards of section 452.740 in the proceedings before the
35 court that issued the order for which registration is sought.

36 5. If a timely request for a hearing to contest the validity of the registration is not
37 made, the registration is confirmed as a matter of law and the person requesting
38 registration and all persons served must be notified of the confirmation.

39 6. Confirmation of a registered order, whether by operation of law or after notice
40 and hearing, precludes further contest of the order with respect to any matter which could
41 have been asserted at the time of registration.

 452.815. The clerk of the circuit court of this state, at the request of the court of
2 another state or at the request of any person who is affected by or has a legitimate interest

3 in a custody decree, may, upon payment therefor, certify and forward a copy of the decree
4 to that court or person.

452.820. 1. In addition to other procedures available to a party, a party to a child
2 custody proceeding may offer testimony of witnesses who are located in another state,
3 including testimony of the parties and the child, by deposition or other means allowable
4 in this state for testimony taken in another state. The court on its own motion may order
5 that the testimony of a person be taken in another state and may prescribe the manner in
6 which and the terms upon which the testimony is taken.

7 2. A court of this state may permit an individual residing in another state to be
8 deposed or to testify by telephone, audiovisual means, or other electronic means before a
9 designated court or at another location in that state. A court of this state shall cooperate
10 with courts of other states in designating an appropriate location for the deposition or
11 testimony.

12 3. Documentary evidence transmitted from another state to a court of this state by
13 technological means that do not produce an original writing may not be excluded from
14 evidence on an objection based on the means of transmission.

452.825. 1. A court of this state may request the appropriate court of another state
2 to hold a hearing to obtain evidence, to order persons within that state to produce or give
3 evidence under other procedures of that state, or to have social studies made with respect
4 to the custody of a child involved in proceedings pending in the court of this state; and to
5 forward to the court of this state certified copies of the transcript of the record of the
6 hearing, the evidence otherwise obtained, or any social studies prepared in compliance with
7 the request. The cost of the services may be assessed against the parties.

8 2. A court of this state may request the appropriate court of another state to order
9 a party to custody proceedings pending in the court of this state to appear in the
10 proceedings and, if that party has physical custody of the child, to appear with the child.
11 The request may state that travel and other necessary expenses of the party and of the
12 child whose appearance is desired will be assessed against the appropriate party.

452.830. 1. Upon request of the court of another state, the courts of this state which
2 are competent to hear custody matters may order a person in this state to appear at a
3 hearing to obtain evidence or to produce or give evidence under other procedures available
4 in this state for use in a custody proceeding in another state. A certified copy of the
5 transcript of the record of the hearing or the evidence otherwise obtained may, in the
6 discretion of the court and upon payment therefor, be forwarded to the requesting court.

7 2. A person within this state may voluntarily give his testimony or statement in this
8 state for use in a custody proceeding outside this state.

10 **3. If a court of this state makes an order under subdivision (2) of subsection 2 of**
11 **this section, the court shall specify in the order a period of time which it considers adequate**
12 **to allow the person seeking the order to obtain an order from the state having jurisdiction**
13 **under sections 452.740 to 452.845. The order remains in effect until an order is obtained**
14 **from the other state or the period expires.**

452.860. 1. A court of this state may grant any relief normally available under the
2 **provisions of the laws of this state to enforce a registered child custody determination made**
3 **by a court of another state.**

4 **2. A court of this state shall recognize and enforce, but shall not modify, except in**
5 **accordance with sections 452.740 to 452.845, a registered child custody determination of**
6 **another state.**

452.865. If a proceeding for enforcement under sections 452.850 to 452.915 has been
2 **or is commenced in this state and a court of this state determines that a proceeding to**
3 **modify the determination has been commenced in another state having jurisdiction to**
4 **modify the determination under sections 452.740 to 452.845, the enforcing court shall**
5 **immediately communicate with the modifying court. The proceeding for enforcement**
6 **continues unless the enforcing court, after consultation with the modifying court, stays or**
7 **dismisses the proceeding.**

452.870. 1. A petition under sections 452.850 to 452.915 shall be verified. Certified
2 **copies of all orders sought to be enforced and of the order confirming registration, if any,**
3 **shall be attached to the petition. A copy of a certified copy of an order may be attached**
4 **instead of the original.**

5 **2. A petition for enforcement of a child custody determination shall state:**

6 **(1) Whether the court that issued the determination identified the jurisdictional**
7 **basis it relied upon in exercising jurisdiction and, if so, what the basis was;**

8 **(2) Whether the determination for which enforcement is sought has been vacated,**
9 **stayed or modified by a court whose decision shall be enforced under sections 452.700 to**
10 **452.930 or federal law and, if so, identify the court, case number of the proceeding and**
11 **action taken;**

12 **(3) Whether any proceeding has been commenced that could affect the current**
13 **proceeding, including proceedings relating to domestic violence, protective orders,**
14 **termination of parental rights and adoptions, and, if so, identify the court, and the case**
15 **number and nature of the proceeding;**

16 **(4) The present physical address of the child and respondent, if known; and**

17 **(5) Whether relief in addition to the immediate physical custody of the child and**
18 **attorney's fees is sought, including a request for assistance from law enforcement officials**
19 **and, if so, the relief sought.**

20 **3. If the child custody determination has been registered and confirmed under**
21 **section 452.810, the petition shall also state the date and place of registration.**

22 **4. The court shall issue an order directing the respondent to appear with or without**
23 **the child at a hearing and may enter any orders necessary to ensure the safety of the**
24 **parties and the child.**

25 **5. The hearing shall be held on the next judicial day following service of process**
26 **unless such date is impossible. In such event, the court shall hold the hearing on the first**
27 **day possible. The court may extend the date of hearing at the request of the petitioner.**

28 **6. The order shall state the time and place of the hearing, and shall advise the**
29 **respondent that at the hearing the court will order the delivery of the child and payment**
30 **of fees, costs and expenses under section 452.890, and may set an additional hearing to**
31 **determine if further relief is appropriate, unless the respondent appears and establishes**
32 **that:**

33 **(1) The child custody determination is not registered and confirmed under section**
34 **452.810, and:**

35 **(a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;**

36 **(b) The child custody determination for which enforcement is sought has been**
37 **vacated, stayed or modified by a court of a state having jurisdiction to do so under sections**
38 **452.740 to 452.845 or federal law; or**

39 **(c) The respondent was entitled to notice, but notice was not given in accordance**
40 **with the standards of section 452.762 in the proceedings before the court that issued the**
41 **order for which enforcement is sought; or**

42 **(2) The child custody determination for which enforcement is sought was registered**
43 **and confirmed under section 452.810, but has been vacated, stayed or modified by a court**
44 **of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.**

452.875. Except as otherwise provided in section 452.885, the petition and order
2 **shall be served by any method authorized by the laws of this state upon the respondent and**
3 **any person who has physical custody of the child.**

452.880. 1. Unless the court enters a temporary emergency order under section
2 **452.755, upon a finding that a petitioner is entitled to the physical custody of the child**
3 **immediately, the court shall order the child delivered to the petitioner unless the**
4 **respondent establishes that:**

5 (1) The child custody determination has not been registered and confirmed under
6 section 452.810, and that:

7 (a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

8 (b) The child custody determination for which enforcement is sought has been
9 vacated, stayed or modified by a court of a state having jurisdiction to do so under sections
10 452.740 to 452.845 or federal law; or

11 (c) The respondent was entitled to notice, but notice was not given in accordance
12 with the standards of section 452.762 in the proceedings before the court that issued the
13 order for which enforcement is sought; or

14 (2) The child custody determination for which enforcement is sought was registered
15 and confirmed under section 452.810, but has been vacated, stayed or modified by a court
16 of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.

17 2. The court shall award the fees, costs and expenses authorized under section
18 452.890 and may grant additional relief, including a request for the assistance of law
19 enforcement officials, and set a further hearing to determine if additional relief is
20 appropriate.

21 3. If a party called to testify refuses to answer on the grounds that the testimony
22 may be self-incriminating, the court may draw an adverse inference from such refusal.

23 4. A privilege against disclosure of communications between spouses and a defense
24 of immunity based on the relationship of husband and wife, or parent and child shall not
25 be invoked in a proceeding under sections 452.850 to 452.915.

452.885. 1. Upon the filing of a petition seeking enforcement of a child custody
2 determination, the petitioner may file a verified application for the issuance of a warrant
3 to take physical custody of the child if the child is likely to suffer serious imminent physical
4 harm or removal from this state.

5 2. If the court, upon the testimony of the petitioner or other witnesses, finds that
6 the child is likely to suffer serious imminent physical harm or be imminently removed from
7 this state, the court may issue a warrant to take physical custody of the child. The petition
8 shall be heard on the next judicial day after the warrant is executed. The warrant shall
9 include the statements required under subsection 2 of section 452.870.

10 3. A warrant to take physical custody of a child shall:

11 (1) Recite the facts which a conclusion of serious imminent physical harm or
12 removal from the jurisdiction is based;

13 (2) Direct law enforcement officers to take physical custody of the child
14 immediately; and

15 (3) Provide for the placement of the child pending final relief.

16 **4. The respondent shall be served with the petition, warrant and order immediately**
17 **after the child is taken into physical custody.**

18 **5. A warrant to take physical custody of a child is enforceable throughout this state.**
19 **If the court finds on the basis of the testimony of the petitioner or other witness that a less**
20 **intrusive remedy is not effective, the court may authorize law enforcement officers to enter**
21 **private property to take physical custody of the child. If required by the exigency of the**
22 **case, the court may authorize law enforcement officers to make a forcible entry at any**
23 **hour.**

24 **6. The court may impose conditions on the placement of a child to ensure the**
25 **appearance of the child and the child's custodian.**

452.890. 1. The court shall award the prevailing party, including a state, necessary
2 **and reasonable expenses incurred by or on behalf of the party, including costs,**
3 **communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel**
4 **expenses and child care during the course of the proceedings, unless the party from whom**
5 **fees or expenses are sought establishes that the award would be clearly inappropriate.**

6 **2. The court shall not assess fees, costs or expenses against a state except as**
7 **otherwise provided by law other than sections 452.700 to 452.930.**

452.895. A court of this state shall accord full faith and credit to an order made
2 **consistently with sections 452.700 to 452.930 which enforces a child custody determination**
3 **by a court of another state unless the order has been vacated, stayed or modified by a court**
4 **authorized to do so under sections 452.740 to 452.845.**

452.900. An appeal may be taken from a final order in a proceeding under sections
2 **452.850 to 452.915 in accordance with appellate procedures in other civil cases. Unless the**
3 **court enters a temporary emergency order under section 452.755, the enforcing court shall**
4 **not stay an order enforcing a child custody determination pending appeal.**

452.905. 1. In a case arising under sections 452.700 to 452.930 or involving the
2 **Hague Convention on the Civil Aspects of International Child Abduction, the appropriate**
3 **public official may take any lawful action, including resort to a proceeding under sections**
4 **452.850 to 452.915 or any other available civil proceeding to locate a child, obtain the**
5 **return of a child or enforce a child custody determination if there is:**

6 **(1) An existing child custody determination;**

7 **(2) A request from a court in a pending child custody case;**

8 **(3) A reasonable belief that a criminal statute has been violated; or**

9 **(4) A reasonable belief that the child has been wrongfully removed or retained in**
10 **violation of the Hague Convention on the Civil Aspects of International Child Abduction.**

- 13 (d) "Harassment", engaging in a purposeful or knowing course of conduct involving
14 more than one incident that alarms or causes distress to another adult and serves no legitimate
15 purpose. The course of conduct must be such as would cause a reasonable adult to suffer
16 substantial emotional distress and must actually cause substantial emotional distress to the
17 petitioner. Such conduct might include, but is not limited to:
- 18 a. Following another about in a public place or places;
 - 19 b. Peering in the window or lingering outside the residence of another; but does not
20 include constitutionally protected activity;
- 21 (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in
22 any sexual act by force, threat of force, or duress;
- 23 (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person
24 against that person's will;
- 25 (2) "Adult", any person [eighteen] **seventeen** years of age or older or otherwise
26 emancipated;
- 27 (3) "Court", the circuit or associate circuit judge or a family court commissioner;
- 28 (4) "Ex parte order of protection", an order of protection issued by the court before the
29 respondent has received notice of the petition or an opportunity to be heard on it;
- 30 (5) "Family" or "household member", spouses, former spouses, adults related by blood
31 or marriage, adults who are presently residing together or have resided together in the past, an
32 adult who is or has been in a continuing social relationship of a romantic or intimate nature with
33 the victim, and adults who have a child in common regardless of whether they have been married
34 or have resided together at any time;
- 35 (6) "Full order of protection", an order of protection issued after a hearing on the record
36 where the respondent has received notice of the proceedings and has had an opportunity to be
37 heard;
- 38 (7) "Order of protection", either an ex parte order of protection or a full order of
39 protection;
- 40 (8) "Petitioner", a family or household member or an adult who has been the victim of
41 stalking, who has filed a verified petition pursuant to the provisions of section 455.020;
- 42 (9) "Respondent", the family or household member or adult alleged to have committed
43 an act of stalking, against whom a verified petition has been filed;
- 44 (10) "Stalking" is when an adult purposely and repeatedly engages in an unwanted course
45 of conduct that causes alarm to another person when it is reasonable in that person's situation to
46 have been alarmed by the conduct. As used in this subdivision:

47 (a) "Course of conduct" means a pattern of conduct composed of repeated acts over a
48 period of time, however short, that serves no legitimate purpose. Such conduct may include, but
49 is not limited to, following the other person or unwanted communication or unwanted contact;

50 (b) "Repeated" means two or more incidents evidencing a continuity of purpose; and

51 (c) "Alarm" means to cause fear of danger of physical harm.

**455.038. Every circuit clerk shall be responsible for providing information to
2 individuals petitioning for ex parte orders of protection regarding notification of service
3 of these orders of protection. Such notification to the petitioner is required if the petitioner
4 has registered a telephone number with the victim notification system, established under
5 subsection 3 of section 650.310, RSMo. The petitioner shall be informed of his or her
6 option to receive notification of service of an ex parte order of protection on the respondent
7 by the circuit clerk and shall be provided information on how to receive notification of
8 service of ex parte orders of protection. The local law enforcement agency or any other
9 government agency responsible for serving ex parte orders of protection shall notify the
10 circuit clerk when no more service attempts are planned by that agency.**

456.5-501. Except as otherwise provided in sections [456.5-506] **456.5-502** to
2 456.5-507, to the extent a beneficiary's interest is not subject to a spendthrift provision, an
3 assignee or a judgment creditor of the beneficiary may, without court order, reach the
4 beneficiary's interest by attachment of present or future distributions to or for the benefit of the
5 beneficiary or other means. The court may limit the award to such relief as is appropriate under
6 the circumstances.

477.005. **1.** The supreme court and each district of the court of appeals is hereby
2 authorized to appoint a clerk, a marshal, a librarian, administrative personnel, reporter, deputies,
3 stenographers, research assistants, janitors, and such other employees as the court deems
4 necessary, and, **except as provided in subsection 2 of this section**, shall fix the compensation
5 of persons thus employed within the limits of the amount appropriated by the general assembly
6 for such purpose.

**2. Marshals appointed by the court of appeals under the provisions of subsection
8 1 of this section shall be compensated at the same amount as the highest salary set for any
9 marshal appointed under section 476.083, RSMo.**

477.600. **1.** There is hereby created within the judicial department a "Judicial Finance
2 Commission". The commission shall be composed of seven members appointed by the supreme
3 court. At least one member of the commission shall be a member of a county governing body
4 from a county of the third class, one member of the commission shall be a member of the county
5 governing body of a county of the first class, and one member of the commission shall be a
6 member of a county governing body from any class of county. The supreme court shall designate

7 one member to serve as chairman and one member as vice chairman. The vice chairman shall
8 preside in the absence of the chairman.

9 2. The members of the commission shall serve for terms of three years and until their
10 successors are appointed and qualified; except that of the initial members appointed, three shall
11 serve for terms of one year, two shall serve for terms of two years and two shall serve for terms
12 of three years, as designated by the court.

13 3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve
14 the unexpired portion of the term and may be appointed to successive terms.

15 4. The commission shall promulgate rules of procedure which shall become effective
16 upon approval by the supreme court. The supreme court may adopt such other rules as it deems
17 appropriate to govern the procedures of the commission.

18 5. The commission shall:

19 (1) Examine the budget request of the circuit court upon the petition by the county
20 governing body as provided in section 50.640, RSMo, or any budget or item in the budget
21 estimated by the court including, but not limited to, compensation of deputy sheriffs and
22 assistants, as set forth in section 57.250, RSMo;

23 (2) Issue a written opinion addressed to the presiding circuit judge and the presiding
24 officer of the county. The opinion shall state the conclusions of the commission as to the
25 reasonableness of the circuit court budget request. The opinion of the commission shall state
26 clearly the reasons for its decision. Any member of the commission who disagrees with the
27 commission's findings may file a minority report;

28 (3) Maintain accurate records of the cost and expenses of the judicial and law
29 enforcement agencies for each county;

30 (4) Submit an annual report to the governor, general assembly, and supreme court on the
31 finances of the judicial department. The report shall examine both the revenues of the
32 department and the expenses of the department. The report shall include the information from
33 all divisions of the circuit court of each county including the circuit, associate circuit, probate,
34 juvenile and municipal divisions. The information shall be reported separately except where the
35 divisions are combined or consolidated. **In lieu of separate publication, the supreme court
36 may direct the annual report described in this subdivision to be consolidated with any
37 annual report prepared by the supreme court or the office of state courts administrator,
38 provided that such report is distributed to the parties described in this subdivision.**

39 6. In discharging its responsibilities, the commission may:

40 (1) Conduct public hearings, take testimony, summon witnesses, and subpoena records
41 and documents;

42 (2) Conduct surveys and collect data from county governments and the circuit courts on
43 the operations of the judicial and law enforcement agencies in each county. The commission and
44 its staff shall be granted access at any reasonable time to all books, records, and data the
45 commission deems necessary for the administration of its duties;

46 (3) Within the limits of appropriations made for the purpose, appoint special committees,
47 accept and expend grant funds, and employ consultants and others to assist the commission in
48 its work.

49 7. Upon receipt of the written opinion of the commission or upon refusal of the
50 commission to accept a petition for review, the circuit court or the county governing body may
51 seek a review by the supreme court by filing a petition for review in the supreme court within
52 thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the
53 supreme court, then the recommendation of the commission shall take effect notwithstanding the
54 provisions of section 50.600, RSMo. If the commission refused to review a petition and no
55 petition is filed in the supreme court, the circuit court budget is approved as submitted to the
56 county governing body. The supreme court shall consider the petition for review de novo.

57 8. The commission shall meet as necessary at the call of the chairman or on written
58 request of four members. Four members constitute a quorum for the transaction of business.
59 Upon request of the chairman, the supreme court may appoint a temporary replacement for any
60 commissioner who is unable to hear a case or who is disqualified from any case. No member
61 of the commission shall participate in any proceeding involving the county or circuit where the
62 member resides.

63 9. Members of the commission shall receive no compensation for their services but shall
64 be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses
65 incurred in the performance of their duties.

66 10. The clerk of the supreme court shall provide suitable staff for the commission out
67 of any funds appropriated for this purpose. The commission may also employ court reporters
68 as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters
69 shall be compensated at a rate established by the commission out of any funds appropriated for
70 this purpose.

478.463. There shall be [nineteen] **twenty** circuit judges in the sixteenth judicial circuit
2 consisting of the county of Jackson. These judges shall sit in [nineteen] **twenty** divisions.
3 Divisions one, three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen
4 and eighteen shall sit at the city of Kansas City and divisions two, five, sixteen [and], seventeen,
5 **and twenty** shall sit at the city of Independence. Division nineteen shall sit at both the city of
6 Kansas City and the city of Independence. Notwithstanding the foregoing provisions, the judge
7 of the probate division shall sit at both the city of Kansas City and the city of Independence.

8 **Beginning January 1, 2008, a circuit judge for division twenty sit at the city of**
9 **Independence.**

478.466. 1. In the sixteenth judicial circuit consisting of the county of Jackson, a
2 majority of the court en banc may appoint one person, who shall possess the same qualifications
3 as an associate circuit judge, to act as drug court commissioner. The commissioner shall be
4 appointed for a term of four years. The compensation of the commissioner shall be the same as
5 that of an associate circuit judge [and, subject to appropriation from the county legislature of the
6 county wherein such circuit is wholly located, reimbursed from proceeds from the county
7 antidrug sales tax adopted pursuant to section 67.547, RSMo]. The county wherein such circuit
8 is wholly located shall pay to and reimburse the state for the actual costs of the salary and
9 benefits of the drug commissioner appointed pursuant to this section. The retirement benefits
10 of such commissioner shall be the same as those of an associate circuit judge, payable in the
11 same manner and from the same source as those of an associate circuit judge. Subject to
12 approval or rejection by a circuit judge, the commissioner shall have all the powers and duties
13 of a circuit judge. A circuit judge shall by order of record reject or confirm any order, judgment
14 and decree of the commissioner within the time the judge could set aside such order, judgment
15 or decree had the same been made by him. If so confirmed, the order, judgment or decree shall
16 have the same effect as if made by the judge on the date of its confirmation. **Beginning July 1,**
17 **2008, the circuit court in the sixteenth judicial circuit may appoint one drug court**
18 **commissioner whose compensation shall be payable by the state without necessity of**
19 **reimbursement.**

20 2. The court administrator of the sixteenth judicial circuit shall charge and collect a
21 surcharge of thirty dollars in all proceedings assigned to the drug commissioner for disposition,
22 provided that the surcharge shall not be charged in any proceeding when costs are waived or are
23 to be paid by the state, county or municipality. Moneys obtained from such surcharge shall be
24 collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo, and
25 payable to the drug commissioner for operation of the drug court.

478.513. 1. There shall be five circuit judges in the thirty-first judicial circuit consisting
2 of the county of Greene. These judges shall sit in divisions numbered one, two, three, four and
3 five.

4 2. The circuit judge in division three shall be elected in 1980. The circuit judges in
5 divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be
6 elected in 1984.

7 **3. Beginning January 1, 2008, there shall be one additional circuit judge position**
8 **in the thirty-first judicial circuit to be known as division six.**

479.010. Violations of municipal ordinances shall be [tried] **heard and determined** only
2 before divisions of the circuit court as hereinafter provided in this chapter. "**Heard and**
3 **determined**", for purposes of this chapter, shall mean any process under which the court
4 **in question retains the final authority to make factual determinations pertaining to**
5 **allegations of a municipal ordinance violation, including, but not limited to, the use of a**
6 **system of administrative adjudication as provided in section 479.011, preliminary to a**
7 **determination by appeal to the court in question.**

479.011. 1. Any city not within a county **or any home rule city with more than four**
2 **hundred thousand inhabitants and located in more than one county** may establish, by order
3 or ordinance, an administrative system for adjudicating parking and other **civil**, nonmoving
4 municipal code violations consistent with applicable state law. Such administrative adjudication
5 system shall be subject to practice, procedure, and pleading rules established by the state
6 supreme court, circuit court, or municipal court. This section shall not be construed to affect the
7 validity of other administrative adjudication systems authorized by state law and created before
8 August 28, 2004.

9 2. The order or ordinance creating the administrative adjudication system shall designate
10 the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The
11 administrative tribunal may operate under the supervision of the municipal court, parking
12 commission, or other entity designated by order or ordinance and in a manner consistent with
13 state law. The administrative tribunal shall adopt policies and procedures for administrative
14 hearings, and filing and notification requirements for appeals to the municipal or circuit court,
15 subject to the approval of the municipal or circuit court.

16 3. The administrative adjudication process authorized in this section shall ensure a fair
17 and impartial review of contested municipal code violations, and shall afford the parties due
18 process of law. The formal rules of evidence shall not apply in any administrative review or
19 hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the
20 type of evidence commonly relied upon by reasonably prudent persons in the conduct of their
21 affairs. The code violation notice, property record, and related documentation in the proper
22 form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The
23 officer who issued the code violation citation need not be present.

24 4. An administrative tribunal may not impose incarceration or any fine in excess of the
25 amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs,
26 remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures
27 under chapter 536, RSMo, shall be a debt due and owing the city, and may be collected in
28 accordance with applicable law.

29 5. Any final decision or disposition of a code violation by an administrative tribunal shall
30 constitute a final determination for purposes of judicial review[,] . **Such determination is**
31 subject to review under chapter 536, RSMo, **or, at the request of the defendant made within**
32 **ten days, a trial de novo in the circuit court.** After expiration of the judicial review period
33 under chapter 536, RSMo, unless stayed by a court of competent jurisdiction, the administrative
34 tribunal's decisions, findings, rules, and orders may be enforced in the same manner as a
35 judgment entered by a court of competent jurisdiction. Upon being recorded in the manner
36 required by state law or the uniform commercial code, a lien may be imposed on the real or
37 personal property of any defendant entering a plea of nolo contendere, pleading guilty to, or
38 found guilty of a municipal code violation in the amount of any debt due the city under this
39 section and enforced in the same manner as a judgment lien under a judgment of a court of
40 competent jurisdiction.

483.015. 1. At the general election in the year 1982, and every four years thereafter,
2 except as herein provided and except as otherwise provided by law, circuit clerks shall be elected
3 by the qualified voters of each county and of the city of St. Louis, who shall be commissioned
4 by the governor, and shall enter upon the discharge of their duties on the first day in January next
5 ensuing their election, and shall hold their offices for the term of four years, and until their
6 successors shall be duly elected and qualified, unless sooner removed from office.

7 2. The court administrator for Jackson County provided by the charter of Jackson County
8 shall be selected as provided in the county charter and shall exercise all of the powers and duties
9 of the circuit clerk of Jackson County. The director of judicial administration and the circuit
10 clerk of St. Louis County shall be selected as provided in the charter of St. Louis County.

11 3. When provision is made in a county charter for the appointment of a court
12 administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk,
13 such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to
14 be elected. The persons appointed to fill any such appointive positions shall be paid by the
15 counties as provided by the county charter or ordinance; provided, however, that if provision is
16 now or hereafter made by law for the salaries of circuit clerks to be paid by the state, the state
17 shall pay over to the county a sum which is equivalent to the salary that would be payable by law
18 by the state to an elected circuit clerk in such county if such charter provision was not in effect.
19 The sum shall be paid in semimonthly or monthly installments, as designated by the
20 commissioner of administration.

21 4. The circuit clerk in the sixth judicial circuit and in the seventh judicial circuit shall
22 be appointed by a majority of the circuit judges and associate circuit judges of the circuit court,
23 en banc. The circuit clerk in those circuits shall be removable for cause by a majority of the
24 circuit judges and associate circuit judges of such circuit, en banc, in accordance with supreme

25 court administrative rules governing court personnel. This subsection shall become effective on
26 January 1, 2004, and the elected circuit clerks in those circuits in office at that time shall
27 continue to hold such office for the remainder of their elected terms as if they had been appointed
28 pursuant to the terms of this subsection.

29 **5. The circuit clerk in the thirty-first judicial circuit shall be appointed by a**
30 **majority of the circuit judges and associate circuit judges of the circuit court, en banc. The**
31 **appointed circuit clerk shall be removable for cause by a majority of the circuit judges and**
32 **associate circuit judges of the circuit, en banc, in accordance with the applicable supreme**
33 **court rules governing court personnel. The elected circuit clerk in office on the effective**
34 **date of this section shall continue to hold the office for the remainder of his or her elected**
35 **term as if he or she had been appointed under this subsection.**

484.020. 1. No person shall engage in the practice of law or do law business, as defined
2 in section 484.010, or both, unless [he] **such person** shall have been duly licensed therefor and
3 while his **or her** license therefor is in full force and effect, nor shall any association, partnership,
4 limited liability company or corporation, except a professional corporation organized pursuant
5 to the provisions of chapter 356, RSMo, a limited liability company organized and registered
6 pursuant to the provisions of chapter 347, RSMo, or a limited liability partnership organized or
7 registered pursuant to the provisions of chapter 358, RSMo, engage in the practice of the law or
8 do law business as defined in section 484.010, or both.

9 2. Any person, association, partnership, limited liability company or corporation who
10 shall violate the foregoing prohibition of this section shall be guilty of a **class A** misdemeanor
11 and upon conviction therefor shall be punished by a fine not exceeding one hundred dollars and
12 costs of prosecution and shall be subject to be sued for treble the amount which shall have been
13 paid [him] **such person** or it for any service rendered in violation hereof by the person, firm,
14 association, partnership, limited liability company or corporation paying the same within two
15 years from the date the same shall have been paid and if within said time such person, firm,
16 association, partnership, limited liability company or corporation shall neglect and fail to sue for
17 or recover such treble amount, then the state of Missouri shall have the right to and shall sue for
18 such treble amount and recover the same and upon the recovery thereof such treble amount shall
19 be paid into the treasury of the state of Missouri.

20 3. It is hereby made the duty of the attorney general of the state of Missouri or the
21 prosecuting attorney of any county or city in which service of process may be had upon the
22 person, firm, association, partnership, limited liability company or corporation liable hereunder,
23 to institute all suits necessary for the recovery by the state of Missouri of such amounts in the
24 name and on behalf of the state.

2 **484.280. Any provision of law, rule, regulation, or policy that requires a public**
3 **official or employee to devote his or her full time to their office, or that prohibits a public**
4 **official or employee from engaging in the practice of law outside of his or her official**
5 **duties, shall not prohibit an official or employee who is licensed to practice law in this state**
6 **from providing legal services to needy persons if such services are provided without**
7 **compensation.**

2 486.215. Each notary public, **unless such notary public is an attorney**, may perform
3 notarial acts for a term of four years from the date of his **or her** commission, unless sooner
4 removed. **Any attorney serving as a notary public shall only be removed as a notary public**
5 **if the commission is revoked.**

2 486.225. 1. Upon a form prepared by the secretary of state, each applicant for
3 appointment and commission as a notary public shall swear, under penalty of perjury, that the
4 answers to all questions on the application are true and complete to the best of the applicant's
5 knowledge and that the applicant is qualified to be appointed and commissioned as a notary
6 public. The completed application form shall be filed with the secretary of state.

2 2. With the person's application, each applicant for appointment and commission as a
3 notary public shall submit to the secretary of state a commission fee of fifteen dollars. **An**
4 **attorney applying to serve as a notary public shall submit, with his or her application, a**
5 **one-time notary fee of seventy-five dollars plus the ten-dollar fee for the secretary of state's**
6 **technology trust fund account.**

2 3. Each applicant for appointment and commission as a notary public shall state in the
3 application whether or not the applicant has ever been convicted of or pled guilty or nolo
4 contendere to any felony, or to any misdemeanor incompatible with the duties of a notary public
5 and if so, shall attach a list of such convictions or pleas of guilt or nolo contendere.

2 4. Each applicant for a renewal appointment and commission as a notary public may
3 apply for such renewal appointment in a manner prescribed by the secretary of state.

2 5. The secretary of state may prohibit, for a period not less than thirty days and not more
3 than one year, a new applicant or renewal from reapplying for an appointment and commission
4 as a notary public following the rejection of such applicant's application by the secretary of state.

2 6. Prior to submitting an application to the secretary of state, each new applicant or
3 renewal for appointment and commission as a notary public shall read the Missouri notary public
4 handbook and complete a computer-based notary training or other notary training in a manner
5 prescribed by the secretary of state. Each new applicant or renewal applicant shall attest to
6 reading such handbook and receiving such training pursuant to this subsection at the time of
7 submitting the application for appointment and commission as a notary public.

486.230. Upon receipt of a completed application, proper endorsements and the correct fee, the secretary of state, if satisfied the applicant is qualified to be appointed and commissioned as a notary public, shall prepare a notary commission for the applicant and forward the commission to the county clerk in the county of the applicant's residence. Each commission shall contain the applicant's name, the county within and for which he **or she** is to be commissioned, the date upon which the commission takes effect and the date upon which it expires. **If such applicant is a licensed attorney in this state, the commission shall only contain the applicant's name, the county within and for which he or she is to be commissioned, and the date the commission takes effect.**

486.280. On every notary certificate, a notary public shall indicate clearly and legibly, in print not smaller than eight-point type and by means of rubber stamp, typewriting or printing, so that it is capable of photographic reproduction:

- (1) His or her name exactly as it appears on the commission;
- (2) The words "Notary Public", "State of Missouri", and "My commission expires (commission expiration date)". **If such notary public is a licensed attorney in this state, the notary public is not required to state when his or her commission expires;**
- (3) The name of the county within which he or she is commissioned; and
- (4) A commission number, provided that the notary public has been issued a commission number by the secretary of state. Effective August 28, 2004, the secretary of state shall issue a commission number for all new and renewal notary appointments.

486.385. 1. The secretary of state may reject an application or revoke the commission of any notary public who prior to being commissioned or during the current term of appointment:

- (1) Submits an application for commission and appointment as a notary public which contains substantial and material misstatement of facts;
- (2) Is convicted of any felony or official misconduct under this chapter;
- (3) Fails to exercise the powers or perform the duties of a notary public in accordance with this chapter, or fails otherwise to comply with the provisions of this chapter;
- (4) Is adjudged liable or agrees in a settlement to pay damages in any suit grounded in fraud, misrepresentation, impersonation, or violation of the state regulatory laws of this state, if his or her liability is not solely by virtue of his or her agency or employment relationship with another who engaged in the act for which the suit was brought;
- (5) Uses false or misleading advertising wherein he or she represents or implies, by virtue of the title of notary public, that he or she has qualifications, powers, duties, rights, or privileges that he or she does not possess by law;
- (6) Engages in the unauthorized practice of law;
- (7) Ceases to be a citizen of the United States;

17 (8) Ceases to be a registered voter of the county within and for which he or she is
18 commissioned;

19 (9) Ceases to have a residence address in the county within and for which he or she is
20 commissioned, unless he or she has been issued an amended commission;

21 (10) Becomes incapable of reading or writing the English language;

22 (11) Fails to maintain the surety bond required by section 486.235.

23 2. A notary's commission may be revoked under the provisions of this section if action
24 is taken subject to the rights of the notary public to notice, hearing, adjudication and appeal. The
25 secretary of state shall have further power and authority as is reasonably necessary to enable the
26 secretary of state to administer this chapter efficiently and to perform the duties therein imposed
27 upon the secretary of state, including immediate suspension of a notary upon written notice sent
28 by certified mail if the situation is deemed to have a serious unlawful effect on the general
29 public; provided, that the notary public shall be entitled to hearing and adjudication as soon
30 thereafter as is practicable.

31 **3. A notary public, who is an attorney, shall be revoked of his or her commission**
32 **if such notary public has an invalid license to practice law in this state, the attorney's law**
33 **license, whether voluntary or involuntary, was suspended, revoked, or terminated, or the**
34 **attorney is no longer licensed to practice law in this state. Such person may still become**
35 **a notary if he or she meets all qualifications for becoming a notary public.**

36 **4. The secretary of state may establish a notification process with the supreme court**
37 **of this state for notification of actions taken by the court on existing licenses of attorneys.**
38 **The secretary of state shall promulgate rules to implement the provisions of this subsection.**
39 **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is**
40 **created under the authority delegated in this section shall become effective only if it**
41 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
42 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
43 **and if any of the powers vested with the general assembly under chapter 536, RSMo, to**
44 **review, to delay the effective date, or to disapprove and annul a rule are subsequently held**
45 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
46 **after August 28, 2007, shall be invalid and void.**

487.020. 1. In each circuit or a county having a family court, a majority of the circuit
2 and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to
3 appropriations, to hear family court cases and make findings as provided for in sections 487.010
4 to 487.190. Any person serving as a commissioner of the juvenile division of the circuit court
5 on August 28, 1993, shall become a commissioner of the family court. In each circuit or a
6 county therein having a family court, a majority of the circuit and associate circuit judges en banc

7 may appoint, in addition to those commissioners serving as commissioners of the juvenile
8 division and becoming commissioners of the family court pursuant to the provisions of sections
9 487.020 to 487.040, no more than three additional commissioners to hear family court cases and
10 make findings and recommendations as provided in sections 487.010 to 487.190. The number
11 of additional commissioners added as a result of the provisions of sections 487.010 to 487.190
12 may be appointed only to the extent that the state is reimbursed for the salaries of the
13 commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by
14 gifts or grants made for such purposes. A commissioner shall be appointed for a term of four
15 years. Commissioners appointed pursuant to sections 487.020 to 487.040 shall serve in addition
16 to circuit judges, associate circuit court judges and commissioners authorized to hear actions
17 classified under section 487.080.

18 2. The circuit court in the eleventh judicial circuit may, in substitution of a family court
19 commissioner currently appointed pursuant to this section whose salary is reimbursable, appoint
20 one family court commissioner whose compensation shall be payable by the state without
21 necessity of reimbursement. The provisions of this subsection shall not be construed to allow
22 appointment of a family court commissioner in addition to the number of such family court
23 commissioners holding office in the eleventh judicial circuit as of January 1, 1999, and the
24 appointment of the state-paid commissioner shall be subject to appropriations for such purpose.

25 3. **Notwithstanding the provisions of subsection 1 of this section, the circuit court**
26 **in the thirty-first judicial circuit may appoint one family court commissioner whose**
27 **compensation shall be payable by the state without necessity of reimbursement.**

28 4. Each commissioner of the family court shall possess the same qualifications as a
29 circuit judge. The compensation and retirement benefits of each commissioner shall be the same
30 as that of an associate circuit judge, payable in the same manner and from the same source as that
31 of an associate circuit judge.

488.014. No court of record in this state, municipal division of the circuit court, or any
2 entity collecting court costs on their behalf shall be required to refund any overpayment of court
3 costs in an amount not exceeding five dollars or to collect any due court costs in an amount of
4 less than five dollars. Any such overpaid funds may be retained by the county for the operation
5 of the circuit court **or by the city for the operation of the municipal division of the circuit**
6 **court.**

488.2253. 1. In every contested case, or case in which the evidence is to be preserved,
2 except for the collection of delinquent or back taxes, before any circuit judge when an official
3 court reporter is appointed, the clerk of said court shall tax up the sum of [fifteen] **twenty-five**
4 dollars, to be collected as other costs, and paid by said clerk to the director of revenue of the
5 state.

6 **2. Beginning January 1, 2008, a court reporter shall receive each year, in addition**
7 **to the amounts described in subsection 1 of this section for transcripts, a cost-of-living**
8 **adjustment. The cost-of-living adjustment shall be increased or decreased on an annual**
9 **basis effective January first of each year in accordance with the Implicit Price Deflator for**
10 **Personal Consumption Expenditures as published by the Bureau of Economic Analysis of**
11 **the United States Department of Commerce. The current value of the limitation shall be**
12 **calculated by the director of the department of insurance, financial institutions and**
13 **professional registration which shall furnish that value to the secretary of state who will**
14 **publish such value in the Missouri Register as soon after each January first as practicable,**
15 **but shall be otherwise exempt from the provisions of section 536.021, RSMo.**

 494.425. The following persons shall be disqualified from serving as a petit or grand
2 juror:

- 3 (1) Any person who is less than twenty-one years of age;
- 4 (2) Any person not a citizen of the United States;
- 5 (3) Any person not a resident of the county or city not within a county served by the
6 court issuing the summons;
- 7 (4) Any person who has been convicted of a felony, unless such person has been restored
8 to his civil rights;
- 9 (5) Any person unable to read, speak and understand the English language, unless such
10 person's inability is due to a vision or hearing impairment which can be adequately compensated
11 for through the use of auxiliary aids or services;
- 12 (6) Any person on active duty in the armed forces of the United States or any member
13 of the organized militia on active duty under order of the governor;
- 14 (7) Any [judge of a court of record] **licensed attorney at law**;
- 15 (8) Any person who, in the judgment of the court, is incapable of performing the duties
16 of a juror because of mental or physical illness or infirmity. The juror or the juror's personal
17 representative, may provide the court with documentation from a physician licensed to practice
18 medicine verifying that a mental or physical condition renders the person unfit for jury service
19 for a period of up to twenty-four months.

 494.430. 1. Upon timely application to the court, the following persons shall be excused
2 from service as a petit or grand juror:

- 3 (1) Any person who has served on a state or federal petit or grand jury within the
4 preceding two years;
- 5 (2) Any person whose absence from his or her regular place of employment would, in
6 the judgment of the court, tend materially and adversely to affect the public safety, health,
7 welfare or interest;

8 (3) Any person upon whom service as a juror would in the judgment of the court impose
9 an undue or extreme physical or financial hardship;

10 (4) [Any person licensed as a health care provider as such term is defined in section
11 538.205, RSMo, but only if such person provides a written statement to the court certifying that
12 he or she is actually providing health care services to patients, and that the person's service as a
13 juror would be detrimental to the health of the person's patients;

14 (5)] Any employee of a religious institution whose religious obligations or constraints
15 prohibit their serving on a jury. The certification of the employment and obligation or constraint
16 may be provided by the employee's religious supervisor.

17 **2. Upon timely application to the court, the court may, in its discretion, excuse from**
18 **service as a petit or grand juror any person licensed as a health care provider, as defined**
19 **in section 538.205, RSMo, but only if such person provides a written statement to the court**
20 **certifying that he or she is actually providing health care services to patients, and that the**
21 **person's service as a juror would be detrimental to the health of the person's patients.**

22 **3.** A judge of the court for which the individual was called to jury service shall make
23 undue or extreme physical or financial hardship determinations. The authority to make these
24 determinations is delegable only to court officials or personnel who are authorized by the laws
25 of this state to function as members of the judiciary.

26 [3.] **4.** A person asking to be excused based on a finding of undue or extreme physical
27 or financial hardship must take all actions necessary to have obtained a ruling on that request by
28 no later than the date on which the individual is scheduled to appear for jury duty.

29 [4.] **5.** Unless it is apparent to the court that the physical hardship would significantly
30 impair the person's ability to serve as a juror, for purposes of sections 494.400 to 494.460 undue
31 or extreme physical or financial hardship is limited to circumstances in which an individual
32 would:

33 (1) Be required to abandon a person under his or her personal care or supervision due
34 to the impossibility of obtaining an appropriate substitute caregiver during the period of
35 participation in the jury pool or on the jury; or

36 (2) Incur costs that would have a substantial adverse impact on the payment of the
37 individual's necessary daily living expenses or on those for whom he or she provides the
38 principal means of support; or

39 (3) Suffer physical hardship that would result in illness or disease.

40 [5.] **6.** Undue or extreme physical or financial hardship does not exist solely based on
41 the fact that a prospective juror will be required to be absent from his or her place of
42 employment.

43 [6.] 7. A person asking a judge to grant an excuse based on undue or extreme physical
44 or financial hardship shall provide the judge with documentation as required by the judge, such
45 as, but not limited to, federal and state income tax returns, medical statements from licensed
46 physicians, proof of dependency or guardianship, and similar documents, which the judge finds
47 to clearly support the request to be excused. Failure to provide satisfactory documentation shall
48 result in a denial of the request to be excused. Such documents shall be filed under seal.

49 [7.] 8. After two years, a person excused from jury service shall become eligible once
50 again for qualification as a juror unless the person was excused from service permanently. A
51 person is excused from jury service permanently only when the deciding judge determines that
52 the underlying grounds for being excused are of a permanent nature.

510.120. 1. During the period beginning January first and ending June first of each year,
2 or whenever the general assembly is in session, there shall be an automatic stay of all
3 administrative and court proceedings in which any member of the general assembly has filed a
4 written notice with the court or administrative hearing officer and with all parties to the
5 proceeding that the member is:

6 (1) A necessary witness;
7 (2) A party to the action; or
8 (3) The [initial] **lead** attorney for any party or has filed an entry of appearance as an
9 attorney for any party more than forty-five days prior to the filing of the written notice under this
10 subsection.

11 2. The stay created by this section shall apply to all trials, motions, hearings, discovery
12 responses, depositions, responses to motions, docket calls, and any other proceedings before any
13 trial court or administrative tribunal, including municipal courts. The stay shall also apply to any
14 order requiring the member to serve as a juror whenever the general assembly is in session.

15 3. The stay created by this section shall not apply:

16 (1) If the member waives the protections of this stay in the form of a written
17 memorandum filed with the trial court or administrative tribunal;
18 (2) To any proceedings under chapter 288, RSMo;
19 (3) To any proceedings involving a request for injunctive relief; or
20 (4) To any proceeding in which the member is charged with a felony or a class A
21 misdemeanor.

22 4. The court of appeals shall have original jurisdiction over any application for
23 termination or modification of the stay.

24 5. In all civil cases or administrative proceedings or in criminal cases pending in this
25 state at any time when the general assembly is in veto session, special session, or holding
26 out-of-session committee hearings, it shall be a sufficient cause for such continuance if it shall

27 appear to the court, by written notice, that any party applying for such continuance, or any
28 attorney, solicitor or counsel of such party is a member of either house of the general assembly,
29 and in actual attendance on the out-of-session committee hearings, special session, or veto
30 session of the same, and that the attendance of such party, attorney, solicitor or counsel is
31 necessary to a fair and proper trial or other proceeding in such suit; and on the filing of such
32 notice the court shall continue such suit and any and all motions or other proceedings therein,
33 of every kind and nature, including the taking of depositions and discovery responses, and
34 thereupon no trial or other proceedings of any kind or nature shall be had therein until the
35 adjournment or recess for three days or more of the special session or veto session of the general
36 assembly, nor for one day before or after or the day of any out-of-session committee hearings.
37 Such notice shall be sufficient, if made within two days of the out-of-session committee
38 hearings, special session, or veto session of the general assembly, showing that at the time of
39 making the same such party, attorney, solicitor or counsel is scheduled to be in actual attendance
40 upon such out-of-session committee hearings, special session, or veto session of the general
41 assembly.

516.140. Within two years: An action for libel, slander, **injurious falsehood**, assault,
2 battery, false imprisonment, criminal conversation, malicious prosecution or actions brought
3 under section 290.140, RSMo. An action by an employee for the payment of unpaid minimum
4 wages, unpaid overtime compensation or liquidated damages by reason of the nonpayment of
5 minimum wages or overtime compensation, and for the recovery of any amount under and by
6 virtue of the provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such
7 act being an act of Congress, shall be brought within two years after the cause accrued.

517.041. 1. The process in all cases shall be a summons with a copy of the petition of
2 the plaintiff attached, directed to the sheriff or other proper person for service on the defendant.
3 The summons shall command the defendant to appear before the court on a date and time, not
4 less than ten days nor more than [thirty] **sixty** days from the date of service of the summons.

5 2. If process is not timely served, the plaintiff may request further process be issued to
6 any defendant not timely served with the case being continued, or the plaintiff may dismiss as
7 to any such defendant and proceed with the case.

8 3. A petition filed which states a claim or claims that in the aggregate exceeds the
9 jurisdictional limit of the division shall be certified to presiding judge for assignment.

527.270. 1. Hereafter every person desiring to change his or her name may present a
2 petition to that effect, verified by affidavit, to the circuit court in the county of the petitioner's
3 residence, which petition shall set forth the petitioner's full name, the new name desired, and a
4 concise statement of the reason for such desired change; and it shall be the duty of the judge of
5 such court to order such change to be made, and spread upon the records of the court, in proper

6 form, if such judge is satisfied that the desired change would be proper and not detrimental to
7 the interests of any other person.

8 **2. No person who is confined in prison under sentence for a felony shall be eligible**
9 **to change his or her name until completion of the sentence imposed.**

2 **535.025. Parties may prosecute their claims and defenses without the assistance of**
3 **an attorney. Corporations or unincorporated associations may enter their appearance and**
4 **be represented by a president or vice-president. Such representation shall not be deemed**
5 **the unauthorized practice of law.**

2 535.030. 1. Such summons shall be served as in other civil cases at least four days
3 before the court date in the summons. The summons shall include a court date which shall not
4 be more than twenty-one business days from the date the summons is issued unless at the time
5 of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

5 2. In addition to attempted personal service, the plaintiff may request, and thereupon the
6 clerk of the court shall make an order directing that the officer, or other person empowered to
7 execute the summons, shall also serve the same by securely affixing a copy of such summons and
8 the complaint in a conspicuous place on the dwelling of the premises in question at least ten days
9 before the court date in such summons, and by also mailing a copy of the summons and
10 complaint to the defendant at the defendant's last known address by ordinary mail at least ten
11 days before the court date. If the officer, or other person empowered to execute the summons,
12 shall return that the defendant is not found, or that the defendant has absconded or vacated his
13 or her usual place of abode in this state, and if proof be made by affidavit of the posting and of
14 the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff
15 proceed to hear the case as if there had been personal service, and judgment shall be rendered
16 and proceedings had as in other cases, except that no money judgment shall be granted the
17 plaintiff where the defendant is in default and service is by the posting and mailing procedure
18 set forth in this section.

19 3. If the plaintiff does not request service of the original summons by posting and
20 mailing as provided in subsection 2 of this section, and if the officer, or other person empowered
21 to execute the summons, makes return that the defendant is not found, or that the defendant has
22 absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request
23 the issuance of an alias summons and service of the same by posting and mailing in the time and
24 manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the
25 plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a
26 copy of the summons in the time and manner provided in subsection 2 of this section. Upon
27 proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons
28 and the complaint, the judge shall proceed to hear the case as if there had been personal service,

29 and judgment shall be rendered and proceedings had as in other cases, except that no money
30 judgment shall be granted the plaintiff where the defendant is in default and service is by the
31 posting and mailing procedure provided in subsection 2 of this section.

32 4. On the date judgment is rendered as provided in this section where the defendant is
33 in default, the clerk of the court shall mail to the defendant at the defendant's last known address
34 by [certified mail, with a request for return receipt and with directions to deliver to the addressee
35 only,] **ordinary mail** a notice informing the defendant of the judgment and the date it was
36 entered, and stating that the defendant has ten days from the date of the judgment to file a motion
37 to set aside the judgment or to file an application for a trial de novo in the circuit court, as the
38 case may be, and that unless the judgment is set aside or an application for a trial de novo is filed
39 within ten days, the judgment will become final and the defendant will be subject to eviction
40 from the premises without further notice.

535.040. 1. Upon the return of the summons executed, the judge shall set the case on
2 the first available court date and shall proceed to hear the cause, and if it shall appear that the rent
3 which is due has been demanded of the tenant, lessee or persons occupying the property, and that
4 payment has not been made, and if the payment of such rent, with all costs, shall not be tendered
5 before the judge, on the hearing of the cause, the judge shall render judgment that the landlord
6 recover the possession of the premises so rented or leased, and also the debt for the amount of
7 the rent then due, with all court costs and shall issue an execution upon such judgment,
8 commanding the officer to put the landlord into immediate possession of the property leased or
9 rented, and to make the debt and costs of the goods and chattels of the defendant. No money
10 judgment shall be granted to the plaintiff if the defendant is in default and service was by the
11 posting procedure provided in section 535.030 unless the defendant otherwise enters an
12 appearance. The officer shall deliver possession of the property to the landlord within five days
13 from the time of receiving the execution, and the officer shall proceed upon the execution to
14 collect the debt and costs, and return the writ, as in the case of other executions. If the plaintiff
15 so elects, the plaintiff may sue for possession alone, without asking for recovery of the rent due.

16 2. **Neither the landlord, nor his or her successors, assigns, agents, nor**
17 **representatives shall be liable to anyone for loss or damage to any household goods,**
18 **furnishings, fixtures, or any other personal property left in or at the dwelling by the reason**
19 **of the landlord's removal or disposal of the property under a court-ordered execution for**
20 **possession of the premises. Notwithstanding the foregoing, after the sheriff has completed**
21 **the court-ordered execution, property left by the tenant in or at the dwelling bearing a**
22 **conspicuous permanent label or marking identifying it as the property of a third party, the**
23 **landlord shall make a reasonable effort to notify such third party who shall be given the**
24 **opportunity within five business days of the date of the execution to recover such property.**

548.260. 1. Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in sections 548.071 and 548.081 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing which states that he consents to return to the demanding state; provided, however, that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance or service of a warrant of extradition and to obtain a writ of habeas corpus as provided in section 548.101.

2. If and when such consent has been duly executed it shall forthwith be forwarded to the office of the governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state.

3. Any person arrested in this state and charged with having broken the terms of his or her bail, probation, or parole shall not be brought before a judge of this state if such person has previously waived extradition proceedings as a condition of his or her release in the demanding state. Upon receiving a certified copy of the written waiver of extradition from the demanding state, the officer having such person in custody shall deliver forthwith such person to the duly accredited agent or agents of the demanding state. Nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall such waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this state.

559.600. 1. In cases where the board of probation and parole is not required under section 217.750, RSMo, to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities to provide such services. The court-approved private entity shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, and C misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023, RSMo. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the board of probation and

9 parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have
10 entered into a contract with a private probation entity.

11 **2. (1) In any county of the first classification, the governing body of such county**
12 **may by order establish a department of probation services which shall provide all**
13 **probation services as in the case of private probation service providers. The county shall**
14 **employ such personnel as may be required to provide such probation services.**

15 **(2) Any department of probation services created by order under this section shall**
16 **be subject to the supervision of the circuit court for such county and shall establish**
17 **reasonable fees and charges for its probation services. Such fees and charges shall be paid**
18 **and assessed to the respective probationers. The county may contract for the rendering**
19 **of probation services with any circuit court or municipality as may be agreed.**

566.150. 1. Any person who has pleaded guilty to, or been convicted of, or been
2 **found guilty of violating any of the provisions of this chapter or the provisions of**
3 **subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the**
4 **welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child**
5 **in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a**
6 **child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo,**
7 **promoting child pornography; or section 573.040, RSMo, furnishing pornographic**
8 **material to minors shall not serve as an athletic coach, manager, or athletic trainer for any**
9 **sports team in which a child less than seventeen years of age is a member.**

10 **2. The first violation of the provisions of this section is a class A misdemeanor. Any**
11 **second or subsequent violation of this section is a class D felony.**

568.045. 1. A person commits the crime of endangering the welfare of a child in the first
2 **degree if:**

3 **(1) The person knowingly acts in a manner that creates a substantial risk to the life, body,**
4 **or health of a child less than seventeen years old; or**

5 **(2) The person knowingly engages in sexual conduct with a person under the age of**
6 **seventeen years over whom the person is a parent, guardian, or otherwise charged with the care**
7 **and custody;**

8 **(3) The person knowingly encourages, aids or causes a child less than seventeen years**
9 **of age to engage in any conduct which violates the provisions of chapter 195, RSMo;**

10 **(4) Such person enlists the aid, either through payment or coercion, of a person less than**
11 **seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport,**
12 **test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any**
13 **material used to manufacture, compound, produce, prepare, test or analyze amphetamine or**
14 **methamphetamine or any of their analogues; or**

15 (5) Such person, in the presence of a person less than seventeen years of age or in a
16 residence where a person less than seventeen years of age resides, unlawfully manufactures, or
17 attempts to manufacture compounds, **possesses**, produces, prepares, sells, transports, tests or
18 analyzes amphetamine or methamphetamine or any of their analogues.

19 2. Endangering the welfare of a child in the first degree is a class C felony unless the
20 offense is committed as part of a ritual or ceremony, or except on a second or subsequent
21 offense, in which case the crime is a class B felony.

22 **3. This section shall be known as "Hope's Law".**

**570.055. Any person who steals or appropriates, without consent of the owner, any
2 energized or live wire, electrical transformer, or any other device that at the time of the
3 theft is conducting electricity is guilty of a class D felony.**

**Section 1. For all petitions and court proceedings involving allegations of adult
2 abuse or stalking, the court may order the record closed if the petition is denied, dismissed,
3 withdrawn by the petitioner, or denied after hearing.**

**Section 2. 1. Any television advertisement of legal services shall not make a false
2 or misleading communication about the lawyer, law firm, or the legal services. A
3 communication is false if it contains a material misrepresentation of fact or law.
4 Misleading communications include but are not limited to the following conditions:**

5 (1) Omits a fact which leads the statement, when considered as a whole, to be
6 materially misleading;

7 (2) Makes a client likely to create an unjustified expectation regarding the results
8 the lawyer can achieve;

9 (3) States or implies that the lawyer can achieve results by means that violate the
10 rules of professional conduct or other law;

11 (4) Advertises for a specific type of case which the lawyer has neither experience
12 nor competence;

13 (5) Contains any paid testimonial about or endorsement of the lawyer, without
14 conspicuous identification of the fact that payment has been made for the testimonial or
15 endorsement;

16 (6) Contains any simulated portrayal of a lawyer, client, victim, scene, or event
17 without conspicuous identification of the fact that it is a simulation;

18 (7) States that legal services are available on a contingent or no-recovery-no-fee
19 basis without stating conspicuously that the client may be responsible for costs or expenses,
20 if that is the case.

21 2. For purposes of this section, identifying or stating "conspicuously" means the
22 statement must be made in a type size and manner that is reasonably legible to persons

23 watching and sounded audibly in a clear and understandable manner to persons listening
24 to the advertisement.

25 3. Any television advertisement of legal services must contain the following
26 language both sounded orally and stated in writing: "Warning: The choice of a lawyer is
27 an important decision and should not be based solely upon advertisements.". The written
28 disclaimer must be displayed for at least 10 seconds at the beginning or the end of the
29 television advertisement and orally sounded at the beginning or the end of the
30 advertisement. The statement must be made in a type size and manner that is reasonably
31 legible to persons watching and sounded audibly in a clear and understandable manner
32 to persons listening to the advertisement.

33 4. (1) If a television advertisement advertising legal services includes amounts of
34 particular past verdicts or settlements then the full case name must be included in the
35 advertisement. Specific consent of the former client shall be obtained for each television
36 advertisement. This statement must be made in a type size and manner that is reasonably
37 legible to persons watching or sounded audibly in a clear and understandable manner to
38 persons listening to the advertisement.

39 (2) If prior verdicts or settlements are referenced in a television advertisement the
40 following disclaimer must be displayed in writing and sounded: "Warning: Past verdicts
41 or settlement amounts are not an indication that the advertiser can achieve similar results
42 for you or that you have a valid claim.". This statement must be made in a type size and
43 manner that is reasonably legible to persons watching or sounded audibly in a clear and
44 understandable manner to persons listening to the advertisement.

45 (3) It is false or misleading advertising and a violation of this section for an
46 advertisement to state a combined dollar amount or aggregate amount that an advertiser
47 of legal services claims to have achieved, including, but not limited to a statement that,
48 "Our firm has collected over a billion dollars for our clients.".

49 5. Any lawyer, law firm, or entity advertising legal services on television in the State
50 of Missouri must display in writing or state orally, the location of the principal office of the
51 lawyer, law firm, or entity sponsoring the advertisement. If the principal domicile of the
52 lawyer, lawyer or entity advertising legal services is not located in the state of Missouri, the
53 advertisement must clearly indicate in writing and orally that fact. This above listed
54 required statements must be in a type size and manner that is reasonably legible to persons
55 watching and sounded audibly in a clear and understandable manner to persons listening
56 to the advertisement.

57 6. The only entities or organizations that can advertise on television as a lawyer
58 referral and information service and refer potential clients or cases to lawyers or law firms

59 **are qualified lawyer referral services as defined by the Missouri supreme court rules of**
60 **professional conduct.**

61 **7. The provisions of this section do not apply to advertising done by a qualified**
62 **lawyer referral service as defined by the Missouri supreme court rules of professional**
63 **conduct.**

64 **8. The provisions of this section shall not apply to any sponsorship by any lawyer**
65 **or law firm.**

[70.320. Suits affecting any of the terms of any contract may be brought
2 in the circuit court of the county in which any contracting municipality or
3 political subdivision is located or in the circuit court of the county in which a
4 party to the contract resides.]
5

[211.322. The juvenile division of each circuit court shall report statistics
2 and information relating to the nature, extent and causes of and conditions
3 contributing to the delinquency of children and information relating to the
4 existence and effectiveness of delinquency prevention and rehabilitation
5 programs operated by the courts, upon request of the division of youth services,
6 to the division of youth services.]
7

[452.440. Sections 452.440 to 452.550 may be cited as the "Uniform
2 Child Custody Jurisdiction Act".]
3

[452.445. As used in sections 452.440 to 452.550:

2 (1) "Custody determination" means a court decision and court orders and
3 instructions providing for the custody of a child, including visitation rights. This
4 term does not include a decision relating to child support or any other monetary
5 obligation of any person; but the court shall have the right in any custody
6 determination where jurisdiction is had pursuant to section 452.460 and where
7 it is in the best interest of the child to adjudicate the issue of child support;

8 (2) "Custody proceeding" includes proceedings in which a custody
9 determination is one of several issues, such as an action for dissolution of
10 marriage, legal separation, separate maintenance, appointment of a guardian of
11 the person, child neglect or abandonment, but excluding actions for violation of
12 a state law or municipal ordinance;

13 (3) "Decree" or "custody decree" means a custody determination
14 contained in a judicial decree or order made in a custody proceeding, and
15 includes an initial decree and a modification decree;

16 (4) "Home state" means the state in which, immediately preceding the
17 filing of custody proceeding, the child lived with his parents, a parent, an
18 institution; or a person acting as parent, for at least six consecutive months; or,
19 in the case of a child less than six months old, the state in which the child lived

20 from birth with any of the persons mentioned. Periods of temporary absence of
21 any of the named persons are counted as part of the six-month or other period;

22 (5) "Initial decree" means the first custody decree concerning a particular
23 child;

24 (6) "Litigant" means a person, including a parent, grandparent, or
25 step-parent, who claims a right to custody or visitation with respect to a child.]

26

[452.450. 1. A court of this state which is competent to decide child
2 custody matters has jurisdiction to make a child custody determination by initial
3 or modification decree if:

4 (1) This state:

5 (a) Is the home state of the child at the time of commencement of the
6 proceeding; or

7 (b) Had been the child's home state within six months before
8 commencement of the proceeding and the child is absent from this state for any
9 reason, and a parent or person acting as parent continues to live in this state; or

10 (2) It is in the best interest of the child that a court of this state assume
11 jurisdiction because:

12 (a) The child and his parents, or the child and at least one litigant, have
13 a significant connection with this state; and

14 (b) There is available in this state substantial evidence concerning the
15 child's present or future care, protection, training, and personal relationships; or

16 (3) The child is physically present in this state and:

17 (a) The child has been abandoned; or

18 (b) It is necessary in an emergency to protect the child because he has
19 been subjected to or threatened with mistreatment or abuse, or is otherwise being
20 neglected; or

21 (4) It appears that no other state would have jurisdiction under
22 prerequisites substantially in accordance with subdivision (1), (2), or (3), or
23 another state has declined to exercise jurisdiction on the ground that this state is
24 the more appropriate forum to determine the custody of the child, and it is in the
25 best interest of the child that this court assume jurisdiction.

26 2. Except as provided in subdivisions (3) and (4) of subsection 1 of this
27 section, physical presence of the child, or of the child and one of the litigants, in
28 this state is not sufficient alone to confer jurisdiction on a court of this state to
29 make a child custody determination.

30 3. Physical presence of the child, while desirable, is not a prerequisite for
31 jurisdiction to determine his custody.]

32

[452.455. 1. Any petition for modification of child custody decrees filed
2 under the provisions of section 452.410, or sections 452.440 to 452.450, shall be
3 verified and, if the original proceeding originated in the state of Missouri, shall

4 be filed in that original case, but service shall be obtained and responsive
5 pleadings may be filed as in any original proceeding.

6 2. Before making a decree under the provisions of section 452.410, or
7 sections 452.440 to 452.450, the litigants, any parent whose parental rights have
8 not been previously terminated, and any person who has physical custody of the
9 child must be served in the manner provided by the rules of civil procedure and
10 applicable court rules and may within thirty days after the date of service
11 (forty-five days if service by publication) file a verified answer. If any of these
12 persons is outside this state, notice and opportunity to be heard shall be given
13 pursuant to section 452.460.

14 3. In any case in which the paternity of a child has been determined by
15 a court of competent jurisdiction and where the noncustodial parent is delinquent
16 in the payment of child support in an amount in excess of ten thousand dollars,
17 the custodial parent shall have the right to petition a court of competent
18 jurisdiction for the termination of the parental rights of the noncustodial parent.

19 4. When a person filing a petition for modification of a child custody
20 decree owes past due child support to a custodial parent in an amount in excess
21 of ten thousand dollars, such person shall post a bond in the amount of past due
22 child support owed as ascertained by the division of child support enforcement
23 or reasonable legal fees of the custodial parent, whichever is greater, before the
24 filing of the petition. The court shall hold the bond in escrow until the
25 modification proceedings pursuant to this section have been concluded wherein
26 such bond shall be transmitted to the division of child support enforcement for
27 disbursement to the custodial parent.]
28

[452.460. 1. The notice required for the exercise of jurisdiction over a
2 person outside this state shall be given in a manner reasonably calculated to give
3 actual notice, and may be given in any of the following ways:

4 (1) By personal delivery outside this state in the manner prescribed for
5 service of process within this state;

6 (2) In the manner prescribed by the law of the place in which the service
7 is made for service of process in that place in an action in any of its courts of
8 general jurisdiction;

9 (3) By certified or registered mail; or

10 (4) As directed by the court, including publication, if any other means of
11 notification are ineffective.

12 2. Proof of service outside this state may be made by affidavit of the
13 individual who made the service, or in the manner prescribed by the law of this
14 state, the order pursuant to which the service is made, or the law of the place in
15 which the service is made. If service is made by mail, proof of service may be
16 a receipt signed by the addressee or other evidence of delivery to the addressee.
17

18 3. The notice provided for in this section is not required for a person who
19 submits to the jurisdiction of the court.]
20

2 [452.465. 1. A court of this state shall not exercise its jurisdiction under
3 sections 452.440 to 452.550 if, at the time of filing the petition, a proceeding
4 concerning the custody of the child was pending in a court of another state
5 exercising jurisdiction substantially in conformity with sections 452.440 to
6 452.550, unless the proceeding is stayed by the court of that other state for any
7 reason.

8 2. Before hearing the petition in a custody proceeding, the court shall
9 examine the pleadings and other information supplied by the parties under section
10 452.480 and shall consult the child custody registry established under section
11 452.515 concerning the pendency of proceedings with respect to the child in
12 other states. If the court has reason to believe that proceedings may be pending
13 in another state, it shall direct an inquiry to the state court administrator or other
14 appropriate official of that state.

15 3. If the court is informed during the course of the proceeding that a
16 proceeding concerning the custody of the child was pending in another state
17 before the court assumed jurisdiction, it shall stay the proceeding and
18 communicate with the court in which the other proceeding is pending in order
19 that the issue may be litigated in the more appropriate forum and that information
20 may be exchanged in accordance with sections 452.530 to 452.550. If a court of
21 this state has made a custody decree before being informed of a pending
22 proceeding in a court of another state, it shall immediately inform that court of
23 the fact. If the court is informed that a proceeding was commenced in another
24 state after it assumed jurisdiction, it shall likewise inform the other court in order
25 that the issues may be litigated in the more appropriate forum.]

2 [452.470. 1. A court which has jurisdiction under this act to make an
3 initial or modification decree may decline to exercise its jurisdiction any time
4 before making a decree if it finds that it is an inconvenient forum to make a
5 custody determination under the circumstances of the case and that a court of
6 another state is a more appropriate forum.

7 2. A finding that a court is an inconvenient forum under subsection 1
8 above may be made upon the court's own motion or upon the motion of a party
9 or a guardian ad litem or other representative of the child. In determining if it is
10 an inconvenient forum, the court shall consider if it is in the interest of the child
11 that another state assume jurisdiction.

12 3. Before determining whether to decline or retain jurisdiction the court
13 may communicate with a court of another state and exchange information
14 pertinent to the assumption of jurisdiction by either court, with a view to assuring
15 that jurisdiction will be exercised by the more appropriate court and that a forum
will be available to the parties.

16 4. If the court finds that it is an inconvenient forum and that a court of
17 another state is a more appropriate forum, it may dismiss the proceedings, or it
18 may stay the proceedings upon condition that a custody proceeding be promptly
19 commenced in another named state or upon any other conditions which may be
20 just and proper, including the condition that a moving party stipulate his consent
21 and submission to the jurisdiction of the other forum.

22 5. The court may decline to exercise its jurisdiction under this act if a
23 custody determination is incidental to an action for dissolution of marriage or
24 another proceeding while retaining jurisdiction over the dissolution of marriage
25 or other proceeding.

26 6. If it appears to the court that it is clearly an inappropriate forum, it may
27 require the party who commenced the proceedings to pay, in addition to the costs
28 of the proceedings in this state, necessary travel and other expenses, including
29 attorneys' fees, incurred by other parties or their witnesses. Payment is to be
30 made to the clerk of the court for remittance to the proper party.

31 7. Upon dismissal or stay of proceedings under this section, the court
32 shall inform the court found to be the more appropriate forum of this fact or, if
33 the court which would have jurisdiction in the other state is not certainly known,
34 shall transmit the information to the court administrator or other appropriate
35 official for forwarding to the appropriate court.

36 8. Any communication received from another state informing this state
37 of a finding that a court of this state is the more appropriate forum shall be filed
38 in the custody registry of the appropriate court. Upon assuming jurisdiction the
39 court of this state shall inform the original court of this fact.]
40

[452.475. 1. If the petitioner for an initial decree has wrongfully taken
2 the child from another state or has engaged in similar reprehensible conduct, the
3 court may decline to exercise jurisdiction if this is just and proper under the
4 circumstances.

5 2. Unless required in the interest of the child, the court shall not exercise
6 its jurisdiction to modify a custody decree of another state if the petitioner,
7 without consent of the person entitled to custody, has improperly removed the
8 child from the physical custody of the person entitled to custody or has
9 improperly retained the child after a visit or other temporary relinquishment of
10 physical custody. If the petitioner has violated any other provision of a custody
11 decree of another state, the court may decline to exercise its jurisdiction if this is
12 just and proper under the circumstances.

13 3. In appropriate cases a court dismissing a petition under this section
14 may charge the petitioner with necessary travel and other expenses, including
15 attorneys' fees, incurred by other parties or their witnesses.]
16

[452.480. 1. In his first pleading, or in an affidavit attached to that
2 pleading, every party in a custody proceeding shall give information under oath

3 as to the child's present address, with whom the child is presently living and with
4 whom and where the child lived, other than on a temporary basis, within the past
5 six months. In this pleading or affidavit every party shall further declare under
6 oath whether:

7 (1) He has participated in any capacity in any other litigation concerning
8 the custody of the same child in this or any other state;

9 (2) He has information of any custody proceeding concerning the child
10 pending in a court of this or any other state; and

11 (3) He knows of any person not a party to the proceedings who has
12 physical custody of the child or claims to have custody or visitation rights with
13 respect to the child.

14 2. If the declaration as to any of the items listed in subdivisions (1)
15 through (3) of subsection 1 above is in the affirmative, the declarant shall give
16 additional information under oath as required by the court. The court may
17 examine the parties under oath as to details of the information furnished and as
18 to other matters pertinent to the court's jurisdiction and the disposition of the
19 case.

20 3. Each party has a continuing duty to inform the court of any change in
21 information required by subsection 1 of this section.]
22

2 [452.485. If the court learns from information furnished by the parties
3 pursuant to section 452.480 or from other sources that a person not a party to the
4 custody proceeding has physical custody of the child or claims to have custody
5 or visitation rights with respect to the child, it may order that person to be joined
6 as a party and to be duly notified of the pendency of the proceeding and of his
7 joinder as a party. If the person joined as a party is outside this state he shall be
8 served with process or otherwise notified in accordance with section 452.460.]

2 [452.490. 1. The court may order any party to the proceeding who is in
3 this state to appear personally before the court. If the court finds the physical
4 presence of the child in court to be in the best interests of the child, the court may
5 order that the party who has physical custody of the child appear personally with
6 the child.

7 2. If a party to the proceeding whose presence is desired by the court is
8 outside this state, with or without the child, the court may order that the notice
9 given under section 452.460 include a statement directing that party to appear
10 personally with or without the child.

11 3. If a party to the proceeding who is outside this state is directed to
12 appear under subsection 1 of this section or desires to appear personally before
13 the court with or without the child, the court may require another party to pay to
14 the clerk of the court travel and other necessary expenses of the party so
appearing and of the child, if this is just and proper under the circumstances.

15 4. If the court finds it to be in the best interest of the child that a guardian
16 ad litem be appointed, the court may appoint a guardian ad litem for the child.
17 The guardian ad litem so appointed shall be an attorney licensed to practice law
18 in the state of Missouri. Disqualification of a guardian ad litem shall be ordered
19 in any legal proceeding pursuant to this chapter, upon the filing of a written
20 application by any party within ten days of appointment. Each party shall be
21 entitled to one disqualification of a guardian ad litem appointed under this
22 subsection in each proceeding, except a party may be entitled to additional
23 disqualifications of a guardian ad litem for good cause shown. The guardian ad
24 litem may, for the purpose of determining custody of the child only, participate
25 in the proceedings as if such guardian ad litem were a party. The court shall enter
26 judgment allowing a reasonable fee to the guardian ad litem.

27 5. The court shall appoint a guardian ad litem in any proceeding in which
28 child abuse or neglect is alleged.]
29

2 [452.495. A custody decree rendered by a court of this state which had
3 jurisdiction under section 452.450 binds all parties who have been served in this
4 state or notified in accordance with section 452.460, or who have submitted to
5 the jurisdiction of the court, and who have been given an opportunity to be heard.
6 As to these parties the custody decree is conclusive as to all issues of law and fact
7 decided and as to the custody determination made, unless and until that
8 determination is modified pursuant to law, including the provisions of section
9 452.410 and sections 452.440 to 452.550.]

2 [452.500. The courts of this state shall recognize and enforce an initial
3 or modification decree of a court of another state which had assumed jurisdiction
4 under statutory provisions substantially in accordance with sections 452.440 to
5 452.550, or which was made under factual circumstances meeting the
6 jurisdictional standards of sections 452.440 to 452.550, so long as this decree has
7 not been modified in accordance with jurisdictional standards substantially
8 similar to those of sections 452.440 to 452.550.]

2 [452.505. If a court of another state has made a custody decree, a court
3 of this state shall not modify that decree unless it appears to the court of this state
4 that the court which rendered the decree does not now have jurisdiction under
5 jurisdictional prerequisites substantially in accordance with sections 452.440 to
6 452.550 or has declined to assume jurisdiction to modify the decree and the court
7 of this state has jurisdiction.]

2 [452.510. 1. A certified copy of a custody decree of another state may
3 be filed in the office of the clerk of any circuit court of this state. The clerk shall
4 treat the decree in the same manner as a custody decree of the circuit court of this

4 state. A custody decree so filed has the same effect and shall be enforced in like
5 manner as a custody decree rendered by a court of this state.

6 2. A person violating a custody decree of another state which makes it
7 necessary to enforce the decree in this state may be required to pay necessary
8 travel and other expenses, including attorneys' fees, incurred by the party entitled
9 to the custody or his witnesses.]

10 [452.515. The clerk of each circuit court shall maintain a registry in
2 which he shall enter the following:

3 (1) Certified copies of custody decrees of other states received for filing;

4 (2) Communications as to the pendency of custody proceedings in other
5 states;

6 (3) Communications concerning findings of inconvenient forum under
7 section 452.470 by a court of another state; and

8 (4) Other communications or documents concerning custody proceedings
9 in another state which in the opinion of the circuit judge may affect the
10 jurisdiction of a court of this state or the disposition to be made by it in a custody
11 proceeding.]

12 [452.520. The clerk of the circuit court of this state, at the request of the
2 court of another state or at the request of any person who is affected by or has a
3 legitimate interest in a custody decree, may, upon payment therefor, certify and
4 forward a copy of the decree to that court or person.]

5 [452.525. In addition to other procedural devices available to a party, any
2 party to the proceeding or a guardian ad litem or other representative of the child
3 may obtain the testimony of witnesses, including parties and the child, by
4 deposition or otherwise, in another state. The court on its own motion may direct
5 that the testimony of a person be taken in another state and may prescribe the
6 manner in which and the terms upon which the testimony shall be taken.]

7 [452.530. 1. A court of this state may request the appropriate court of
2 another state to hold a hearing to obtain evidence, to order persons within that
3 state to produce or give evidence under other procedures of that state, or to have
4 social studies made with respect to the custody of a child involved in proceedings
5 pending in the court of this state; and to forward to the court of this state certified
6 copies of the transcript of the record of the hearing, the evidence otherwise
7 obtained, or any social studies prepared in compliance with the request. The cost
8 of the services may be assessed against the parties.

9 2. A court of this state may request the appropriate court of another state
10 to order a party to custody proceedings pending in the court of this state to appear
11 in the proceedings and, if that party has physical custody of the child, to appear
12 with the child. The request may state that travel and other necessary expenses of

13 the party and of the child whose appearance is desired will be assessed against the
14 appropriate party.]
15

2 [452.535. 1. Upon request of the court of another state, the courts of this
3 state which are competent to hear custody matters may order a person in this state
4 to appear at a hearing to obtain evidence or to produce or give evidence under
5 other procedures available in this state for use in a custody proceeding in another
6 state. A certified copy of the transcript of the record of the hearing or the
7 evidence otherwise obtained may, in the discretion of the court and upon payment
8 therefor, be forwarded to the requesting court.

9 2. A person within this state may voluntarily give his testimony or
10 statement in this state for use in a custody proceeding outside this state.

11 3. Upon request of the court of another state, a competent court of this
12 state may order a person in this state to appear alone or with the child in a
13 custody proceeding in another state. The court may condition compliance with
14 the request upon assurance by the other state that travel and other necessary
15 expenses will be advanced or reimbursed.]

2 [452.540. In any custody proceeding in this state the court shall preserve
3 the pleadings, orders and decrees, any record that has been made of its hearings,
4 social studies, and other pertinent documents until the child reaches eighteen
5 years of age. When requested by the court of another state the court may, upon
6 payment therefor, forward to the other court certified copies of any or all of such
7 documents.]

2 [452.545. If a custody decree has been rendered in another state
3 concerning a child involved in a custody proceeding pending in a court of this
4 state, the court of this state, upon taking jurisdiction of the case, shall request of
5 the court of the other state a certified copy of the transcript of any court record
6 and other documents mentioned in section 452.540.]

2 [452.550. Upon the request of a party to a custody proceeding which
3 raises a question of existence or exercise of jurisdiction under sections 452.440
4 to 452.550, determination of jurisdiction shall be given calendar priority and
5 handled expeditiously.]

2 [483.260. The clerk of the circuit court of the city of St. Louis may
3 employ an attorney or attorneys to aid and advise him in the discharge of his
4 duties, to render independent legal advice and services and to represent him in
5 court. The attorneys employed by the clerk shall receive in the aggregate as
6 compensation for their services twenty-five thousand dollars per annum, payable
out of the state treasury in installments as certified by the circuit clerk.]