

SECOND REGULAR SESSION

SENATE BILL NO. 761

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3509S.011

AN ACT

To repeal sections 302.272, 302.275, 302.321, 302.545, 302.700, 302.755, 302.775, 304.070, 304.230, 304.281, 307.100, 307.179, 311.326, 390.071, 390.136, and 622.095, RSMo, and to enact in lieu thereof eighteen new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause.

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

Section A. Sections 302.272, 302.275, 302.321, 302.545, 302.700, 302.755, 302.775, 304.070, 304.230, 304.281, 307.100, 307.179, 311.326, 390.071, 390.136, and 622.095, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 227.103, 302.272, 302.275, 302.305, 302.321, 302.545, 302.700, 302.755, 302.775, 304.070, 304.230, 304.232, 304.281, 307.100, 307.179, 311.326, 390.021, and 390.136, to read as follows:

227.103. 1. Notwithstanding any other provision of law to the contrary, the commission is authorized to accept an annual bid bond for its construction and maintenance projects. The commission shall prescribe the form and content of an annual bid bond under the provisions set forth in the Missouri standard specifications for highway construction, or its successor.

2. The commission is authorized to promulgate administrative rules to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 **section and chapter 536, RSMo, are nonseverable and if any of the**
14 **powers vested with the general assembly pursuant to chapter 536,**
15 **RSMo, to review, to delay the effective date, or to disapprove and annul**
16 **a rule are subsequently held unconstitutional, then the grant of**
17 **rulemaking authority and any rule proposed or adopted after August**
18 **28, 2008, shall be invalid and void.**

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

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

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

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

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

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

31 **her school bus endorsement permanently denied by the court,**
32 **beginning on the date of the court's order.**

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

43 [4.] 5. Notwithstanding the requirements of this section, an applicant
44 who resides in another state and possesses a valid driver's license from his or her
45 state of residence with a valid school bus endorsement for the type of vehicle
46 being operated shall not be required to obtain a Missouri driver's license with a
47 school bus endorsement.

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

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

20 such person from the school district's or employing contractor's
21 employ.

302.305. 1. The director of the department of revenue shall issue
2 a registration plate impoundment order to any person whose driver's
3 license has been suspended, revoked, or disqualified for a period
4 greater than sixty days. The registration plate impoundment order
5 shall require the impoundment of the registration plates of all motor
6 vehicles owned by, registered, or leased in the name of the person
7 whose driver's license has been suspended, revoked, or disqualified,
8 including motor vehicles registered solely or jointly in the name of
9 such individual. The registration plate impoundment order shall notify
10 the person that he or she has seven days to surrender all registration
11 plates listed in the registration impoundment order. Within seven days
12 of receipt of the registration plate impoundment order, the person shall
13 surrender his or her current license plates for any motor vehicle
14 registered solely or jointly in the name of such person to the director
15 of the department of revenue for destruction. If the person fails to
16 return all license plates to the director within seven days of receipt of
17 the registration plate impoundment order, the director shall direct the
18 Missouri state highway patrol or any peace or police officer to secure
19 the possession of such license plates. The person shall be issued a set
20 of restricted license plates which shall bear a special series of numbers
21 or letters so as to be readily identified by the highway patrol and other
22 law enforcement officers. The restricted plates shall be displayed on
23 the motor vehicle or motor vehicles registered solely or jointly in the
24 person's name for the period of the suspension, revocation, denial, or
25 disqualification. The applicant shall pay replacement plate fees as
26 provided in section 301.300, RSMo, for the restricted license plates in
27 addition to any other registration fees that may apply. After
28 reinstatement, standard plates shall be obtained under the
29 requirements and fees established in chapter 301, RSMo.

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

33 3. Any law enforcement officer who observes the operation of a
34 motor vehicle within this state bearing the restricted license plates
35 issued under this section, may stop the motor vehicle for the purpose

36 of determining whether the driver is operating such vehicle lawfully
37 under a valid driver's license.

38 4. A registered owner of a motor vehicle who has been issued
39 restricted license plates under the provisions of this section may not
40 sell the motor vehicle during the period the motor vehicle is required
41 to display such plates unless the registered owner applies to the
42 department of revenue for permission to transfer title to the motor
43 vehicle. If the director of the department of revenue is satisfied that
44 the proposed sale is in good faith and for a valid consideration, and
45 that the sale or transfer is not for the purpose of circumventing the
46 provisions of this section, the director may certify its consent to the
47 owner of the motor vehicle. Any vehicle acquired by the applicant
48 during the period of restriction shall display the restricted license
49 plates.

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

57 6. No person operating a motor vehicle displaying restricted
58 license plates as described in this section shall knowingly replace,
59 disguise, or obscure the nature of such plates.

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

64 8. The director of the department of revenue is authorized to
65 promulgate rules and regulations to implement the provisions of this
66 section. Any rule or portion of a rule, as that term is defined in section
67 536.010, RSMo, that is created under the authority delegated in this
68 section shall become effective only if it complies with and is subject to
69 all of the provisions of chapter 536, RSMo, and, if applicable, section
70 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
71 and if any of the powers vested with the general assembly pursuant to
72 chapter 536, RSMo, to review, to delay the effective date, or to

73 **disapprove and annul a rule are subsequently held unconstitutional,**
74 **then the grant of rulemaking authority and any rule proposed or**
75 **adopted after August 28, 2008, shall be invalid and void.**

76 **9. The provisions of this section shall become effective January**
77 **1, 2009.**

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

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

32 conviction pursuant to section 577.010, RSMo, or a fourth or subsequent
33 conviction for any other offense.

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

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

- 19 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or
20 (2) Driving with excessive blood alcohol content pursuant to section
21 577.012, RSMo.

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

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

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

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

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

13 (4) "Commercial driver's license", a license issued by this state to an

14 individual which authorizes the individual to operate a commercial motor vehicle;
15 (5) "Commercial driver's license information system", the information
16 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986
17 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information
18 related to the licensing and identification of commercial motor vehicle drivers;
19 (6) "Commercial motor vehicle", a motor vehicle designed or used to
20 transport passengers or property:
21 (a) If the vehicle has a gross combination weight rating of twenty-six
22 thousand one or more pounds inclusive of a towed unit which has a gross vehicle
23 weight rating of ten thousand one pounds or more;
24 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand
25 one or more pounds or such lesser rating as determined by federal regulation;
26 (c) If the vehicle is designed to transport sixteen or more passengers,
27 including the driver; or
28 (d) If the vehicle is transporting hazardous materials and is required to
29 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801
30 et seq.);
31 (7) "Controlled substance", any substance so classified under Section
32 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all
33 substances listed in schedules I through V of 21 CFR part 1308, as they may be
34 revised from time to time;
35 (8) "Conviction", an unvacated adjudication of guilt, including pleas of
36 guilt and nolo contendere, or a determination that a person has violated or failed
37 to comply with the law in a court of original jurisdiction or an authorized
38 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
39 to secure the person's appearance in court, the payment of a fine or court cost, or
40 violation of a condition of release without bail, regardless of whether the penalty
41 is rebated, suspended or prorated, **including an offense for failure to appear**
42 **or pay**;
43 (9) "Director", the director of revenue or his authorized representative;
44 (10) "Disqualification", any of the following three actions:
45 (a) The suspension, revocation, or cancellation of a commercial driver's
46 license;
47 (b) Any withdrawal of a person's privileges to drive a commercial motor
48 vehicle by a state as the result of a violation of federal, state, county, municipal,
49 or local law relating to motor vehicle traffic control or violations committed

50 through the operation of motor vehicles, other than parking, vehicle weight, or
51 vehicle defect violations;

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

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

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

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

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

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

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

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

74 (e) Having any state, county or municipal alcohol-related enforcement
75 contact, as defined in subsection 3 of section 302.525; provided that any
76 suspension or revocation pursuant to section 302.505, committed in a
77 noncommercial motor vehicle by an individual twenty-one years of age or older
78 shall have been committed by the person with an alcohol concentration of at least
79 eight-hundredths of one percent or more, or in the case of an individual who is
80 less than twenty-one years of age, shall have been committed by the person with
81 an alcohol concentration of at least two-hundredths of one percent or more, and
82 if committed in a commercial motor vehicle, a concentration of four-hundredths
83 of one percent or more;

84 (14) "Driving under the influence of a controlled substance", the
85 commission of any one or more of the following acts in a commercial or

86 noncommercial motor vehicle:

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

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

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

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

100 (16) "Farm vehicle", a commercial motor vehicle controlled and operated
101 by a farmer used exclusively for the transportation of agricultural products, farm
102 machinery, farm supplies, or a combination of these, within one hundred fifty
103 miles of the farm, other than one which requires placarding for hazardous
104 materials as defined in this section, or used in the operation of a common or
105 contract motor carrier, except that a farm vehicle shall not be a commercial motor
106 vehicle when the total combined gross weight rating does not exceed twenty-six
107 thousand one pounds when transporting fertilizers as defined in subdivision (21)
108 of this subsection;

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

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

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

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

120 (21) "Hazardous materials", hazardous materials as specified in Section
121 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et

122 seq.). Fertilizers, including but not limited to ammonium nitrate, phosphate,
123 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not
124 be considered hazardous materials when transported by a farm vehicle provided
125 all other provisions of this definition are followed;

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

131 (23) "Issuance", the initial licensure, license transfers, license renewals,
132 and license upgrades;

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

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

137 (26) "Out of service", a temporary prohibition against the operation of a
138 commercial motor vehicle by a particular driver, or the operation of a particular
139 commercial motor vehicle, or the operation of a particular motor carrier;

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

145 (28) "School bus", a commercial motor vehicle used to transport
146 preprimary, primary, or secondary school students from home to school, from
147 school to home, or to and from school-sponsored events. School bus does not
148 include a bus used as a common carrier as defined by the Secretary;

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

150 (30) "Serious traffic violation", driving a commercial motor vehicle in such
151 a manner that the driver receives a conviction for the following offenses or driving
152 a noncommercial motor vehicle when the driver receives a conviction for the
153 following offenses and the conviction results in the suspension or revocation of
154 the driver's license or noncommercial motor vehicle driving privilege:

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

156 (b) Careless, reckless or imprudent driving which includes, but shall not
157 be limited to, any violation of section 304.016, RSMo, any violation of section

158 304.010, RSMo, or any other violation of federal or state law, or any county or
159 municipal ordinance while driving a commercial motor vehicle in a willful or
160 wanton disregard for the safety of persons or property, or improper or erratic
161 traffic lane changes, or following the vehicle ahead too closely, but shall not
162 include careless and imprudent driving by excessive speed;

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

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

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

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

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

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

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

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

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

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

9 (3) Driving a commercial motor vehicle while revoked pursuant to section
10 302.727;

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

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

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

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

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

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

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

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

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

45 **by the Secretary of Transportation.**

46 9. Any person convicted of driving while out of service on a second
47 occasion during any ten-year period, involving separate incidents, shall be
48 disqualified [for a period of one year] **in the manner prescribed in 49 CFR**
49 **Part 383, or as amended by the Secretary of Transportation.**

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

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

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

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

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

70 15. Any person disqualified from operating a commercial motor vehicle
71 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial
72 driver's license canceled, and upon conclusion of the period of disqualification
73 shall take the written and driving tests and meet all other requirements of
74 sections 302.700 to 302.780. Such disqualification and cancellation shall not be
75 withdrawn by the director until such person reapplies for a commercial driver's
76 license in this or any other state after meeting all requirements of sections
77 302.700 to 302.780.

78 16. The director shall disqualify a driver upon receipt of notification that
79 the Secretary has determined a driver to be an imminent hazard pursuant to 49
80 CFR, Part 383.52. Due process of a disqualification determined by the Secretary

81 pursuant to this section shall be held in accordance with regulations promulgated
82 by the Secretary. The period of disqualification determined by the Secretary
83 pursuant to this section shall be served concurrently to any other period of
84 disqualification which may be imposed by the director pursuant to this
85 section. Both disqualifications shall appear on the driving record of the driver.

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

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

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

304.070. 1. Any person who violates any of the provisions of subsections
2 1, 3, and 6 of section 304.050 is guilty of a class A misdemeanor. In addition,
3 beginning July 1, 2005, the court may suspend the driver's license of any person
4 who violates the provision of subsection 1 of section 304.050. If ordered by the
5 court, the director shall suspend the driver's license for [ninety] **one hundred**
6 **twenty** days for a first offense of subsection 1 of section 304.050, and one
7 hundred [twenty] **eighty** days for a second or subsequent offense of subsection

8 1 of section 304.050. Any person who violates subsection 1 of section 304.050
9 where such violation results in the injury of any child shall be guilty of a class
10 D felony. Any person who violates subsection 1 of section 304.050 where such
11 violation causes the death of any child shall be guilty of a class C felony.

12 2. Any appeal of a suspension imposed under subsection 1 of this section
13 shall be a direct appeal of the court order and subject to review by the presiding
14 judge of the circuit court or another judge within the circuit other than the judge
15 who issued the original order to suspend the driver's license. The director of
16 revenue's entry of the court-ordered suspension on the driving record is not a
17 decision subject to review pursuant to section 302.311, RSMo. Any suspension
18 of the driver's license ordered by the court under this section shall be in addition
19 to any other suspension that may occur as a result of the conviction pursuant to
20 other provisions of law.

304.230. 1. It shall be the duty of the sheriff of each county or city to see
2 that the provisions of sections 304.170 to 304.230 are enforced, and any peace
3 officer or police officer of any county or city or any highway patrol officer shall
4 have the power to arrest on sight or upon a warrant any person found violating
5 or having violated the provisions of such sections. **Beginning January 1, 2009,**
6 **only law enforcement officers that have been certified by the Missouri**
7 **state highway patrol under section 304.232, members of the Missouri**
8 **state highway patrol or commercial vehicle enforcement officers**
9 **appointed under subsection 4 of this section shall have the authority**
10 **to conduct random roadside examinations or inspections to determine**
11 **compliance with sections 304.170 to 304.230, and only such officers shall**
12 **have the authority, with or without probable cause to believe that the**
13 **size or weight is in excess of that permitted by sections 304.170 to**
14 **304.230, to require the driver, operator, owner, lessee, or bailee, to stop,**
15 **drive, or otherwise move to a location to determine compliance with**
16 **sections 304.170 to 304.230. Notwithstanding the provisions of this**
17 **subsection, a law enforcement officer not certified under section**
18 **304.232, may stop a vehicle that has a visible external safety defect**
19 **relating to the enforcement of the provisions of sections 304.170 to**
20 **304.230 that could cause immediate harm to the traveling public. In the**
21 **course of a stop, the law enforcement officer shall identify to the driver**
22 **the defect that caused the stop. If the vehicle passes a comprehensive**
23 **roadside inspection, the law enforcement officer, state highway**

24 **patrolman, or other authorized person may issue the operator, driver,**
25 **owner, lessee, or bailee of such vehicle a Commercial Vehicle Safety**
26 **Alliance inspection decal to be affixed to the vehicle in a manner**
27 **prescribed by the superintendent. Once issued, the Commercial Vehicle**
28 **Safety Alliance decal shall be valid for a period not to exceed three**
29 **consecutive months and shall exempt such vehicle from further**
30 **inspection during such period. However, nothing shall exempt the**
31 **operator from subjecting such vehicle to an examination or inspection**
32 **if the vehicle has a visible external safety defect relating to the**
33 **enforcement of sections 304.170 to 304.230, or the law enforcement**
34 **officer stopping such vehicle has probable cause to believe that the size**
35 **or weight of the vehicle is in excess of that permitted by sections**
36 **304.170 to 304.230. The superintendent of the Missouri state highway**
37 **patrol shall promulgate rules and regulations relating to the issuance,**
38 **display, and use of the Commercial Vehicle Safety Alliance decal. Any**
39 **rule or portion of a rule, as that term is defined in section 536.010,**
40 **RSMo, that is created under the authority delegated in this section**
41 **shall become effective only if it complies with and is subject to all of**
42 **the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
43 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any**
44 **of the powers vested with the general assembly pursuant to chapter**
45 **536, RSMo, to review, to delay the effective date, or to disapprove and**
46 **annul a rule are subsequently held unconstitutional, then the grant of**
47 **rulemaking authority and any rule proposed or adopted after August**
48 **28, 2008, shall be invalid and void.**

49 2. [The sheriff or] Any peace officer **certified under section 304.232**
50 or any highway patrol officer is hereby given the power to stop any such
51 conveyance or vehicle as above described upon the public highway for the purpose
52 of determining whether such vehicle is loaded in excess of the provisions of
53 sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation
54 of the provisions thereof he or she shall have a right at that time and place to
55 cause the excess load to be removed from such vehicle; and provided further, that
56 any regularly employed maintenance man of the department of transportation
57 shall have the right and authority in any part of this state to stop any such
58 conveyance or vehicle upon the public highway for the purpose of determining
59 whether such vehicle is loaded in excess of the provisions of sections 304.170 to
60 304.230, and if he or she finds such vehicle loaded in violation of the provisions

61 thereof, he or she shall have the right at that time and place to cause the excess
62 load to be removed from such vehicle. When only an axle or a tandem axle group
63 of a vehicle is overloaded, the operator shall be permitted to shift the load, if this
64 will not overload some other axle or axles, without being charged with a violation;
65 provided, however, the privilege of shifting the weight without being charged with
66 a violation shall not extend to or include vehicles while traveling on the federal
67 interstate system of highways. When only an axle or tandem axle group of the
68 vehicle traveling on the federal interstate system of highways is overloaded and
69 a court authorized to enforce the provisions of sections 304.170 to 304.230 finds
70 that the overloading was due to the inadvertent shifting of the load changing axle
71 weights in transit through no fault of the operator of the vehicle and that the load
72 thereafter had been shifted so that no axle had been overloaded, then the court
73 may find that no violation has been committed. The operator of any vehicle shall
74 be permitted to back up and reweigh, or to turn around and weigh from the
75 opposite direction. Any operator whose vehicle is weighed and found to be within
76 five percent of any legal limit may request and receive a weight ticket,
77 memorandum or statement showing the weight or weights on each axle or any
78 combinations of axles. Once a vehicle is found to be within the limits of section
79 304.180 after having been weighed on any state scale and there is no evidence
80 that any cargo or fuel has been added, no violation shall occur, but a presumption
81 shall exist that cargo or fuel has been added if upon reweighing on another state
82 scale the total gross weight exceeds the applicable limits of section 304.180 or
83 304.190. The highways and transportation commission of this state may deputize
84 and appoint any number of their regularly employed maintenance men to enforce
85 the provisions of such sections, and the maintenance men delegated and
86 appointed in this section shall report to the proper officers any violations of
87 sections 304.170 to 304.230 for prosecution by such proper officers.

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

93 (1) To issue uniform traffic tickets at a permanent or portable weigh
94 station for violations of rules and regulations of the division of motor carrier and
95 railroad safety of the department of economic development and department of
96 public safety, and laws, rules, and regulations pertaining to commercial motor

97 vehicles and trailers and related to size, weight, fuel tax, registration, equipment,
98 driver requirements, transportation of hazardous materials and operators' or
99 chauffeurs' licenses, and the provisions of sections 303.024 and 303.025, RSMo;

100 (2) To require the operator of any commercial vehicle to stop and submit
101 to a vehicle and driver inspection to determine compliance with commercial
102 vehicle laws, rules, and regulations, the provisions of sections 303.024 and
103 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds
104 exist to cause belief that a vehicle is transporting hazardous materials as defined
105 by Title 49 of the Code of Federal Regulations;

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

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

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

119 (2) To require the operator of any commercial vehicle to stop and submit
120 to a vehicle and driver inspection to determine compliance with commercial
121 vehicle laws, rules, and regulations, compliance with the provisions of sections
122 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable
123 grounds exist to cause belief that a vehicle is transporting hazardous materials
124 as defined by Title 49 of the Code of Federal Regulations;

125 (3) To make arrests upon warrants and for violations of subdivisions (1)
126 and (2) of this subsection. Commercial vehicle enforcement officers shall not have
127 the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this
128 subsection until they have successfully completed training approved by the
129 superintendent of the Missouri state highway patrol. Commercial vehicle
130 enforcement officers shall have the right as peace officers to bear arms.

131 5. Any additional employees needed for the implementation of this section
132 shall be hired in conformity with the provisions of the federal fair employment

133 and antidiscrimination acts.

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

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

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

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

8 (a) Training;

**9 (b) Recurring training, to be conducted minimally on an annual
10 basis;**

11 (c) Testing; and

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

**14 (2) Delineation of roles and responsibilities within the specific
15 agency, as well as the coordination with the Missouri state highway
16 patrol;**

**17 (3) Data collection and maintenance and upload to state
18 information systems;**

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

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

**23 (6) Fine and sanction structure that is similar to that of the
24 Missouri state highway patrol; and**

25 (7) Disposition of moneys generated by fines.

**26 3. The certification procedures shall meet the requirements of
27 the memorandum of understanding between the state of Missouri and
28 the Commercial Vehicle Safety Alliance or any successor organization.**

**29 4. The commercial motor vehicle safety enforcement and
30 inspection activities of all law enforcement officials of a political
31 subdivision of the state of Missouri shall conform to the memorandum
32 of understanding between the state of Missouri and the Commercial**

33 **Vehicle Safety Alliance, as appropriate.**

34 **5. Commercial motor vehicle safety data collection, management,**
35 **and distribution by law enforcement officials shall support the**
36 **information systems of the Missouri state highway patrol.**

37 **6. The Missouri state highway patrol shall establish reasonable**
38 **fees sufficient to recover the cost of training, recurring training, data**
39 **collection and management, certifying, and additional administrative**
40 **functions for law enforcement officials certified under this section. The**
41 **Missouri state highway patrol may apply for any applicable**
42 **reimbursement or incentive funds that may be available under the**
43 **motor carrier safety assistance program to fund the certification**
44 **training program outlined in this section.**

45 **7. The agencies for which law enforcement officials certified**
46 **under this section work for shall, to the extent practicable, adhere to**
47 **the same Motor Carrier Safety Assistance Program requirements under**
48 **49 Code of Federal Regulations Part 350 of the Federal Motor Carrier**
49 **Safety Regulations.**

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

55 **9. Beginning January 1, 2009, no local law enforcement officer**
56 **may conduct a random commercial motor vehicle roadside inspection**
57 **to determine compliance with the provisions of sections 304.170 to**
58 **304.230 unless the law enforcement officer has satisfactorily completed,**
59 **as a part of his or her training, the basic course of instruction**
60 **developed by the Commercial Vehicle Safety Alliance and has been**
61 **certified by the Missouri state highway patrol under this section. Law**
62 **enforcement officers authorized to enforce the provisions of sections**
63 **304.170 to 304.230 shall annually receive in-service training related to**
64 **commercial motor vehicle operations, including but not limited to**
65 **training in current federal motor carrier safety regulations, safety**
66 **inspection procedures, and out-of-service criteria. The annual training**
67 **requirements shall be designated and specified by the superintendent**
68 **of the highway patrol.**

69 **10. The superintendent of the state highway patrol shall**

70 **promulgate rules and regulations necessary to administer the**
71 **certification procedures and any other provisions of this section. Any**
72 **rule or portion of a rule, as that term is defined in section 536.010,**
73 **RSMo, that is created under the authority delegated in this section**
74 **shall become effective only if it complies with and is subject to all of**
75 **the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
76 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any**
77 **of the powers vested with the general assembly pursuant to chapter**
78 **536, RSMo, to review, to delay the effective date, or to disapprove and**
79 **annul a rule are subsequently held unconstitutional, then the grant of**
80 **rulemaking authority and any rule proposed or adopted after August**
81 **28, 2008, shall be invalid and void.**

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

6 (1) Green indication

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

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

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

22 (2) Steady yellow indication

23 (a) Vehicular traffic facing a steady yellow signal is thereby warned that
24 the related green movement is being terminated or that a red indication will be

25 exhibited immediately thereafter when vehicular traffic shall not enter the
26 intersection;

27 (b) Pedestrians facing a steady yellow signal, unless otherwise directed
28 by a pedestrian control signal as provided in section 304.291, are thereby advised
29 that there is insufficient time to cross the roadway before a red indication is
30 shown and no pedestrian shall then start to cross the roadway.

31 (3) Steady red indication

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

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

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

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

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

59 **3. A person operating a motorcycle who violates this section or**
60 **section 304.301 by entering or crossing an intersection controlled by a**

61 **traffic control signal against a red light shall have an affirmative**
62 **defense to that charge if the person establishes all of the following**
63 **conditions:**

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

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

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

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

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

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

15 **2. A motorcycle headlamp may be wired or equipped to allow**
16 **either its upper beam or its lower beam, but not both, to modulate from**
17 **a higher intensity to a lower intensity at a rate of modulation of two**
18 **hundred to two hundred and eighty cycles per minute. A headlamp**
19 **modulator installed on a motorcycle with two headlamps shall be wired**

20 **in a manner to prevent the headlamps from modulating at different**
21 **rates or not in synchronization with each other. A headlamp modulator**
22 **installed on a motorcycle shall meet the standards prescribed in 49 CFR**
23 **Part 571, Section 571.108 and Federal Motor Vehicle Standard 571.108,**
24 **as amended.**

25 **3.** Notwithstanding the provisions of section 307.120, violation of this
26 section is an infraction.

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

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

6 (2) "Child passenger restraint system", a seating system which meets the
7 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as
8 amended, and which is either permanently affixed to a motor vehicle or is affixed
9 to such vehicle by a safety belt or a universal attachment system;

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

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

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

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

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

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

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

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

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

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

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

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

61 [5.] 6. The highways and transportation commission shall initiate and
62 develop a program of public information to develop understanding of, and ensure
63 compliance with, the provisions of this section.

311.326. After a period of not less than one year, or upon reaching the age
2 of twenty-one, whichever occurs first, a person who has pleaded guilty to or has

3 been found guilty of violating section 311.325 for the first time, and who since
4 such conviction has not been convicted of any other alcohol-related offense, may
5 apply to the court in which he or she was sentenced for an order to expunge all
6 official records of his or her arrest, plea, trial and conviction. **No records shall**
7 **be expunged if the person who has plead guilty to or has been found**
8 **guilty of violating section 311.325 is licensed as a commercial motor**
9 **vehicle driver or was operating a commercial motor vehicle as defined**
10 **in section 302.700, RSMo, at the time of the violation.** If the court
11 determines, upon review, that such person has not been convicted of any other
12 alcohol-related offense at the time of the application for expungement, and the
13 person has had no other alcohol-related enforcement contacts, as defined in
14 section 302.525, RSMo, the court shall enter an order of expungement. The effect
15 of such an order shall be to restore such person to the status he or she occupied
16 prior to such arrest, plea or conviction, as if such event had never happened. No
17 person as to whom such order has been entered shall be held thereafter under
18 any provision of any law to be guilty of perjury or otherwise giving a false
19 statement by reason of his or her failure to recite or acknowledge such arrest,
20 plea, trial, conviction or expungement in response to any inquiry made of him or
21 her for any purpose whatsoever. A person shall be entitled to only one
22 expungement pursuant to this section. Nothing contained in this section shall
23 prevent courts or other state officials from maintaining such records as are
24 necessary to ensure that an individual receives only one expungement pursuant
25 to this section.

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

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

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

11 **(2) "Unified Carrier Registration Act", or "UCR Act", sections 4301**
12 **to 4308 of the Unified Carrier Registration Act of 2005, within subtitle**
13 **C of title IV of the "Safe, Accountable, Flexible, Efficient Transportation**

14 **Equity Act: A Legacy For Users" or "SAFETEA-LU", Public Law 109-59**
15 **(119 Stat. 1761), as those sections have been and periodically may be**
16 **amended.**

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

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

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

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

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

35 **(c) The state of Missouri may maintain its eligibility to receive**
36 **the maximum allowable allocations of revenues derived under the UCR**
37 **agreement;**

38 **(2) Administer the UCR registration of Missouri domiciled motor**
39 **carriers, motor private carriers, brokers, freight forwarders and**
40 **leasing companies, and such persons domiciled in non-participating**
41 **states who have designated this state as their base-state under the UCR**
42 **Act;**

43 **(3) Receive, collect, process, deposit, transfer, distribute, and**
44 **refund UCR registration fees relating to any of the persons and**
45 **activities described in this section. Notwithstanding any provisions of**
46 **law to the contrary, these UCR registration fees collected by the**
47 **commission are hereby designated as "nonstate funds" within the**
48 **meaning of section 15, article IV, Constitution of Missouri, and the**
49 **commission shall transmit these funds to the state department of**
50 **revenue for deposit to the credit of the state highways and**

51 transportation department fund. The commission shall, from time to
52 time, direct the payment of, and the director of revenue shall pay, the
53 fees so deposited, in accordance with the provisions of the UCR Act, the
54 UCR agreement, and the UCR implementing regulations. The director
55 of revenue shall credit all income derived from the investment of these
56 funds to the state highways and transportation department fund;

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

59 (5) Promulgate administrative rules and issue specific orders
60 relating to any of the persons and activities described in this
61 section. Any rule or portion of a rule, as that term is defined in section
62 536.010, RSMo, that is created under the authority delegated in this
63 section shall become effective only if it complies with and is subject to
64 all of the provisions of chapter 536, RSMo, and, if applicable, section
65 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
66 and if any of the powers vested with the general assembly pursuant to
67 chapter 536, RSMo, to review, to delay the effective date, or to
68 disapprove and annul a rule are subsequently held unconstitutional,
69 then the grant of rulemaking authority and any rule proposed or
70 adopted after August 28, 2008, shall be invalid and void;

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

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

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

80 6. Notwithstanding any other provisions of law to the contrary,
81 every motor carrier, motor private carrier, broker, freight forwarder,
82 and leasing company that has its principal place of business within this
83 state, and every such person who has designated this state as the
84 person's base-state under the provisions of the UCR Act, shall timely
85 complete and file with the state highways and transportation
86 commission all the forms required by the UCR agreement and the UCR
87 implementing regulations, and shall pay the required UCR registration

88 fees to the commission.

89 7. All powers of the commission under section 226.008, RSMo, are
90 hereby made applicable to the enforcement of this section with
91 reference to any person subject to any provision of this section. The
92 chief counsel shall not be required to exhaust any administrative
93 remedies before commencing any enforcement actions under this
94 section. The provisions of chapter 622, RSMo, shall apply to and govern
95 the practice and procedures before the courts in those actions.

96 8. Except as required by the UCR Act, the UCR agreement, or the
97 UCR implementing regulations, the provisions of this section and the
98 rules adopted by the commission under this section shall not be
99 construed as exempting any motor carrier, or any person controlled by
100 a motor carrier, from any of the requirements of chapter 622, RSMo, or
101 this chapter, relating to the transportation of passengers or property
102 in intrastate commerce.

 390.136. 1. No motor carrier, except as provided in section 390.030, shall
2 operate any motor vehicle unless such vehicle shall be accompanied by an annual
3 or seventy-two-hour regulatory license issued by the state highways and
4 transportation commission; provided that when a motor carrier uses a
5 truck-tractor for pulling trailers or semitrailers, such motor carrier may elect to
6 license either the truck-tractor, trailer or semitrailer. The fee for each such
7 regulatory license shall be ten dollars per year and shall be due and payable as
8 provided in this section. Such license shall be issued in such form and shall be
9 used pursuant to such reasonable rules and regulations as may be prescribed by
10 the commission.

11 2. Any regulatory license issued to a motor carrier for use in driveaway
12 operations, as defined in this section, shall be issued to such motor carrier
13 without reference to any particular vehicle and may be used interchangeably by
14 the holder thereof on any motor vehicle or combinations thereof moving in
15 driveaway operations under such carrier's property carrier registration,
16 certificate, or permit.

17 3. In case of emergency, temporary, unusual or a peak demand for
18 transportation, additional vehicles as described in subsection 1 of this section
19 may be operated upon issuance of a seventy-two-hour license for each vehicle so
20 operated. The license fee for each such additional vehicle shall be the sum of five
21 dollars for each seventy-two consecutive hours, or any portion thereof. Such

22 licenses shall be issued, renewed, and staggered in such form and shall be used
23 pursuant to such reasonable rules and regulations as the commission may
24 prescribe. No such additional vehicle which has been licensed pursuant to this
25 subsection shall be operated without being accompanied by such license.

26 4. The commission shall collect the applicable license fee prior to the
27 issuance of such license or licenses provided for in this section, and shall receive
28 the license fee or fees and immediately deposit the same to the credit of the state
29 highways and transportation department fund [except as otherwise provided in
30 section 622.095, RSMo,] or when an agreement has been negotiated with another
31 jurisdiction whereby prepayment is not required. In such cases, [section 622.095,
32 RSMo, if applicable, or] the terms of the agreement shall prevail.

33 5. Any person operating as a motor carrier who violates or fails to comply
34 with any of the provisions of this section shall be adjudged guilty of a
35 misdemeanor and, upon conviction thereof, shall be punished by a fine of not
36 more than one hundred dollars.

37 6. The regulatory license fee provided in this section may be paid at any
38 state weigh station.

39 7. The commission shall prescribe, for every regulatory license issued
40 pursuant to this section, an effective date and an expiration
41 date. Notwithstanding any provision of law to the contrary, the commission may
42 stagger the issuance of licenses pursuant to this section to begin at quarterly
43 intervals during any calendar year. Not later than the expiration date of the
44 current license, or as otherwise prescribed, each motor carrier shall pay the
45 regulatory license fee for each vehicle that the carrier will operate during the
46 next yearly period. The commission may issue partial or over one-year licenses
47 during the transition from an annual license, to accommodate motor carriers in
48 adding vehicles to their operations during the year, to coordinate the dates for a
49 single carrier's licensing of multiple licenses, or for such other reasons as
50 approved by the commission.

[390.071. 1. No person shall engage in the business of a
2 motor carrier in interstate commerce on any public highway in this
3 state unless there is in force with respect to such carrier a permit
4 issued by the division of motor carrier and railroad safety
5 authorizing such operations.

6 2. Upon application to the division in writing, containing
7 such information as the division may by rule require, accompanied

8 by a copy of applicant's certificate of public convenience and
9 necessity or permit issued by the Interstate Commerce
10 Commission, the filing of such liability insurance policy or bond
11 and other formal documents as the division shall by rule require,
12 the division, if it finds applicant qualified, shall, with or without
13 hearing, issue a permit authorizing the proposed interstate
14 operations.]

[622.095. 1. In addition to its other powers, the state
2 highways and transportation commission may negotiate and enter
3 into fair and equitable cooperative agreements or contracts with
4 other states, the District of Columbia, territories and possessions
5 of the United States, foreign countries, and any of their officials,
6 agents or instrumentalities, to promote cooperative action and
7 mutual assistance between the participating jurisdictions with
8 regard to the uniform administration and registration, through a
9 single base jurisdiction for each registrant, of Federal Motor
10 Carrier Safety Administration operating authority and exempt
11 operations by motor vehicles operated in interstate
12 commerce. Notwithstanding any other provision of law to the
13 contrary, and in accordance with the provisions of such agreements
14 or contracts between participating jurisdictions, the commission
15 may:

16 (1) Delegate to other participating jurisdictions the
17 authority and responsibility to collect and pay over statutory
18 registration, administration or license fees; to receive, approve and
19 maintain the required proof of public liability insurance coverage;
20 to receive, process, maintain and transmit registration information
21 and documentation; to issue evidence of proper registration in lieu
22 of certificates, licenses, or permits which the commission may issue
23 motor vehicle licenses or identifiers in lieu of regulatory licenses
24 under section 390.136, RSMo; and to suspend or revoke any
25 credential, approval, registration, certificate, permit, license, or
26 identifier referred to in this section, as agents on behalf of the
27 commission with regard to motor vehicle operations by persons
28 having a base jurisdiction other than this state;

29 (2) Assume the authority and responsibility on behalf of

30 other jurisdictions participating in such agreements or contracts to
31 collect and direct the department of revenue to pay over to the
32 appropriate jurisdictions statutory registration, administration or
33 license fees, and to perform all other activities described in
34 subdivision (1) of this subsection, on its own behalf or as an agent
35 on behalf of other participating jurisdictions, with regard to motor
36 vehicle operations in interstate commerce by persons having this
37 state as their base jurisdiction;

38 (3) Establish or modify dates for the payment of fees and
39 the issuance of annual motor vehicle licenses or identifiers in
40 conformity with such agreements or contracts, notwithstanding any
41 provisions of section 390.136, RSMo, to the contrary; and

42 (4) Modify, cancel or terminate any of the agreements or
43 contracts.

44 2. Notwithstanding the provisions of section 390.136, RSMo,
45 statutory registration, administration or license fees collected by
46 the commission on behalf of other jurisdictions under such
47 agreements or contracts are hereby designated as "nonstate funds"
48 within the meaning of section 15, article IV, Constitution of
49 Missouri, and shall be immediately transmitted to the department
50 of revenue of the state for deposit to the credit of a special fund
51 which is hereby created and designated as the "Base State
52 Registration Fund". The commission shall direct the payment of,
53 and the director of revenue shall pay, the fees so collected to the
54 appropriate other jurisdictions. All income derived from the
55 investment of the base state registration fund by the director of
56 revenue shall be credited to the state highways and transportation
57 department fund.

58 3. "Base jurisdiction", as used in this section, means the
59 jurisdiction participating in such agreements or contracts where
60 the registrant has its principal place of business.

61 4. Every person who has properly registered his or her
62 interstate operating authority or exempt operations with his or her
63 base jurisdiction and maintains such registration in force in
64 accordance with such agreements or contracts is authorized to
65 operate in interstate commerce within this state any motor vehicle

66 which is accompanied by a valid annual license or identifier issued
67 by his base jurisdiction in accordance with such agreements or
68 contracts, notwithstanding any provision of section 390.071,
69 390.126 or 390.136, RSMo, or rules of the commission to the
70 contrary.

71 5. Notwithstanding any provision of law to the contrary, the
72 commission may stagger and prorate the payment and collection of
73 license fees pursuant to this section for the purposes of:

74 (1) Coordinating the issuance of regulatory licenses under
75 this section with the issuance of other motor carrier credentials;
76 and

77 (2) Complying with any federal law or regulation.]

Section B. The repeal and reenactment of sections 302.272, 302.275, and
2 303.321 of this act shall become effective January 1, 2009.

Section C. Because of the need to ensure that private organizations are
2 not financially restrained from providing transportation services to children in
3 buses that otherwise address the safety concerns of the child passenger restraint
4 law, the repeal and reenactment of section 307.179 of this act is deemed
5 necessary for the immediate preservation of the public health, welfare, peace, and
6 safety, and is hereby declared to be an emergency within the meaning of the
7 constitution, and the repeal and reenactment of section 307.179 of this act shall
8 be in full force and effect upon its passage and approval.

✓

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