

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 716
95TH GENERAL ASSEMBLY

4074L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 226.095, 226.540, 230.220, 238.202, 238.208, 238.220, 238.225, 238.232, 238.236, 300.411, 301.010, 301.032, 301.069, 301.129, 301.130, 301.142, 301.144, 301.196, 301.218, 301.280, 301.290, 301.560, 301.561, 301.562, 301.567, 301.570, 302.183, 302.220, 302.230, 302.341, 303.025, 303.080, 304.705, and 306.127, RSMo, section 304.678 as enacted by senate substitute for senate committee substitute for house bill no. 487, ninety-third general assembly, first regular session, and section 304.678 as enacted by house committee substitute for senate committee substitute for senate bill no. 372, ninety-third general assembly, first regular session, and to enact in lieu thereof forty-one new sections relating to transportation, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 226.095, 226.540, 230.220, 238.202, 238.208, 238.220, 238.225,
2 238.232, 238.236, 300.411, 301.010, 301.032, 301.069, 301.129, 301.130, 301.142, 301.144,
3 301.196, 301.218, 301.280, 301.290, 301.560, 301.561, 301.562, 301.567, 301.570, 302.183,
4 302.220, 302.230, 302.341, 303.025, 303.080, 304.705, and 306.127, RSMo, section 304.678
5 as enacted by senate substitute for senate committee substitute for house bill no. 487, ninety-third
6 general assembly, first regular session, and section 304.678 as enacted by house committee
7 substitute for senate committee substitute for senate bill no. 372, ninety-third general assembly,
8 first regular session, are repealed and forty-one new sections enacted in lieu thereof, to be known
9 as sections 67.314, 226.195, 226.540, 226.541, 226.1120, 230.220, 238.202, 238.208, 238.220,
10 238.225, 238.232, 238.236, 300.411, 301.010, 301.032, 301.069, 301.130, 301.142, 301.144,
11 301.196, 301.218, 301.280, 301.290, 301.423, 301.560, 301.561, 301.562, 301.567, 301.570,

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.

12 301.572, 301.580, 302.183, 302.220, 302.230, 302.341, 303.025, 303.080, 304.161, 304.678,
13 304.705, and 306.127, to read as follows:

**67.314. 1. The provisions of this section shall apply to contracts for construction
2 awarded by political subdivisions of the state of Missouri and shall be known as the
3 "Political Subdivision Construction Bidding Standards Act".**

4 **2. As used in this section, the following terms mean:**

5 **(1) "Contracts for construction", the construction, alteration, or repair of any
6 building, structure, highway, bridge, street, viaduct, water or sewer line or system,
7 pipeline, demolition, moving, or excavation connected therewith, and shall include the
8 furnishing of surveying, construction engineering, planning or management services, or
9 labor, material, or equipment, as required to perform work under the contract for
10 construction;**

11 **(2) "Established local construction procurement policy", a policy and procedure
12 for use in soliciting bids for multiple construction projects that has been officially adopted
13 by the governing body of the political subdivision or established by the public works
14 director, engineer, or similar official authorized by the political subdivision to administer
15 the award of construction contracts.**

16 **3. Nothing in this section shall be construed to require the design or engineering
17 of any project, as the term "project" is defined in section 8.287, to be awarded by
18 competitive bidding if the contract for such services is under a separate contract from a
19 contract for construction and is awarded under sections 8.285 to 8.291, or to construction
20 management services governed by sections 8.675 to 8.687. Neither shall this section be
21 construed to apply to contracts awarded for the design/build method of project delivery,
22 if the political subdivision's procurement of design/build projects is otherwise authorized
23 by law, local charter, ordinance, order, or resolution.**

24 **4. If a political subdivision is not subject to a specific requirement for advertising
25 for bids or soliciting, awarding, or rejecting bids under Missouri statutes or rules, or
26 federal or state funding requirements, and if the political subdivision has not adopted an
27 established local construction procurement policy that is applicable to the specific political
28 subdivision regarding contracts for construction, the political subdivision shall comply
29 with the following provisions when soliciting bids and awarding construction contracts of
30 ten thousand dollars or more:**

31 **(1) Contracts for construction shall be advertised in advance of the acceptance of
32 bids. If no provision of Missouri statutes or rules, or federal or state funding requirements,
33 or established local construction procurement policy requiring advertising otherwise
34 applies, bids shall be solicited by advertisement once a week for two consecutive weeks in**

35 a newspaper of general circulation, qualified under chapter 493, located in a county where
36 the political subdivision is located. If there is no newspaper in the county qualified under
37 chapter 493, advertisements may be placed in a newspaper in an adjoining county. The
38 last insertion of the advertisement shall be not less than ten days before the date stated in
39 the advertisement for acceptance of bids. For contracts for construction of over two
40 hundred fifty thousand dollars, bids shall also be advertised by providing project and bid
41 solicitation information at least fifteen days in advance of bid opening to one or more
42 commercial or not-for-profit organization, which provides construction project reporting
43 services to construction contractors and suppliers, or that operates internet or paper plan
44 rooms for the use of contractors, subcontractors, and suppliers. Project advertisements
45 and bid solicitations shall state the date and time of the deadline for the acceptance of bids,
46 the place for submission of bids, and shall provide for informing bidders of the date, time,
47 and place where bids shall be opened;

48 (2) If no provision of Missouri statute or rules, or federal or state funding
49 requirements, or established local construction procurement policy otherwise applies,
50 contracts for construction shall be awarded in compliance with this subdivision. The
51 contract shall be awarded to the lowest qualified responsible bidder submitting a bid which
52 is responsive to the contract as advertised by the political subdivision. The political
53 subdivision may reject the low bidder by declaring the bidder ineligible for contract award
54 based on the bidder's failure to provide a performance or payment bond as required by
55 section 107.170, the bidder's nonperformance on previous contracts with the political
56 subdivision, or for other reasons specified as to the bidder's inability to adequately
57 perform the contract. The reasons for bid rejection or award of the contract to another
58 bidder shall be stated in writing to the low bidder within five business days of the rejection
59 of the bid.

60 5. An established local construction procurement policy complies with this section
61 if it provides for advertising of construction contracts in a manner reasonably likely to
62 inform potential bidders of the project on a timely basis, including advertisement in a
63 newspaper of general circulation qualified under chapter 493, and requires that the date,
64 time, and place for submission of bids be stated in the advertisement or solicitation for bids
65 and provides for informing bidders of the date, time, and place bids will be opened. Such
66 established local construction procurement policy shall also state any requirements for
67 prequalification of bidders. If any additional project-specific qualifications are
68 established, such qualifications shall be stated to potential bidders in advance of
69 submission of bids. The established local construction procurement policy shall also state

70 the bid award standard to be used in selecting contractors to perform contracts under the
71 policy.

72 **6. In award of contracts for construction, a political subdivision is prohibited from**
73 **acting in an arbitrary or capricious manner, and shall act in good faith.**

74 **7. Notwithstanding any other provision of state law, state rule, or federal or state**
75 **funding requirement to the contrary or any provision of an established local construction**
76 **procurement policy, no contract for construction shall be awarded in violation of the**
77 **following requirements:**

78 **(1) No bid shall be opened in advance of the advertised deadline for submission of**
79 **bids or in a place other than that established in subdivision (4) of this subsection;**

80 **(2) No bid shall be accepted unless it is sealed and is in writing. If the letting of the**
81 **project for which bids were solicited is cancelled, bids shall be returned to the bidder**
82 **unopened;**

83 **(3) No bid shall be accepted after the advertised deadline for acceptance of bids;**

84 **(4) All bids received shall be held secure and confidential from all persons until the**
85 **bids are opened on the date and at the time and place established in this section. Bids shall**
86 **be opened in a public meeting on the date and at the time and place stated in the**
87 **advertisement and request for bids or in an amended request for bids communicated to all**
88 **known bidders or potential bidders. If the date, time, or place of bid opening is changed**
89 **from information stated in the original or amended advertisement or solicitation for bids**
90 **or other notice to bidders, notice of the date, time, and place of bid opening shall be made**
91 **to all known or potential bidders and the general public at least two business days in**
92 **advance of the bid opening. Bids shall be opened in a public meeting. No political**
93 **subdivision shall bar any person or persons from observing the bid opening;**

94 **(5) No construction contract shall be awarded in substantial violation of a state**
95 **statute or a political subdivision's established local construction procurement policy;**

96 **(6) No construction contract shall be awarded in violation of section 107.170**
97 **requiring performance and payment of bonds.**

98 **8. Nothing in this section shall be construed to prohibit acceptance and processing**
99 **of bids through an established program of electronic bidding by computer, provided bids**
100 **accepted and processed electronically shall meet standards established by the requirements**
101 **of the electronic bidding program which are comparable to requirements for written bids**
102 **established by this section.**

103 **9. Any person submitting a bid, or who would have submitted a bid except for**
104 **violations of subsection 6 or 7 of this section or sections 34.203 to 34.216, shall have**
105 **standing to seek equitable relief and monetary damages in a court of competent**

106 jurisdiction for monetary losses resulting from violations of subsection 6 or 7 of this section
107 or section 34.203 to 34.216, including but not limited to, setting aside award of a contract,
108 ordering a contract to be rebid, requiring award of a contract to a different bidder than
109 originally awarded, awarding monetary damages deemed appropriate by the court,
110 including award of reasonable attorney's fees, or awarding a combination of such forms
111 of relief. Any action for violation of subsection 6 or 7 of this section that is brought by the
112 contractor more than fifteen business days after the award of a contract shall be dismissed
113 by the court. If the court finds there has been fraud, collusion, or corruption, or if the
114 court finds there have been violations of subsection 6 or 7 of this section or sections 34.203
115 to 34.216 in award of the contract and awards monetary damages or equitable relief to the
116 contractor bringing the action, the court may also award attorney's fees to the contractor
117 bringing the action. If the court finds there is no substantial cause for the action or
118 determines that the action was brought by the contractor for purposes of harassment or
119 disruption of the awarded contract, the court may order the contractor to pay the political
120 subdivision's costs of attorney's fees.

121 **10. Nothing in this section shall be construed to require acceptance of a bid which**
122 **exceeds the amount estimated by the political subdivision for the contract. Neither shall**
123 **anything in this section prohibit a political subdivision from awarding contracts without**
124 **competitive bidding when the political subdivision deems it necessary to remove an**
125 **immediate danger to the public health or safety, to prevent loss to public or private**
126 **property which requires government action, or to prevent an interruption of or to restore**
127 **an essential public service.**

128 **11. Nothing in this section shall be construed to prohibit a political subdivision**
129 **from adopting an established local construction procurement policy governing contracts**
130 **for construction after the effective date of this section. Neither shall this section be**
131 **construed to allow a political subdivision to maintain or enact any provision governing**
132 **construction contracts in conflict with subsection 6 or 7 of this section or any state statute**
133 **in effect on the effective date of this section or as subsequently amended or enacted.**

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

- 2 (1) "Commission", the Missouri highways and transportation commission;
- 3 (2) "Department", the Missouri department of transportation;
- 4 (3) "Public mass transportation service provider", a city, a city transit authority,
5 a city utilities board, or an interstate transportation authority as such terms are defined
6 in section 94.600, an intrastate transportation authority, or an agency receiving funding
7 from either the federal transit administration urban or nonurban formula transit program.

8 **2. There is hereby created the Missouri state transit assistance program. The**
9 **purpose of this program is to provide state financial assistance to defray the operating and**
10 **capital costs incurred by public mass transportation service providers.**

11 **3. Funds appropriated to the Missouri state transit assistance program shall be**
12 **appropriated to the department and administered by the department on behalf of the**
13 **commission. The distribution of funds to public mass transportation service providers**
14 **shall be determined by evaluating factors including but not limited to the following:**

15 **(1) Population;**

16 **(2) Ridership;**

17 **(3) Cost and efficiency of the program;**

18 **(4) Availability of alternative transportation in the area;**

19 **(5) Local effort or tax support.**

20 **4. The commission shall promulgate rules to implement the provisions of this**
21 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
22 **created under the authority delegated in this section shall become effective only if it**
23 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
24 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
25 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
26 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
27 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,**
28 **shall be invalid and void.**

226.540. Notwithstanding any other provisions of sections 226.500 to 226.600, outdoor
2 advertising shall be permitted within six hundred and sixty feet of the nearest edge of the
3 right-of-way of highways located on the interstate, federal-aid primary system as it existed on
4 June 1, 1991, or the national highway system as amended in areas zoned industrial, commercial
5 or the like and in unzoned commercial and industrial areas as defined in this section, subject to
6 the following regulations which are consistent with customary use in this state:

7 (1) Lighting:

8 (a) No revolving or rotating beam or beacon of light that simulates any emergency light
9 or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or
10 lights will be permitted except scoreboards and other illuminated signs designating public service
11 information, such as time, date, or temperature, or similar information, will be allowed;
12 tri-vision, projection, and other changeable message signs shall be allowed subject to Missouri
13 highways and transportation commission regulations;

14 (b) External lighting, such as floodlights, thin line and gooseneck reflectors are
15 permitted, provided the light source is directed upon the face of the sign and is effectively

16 shielded so as to prevent beams or rays of light from being directed into any portion of the main
17 traveled way of the federal-aid primary highways as of June 1, 1991, and all highways designated
18 as part of the National Highway System by the National Highway System Designation Act of
19 1995 and those highways subsequently designated as part of the National Highway System and
20 the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor
21 vehicle, or otherwise interfere with a driver's operation of a motor vehicle;

22 (c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures,
23 an official traffic sign, device, or signal;

24 (2) Size of signs:

25 (a) The maximum area for any one sign shall be eight hundred square feet with a
26 maximum height of thirty feet and a maximum length of seventy-two feet, inclusive of border
27 and trim but excluding the base or apron, supports, and other structural members. The area shall
28 be measured as established herein and in rules promulgated by the commission. In determining
29 the size of a conforming or nonconforming sign structure, temporary cutouts and extensions
30 installed for the length of a specific display contract shall not be considered a substantial increase
31 to the size of the permanent display; provided the actual square footage of such temporary
32 cutouts or extensions may not exceed thirty-three percent of the permanent display area. Signs
33 erected in accordance with the provisions of sections 226.500 to 226.600 prior to August 28,
34 2002, which fail to meet the requirements of this provision shall be deemed legally
35 nonconforming as defined herein;

36 (b) The maximum size limitations shall apply to each side of a sign structure, and signs
37 may be placed back to back, double faced, or in V-type construction with not more than two
38 displays to each facing, but such sign structure shall be considered as one sign;

39 (c) After August 28, 1999, no new sign structure shall be erected in which two or more
40 displays are stacked one above the other. Stacked structures existing on or before August 28,
41 1999, in accordance with sections 226.500 to 226.600 shall be deemed legally nonconforming
42 and may be maintained in accordance with the provisions of sections 226.500 to 226.600.
43 Structures displaying more than one display on a horizontal basis shall be allowed, provided that
44 total display areas do not exceed the maximum allowed square footage for a sign structure
45 pursuant to the provisions of paragraph (a) of this subdivision;

46 (3) Spacing of signs:

47 (a) On all interstate highways, freeways, and nonfreeway federal-aid primary highways
48 as of June 1, 1991, and all highways designated as part of the National Highway System by the
49 National Highway System Designation Act of 1995 and those highways subsequently designated
50 as part of the National Highway System:

51 a. No sign structure shall be erected within one thousand four hundred feet of an existing
52 sign on the same side of the highway;

53 b. Outside of incorporated municipalities, no structure may be located adjacent to or
54 within five hundred feet of an interchange, intersection at grade, or safety rest area. Such five
55 hundred feet shall be measured from the beginning or ending of the pavement widening at the
56 exit from or entrance to the main traveled way. For purpose of this subparagraph, the term
57 "incorporated municipalities" shall include "urban areas", except that such "urban areas" shall
58 not be considered "incorporated municipalities" if it is finally determined that such would have
59 the effect of making Missouri be in noncompliance with the requirements of Title 23, United
60 States Code, Section 131;

61 (b) The spacing between structure provisions of this subdivision do not apply to signs
62 which are separated by buildings, natural surroundings, or other obstructions in such manner that
63 only one sign facing located within such distance is visible at any one time. Directional or other
64 official signs or those advertising the sale or lease of the property on which they are located, or
65 those which advertise activities on the property on which they are located, including products
66 sold, shall not be counted, nor shall measurements be made from them for the purpose of
67 compliance with spacing provisions;

68 (c) No sign shall be located in such manner as to obstruct or otherwise physically
69 interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or
70 physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting
71 traffic;

72 (d) The measurements in this section shall be the minimum distances between outdoor
73 advertising sign structures measured along the nearest edge of the pavement between points
74 directly opposite the signs along each side of the highway and shall apply only to outdoor
75 advertising sign structures located on the same side of the highway involved;

76 (4) As used in this section, the words "unzoned commercial and industrial land" shall
77 be defined as follows: that area not zoned by state or local law or ordinance and on which there
78 is located one or more permanent structures used for a commercial business or industrial activity
79 or on which a commercial or industrial activity is actually conducted together with the area along
80 the highway extending outwardly seven hundred fifty feet from and beyond the edge of such
81 activity. All measurements shall be from the outer edges of the regularly used improvements,
82 buildings, parking lots, landscaped, storage or processing areas of the commercial or industrial
83 activity and along and parallel to the edge of the pavement of the highway. Unzoned land shall
84 not include:

85 (a) Land on the opposite side of the highway from an unzoned commercial or industrial
86 area as defined in this section and located adjacent to highways located on the interstate,

87 federal-aid primary system as it existed on June 1, 1991, or the national highway system as
88 amended, unless the opposite side of the highway qualifies as a separate unzoned commercial
89 or industrial area; or

90 (b) Land zoned by a state or local law, regulation, or ordinance;

91 (5) "Commercial or industrial activities" as used in this section means those which are
92 generally recognized as commercial or industrial by zoning authorities in this state, except that
93 none of the following shall be considered commercial or industrial:

94 (a) Outdoor advertising structures;

95 (b) Agricultural, forestry, ranching, grazing, farming, and related activities, including
96 seasonal roadside fresh produce stands;

97 (c) Transient or temporary activities;

98 (d) Activities more than six hundred sixty feet from the nearest edge of the right-of-way
99 or not visible from the main traveled way;

100 (e) Activities conducted in a building principally used as a residence;

101 (f) Railroad tracks and minor sidings;

102 (6) The words "unzoned commercial or industrial land" shall also include all areas not
103 specified in this section which constitute an "unzoned commercial or industrial area" within the
104 meaning of the present Section 131 of Title 23 of the United States Code, or as such statute may
105 be amended. As used in this section, the words "zoned commercial or industrial area" shall refer
106 to those areas zoned commercial or industrial by the duly constituted zoning authority of a
107 municipality, county, or other lawfully established political subdivision of the state, or by the
108 state and which is within seven hundred fifty feet of one or more permanent commercial or
109 industrial activities. Commercial or industrial activities as used in this section are limited to
110 those activities:

111 (a) In which the primary use of the property is commercial or industrial in nature;

112 (b) Which are clearly visible from the highway and recognizable as a commercial
113 business;

114 (c) Which are permanent as opposed to temporary or transitory and of a nature that
115 would customarily be restricted to commercial or industrial zoning in areas comprehensively
116 zoned; and

117 (d) In determining whether the primary use of the property is commercial or industrial
118 pursuant to paragraph (a) of this subdivision, the state highways and transportation commission
119 shall consider the following factors:

120 a. The presence of a permanent and substantial building;

121 b. The existence of utilities and local business licenses, if any, for the commercial
122 activity;

123 c. On-premise signs or other identification;
124 d. The presence of an owner or employee on the premises for at least twenty hours per
125 week;

126 (7) In zoned commercial and industrial areas, whenever a state, county or municipal
127 zoning authority has adopted laws or ordinances which include regulations with respect to the
128 size, lighting and spacing of signs, which regulations are consistent with the intent of sections
129 226.500 to 226.600 and with customary use, then from and after the effective date of such
130 regulations, and so long as they shall continue in effect, the provisions of this section shall not
131 apply to the erection of signs in such areas. Notwithstanding any other provisions of this section,
132 after August 28, 1992, with respect to any outdoor advertising which is regulated by the
133 provisions of subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527:

134 (a) No county or municipality shall issue a permit to allow a regulated sign to be newly
135 erected without a permit issued by the state highways and transportation commission;

136 (b) A county or municipality may charge a reasonable one-time permit or inspection fee
137 to assure compliance with local wind load and electrical requirements when the sign is first
138 erected, but a county or municipality may not charge a permit or inspection fee for such sign after
139 such initial fee. Changing the display face or performing routine maintenance shall not be
140 considered as erecting a new sign;

141 (c) **Local regulations adopted pursuant to this section or section 71.288 may be**
142 **more restrictive than the size, lighting, and spacing provisions specified in this section,**
143 **provided such local regulations are reasonable, allow for customary industry usage, and**
144 **comply with the intent of this section. Local regulations may not have the intent or effect**
145 **of prohibiting off-premise outdoor advertising structures on commercial or industrial**
146 **property within six hundred sixty feet of federal aid primary or interstate highways and**
147 **local ordinance with such intent or effect shall be invalid and unenforceable. In the event**
148 **a local regulation is determined by the courts to be prohibitive, unreasonable, or failing to**
149 **allow for customary industry usage; statutory size, lighting, and spacing regulations shall**
150 **automatically apply in such areas until such time as a valid local ordinance complying with**
151 **the requirements under this section is adopted by the local zoning authority;**

152 (8) The state highways and transportation commission on behalf of the state of Missouri,
153 may seek agreement with the Secretary of Transportation of the United States under Section 131
154 of Title 23, United States Code, as amended, that sections 226.500 to 226.600 are in
155 conformance with that Section 131 and provides effective control of outdoor advertising signs
156 as set forth therein. If such agreement cannot be reached and the penalties under subsection (b)
157 of Section 131 are invoked, the attorney general of this state shall institute proceedings described
158 in subsection (1) of that Section 131.

226.541. 1. As used in this section, the following words or phrases mean:

2 **(1) "Conforming out of standard signs", signs that fail to meet the current statutory**
3 **and administrative rule requirements for outdoor advertising but currently comply with**
4 **the terms of the federal/state agreement and meet the August 27, 1999, statutory and**
5 **administrative rule requirements that governed outdoor advertising and the highway**
6 **beautification act of 1965;**

7 **(2) "Federal/state agreement", an agreement executed between the United States**
8 **Department of Transportation and the state highways and transportation commission on**
9 **February 22, 1972, for carrying out national policy relative to control of outdoor**
10 **advertising in areas adjacent to the national system of interstate and defense highways and**
11 **the federal-aid primary system;**

12 **(3) "Reset", movement of a sign structure from one location to another location on**
13 **the same or adjoining property, if the adjoining property is zoned commercial or industrial**
14 **and the owner of the sign has obtained the legal right to erect a sign on the adjoining**
15 **property from its owner, as authorized by a sign permit amendment and the terms of an**
16 **executed written partial waiver and reset agreement between the permit owner and the**
17 **state highways and transportation commission;**

18 **(4) "Substantially rebuilt", any reconstruction or repair of a sign that requires the**
19 **replacement of fifty percent or more of the sign structure's support poles in a twelve-month**
20 **period.**

21 **2. Subject to the provisions of this section, conforming out of standard signs shall**
22 **be treated as conforming signs under commission administrative rules, including new**
23 **display technologies, lighting, cutouts, and extensions, except that such signs shall not be**
24 **substantially rebuilt except in accordance with the provisions of this section. New**
25 **technologies, lighting, cutouts, and extensions may be utilized on conforming and**
26 **conforming out of standard signs in accordance with Missouri department of**
27 **transportation regulations.**

28 **3. On the date the commission approves funding for any phase or portion of**
29 **construction or reconstruction of any street or highway, the rules in effect for outdoor**
30 **advertising on August 27, 1999, shall be reinstated for that section of highway scheduled**
31 **for construction and there shall immediately be a moratorium imposed on the issuance of**
32 **state sign permits for new sign structures.**

33 **4. Owners of existing signs which meet the requirements for outdoor advertising**
34 **in effect on August 27, 1999, and the requirements of the federal/state agreement and who**
35 **voluntarily execute a partial waiver and reset agreement may reset such signs on the same**
36 **or adjoining property. Such reset agreements shall be contingent upon obtaining any**

37 required local approval to reset the sign structure. Any sign which has been reset must still
38 comply with the August 27, 1999, outdoor advertising regulations after it has been reset.

39 **5. Owners of existing signs who elect to reset qualifying signs shall receive**
40 **compensation representing the actual cost to reset the existing sign. Signs which have been**
41 **reset under these provisions must be reconstructed of the same type materials and may not**
42 **exceed the square footage of the original sign structure.**

43 **6. Sign owners may elect to reset existing qualifying signs by executing a partial**
44 **waiver and reset agreement with the commission. Such agreement shall specify the size,**
45 **type, and location of the rebuilt sign and the reset expenses to be paid to the owner by the**
46 **commission. In the event the owner fails to execute such an agreement within one hundred**
47 **twenty days of receiving written notice the sign will be displaced by construction, the**
48 **commission shall have the right at its sole discretion to initiate normal condemnation**
49 **procedures for the compensated removal of the sign.**

50 **7. Immediately upon the completion of construction on any section of highway, the**
51 **moratorium on new permits shall be lifted and the rules for outdoor advertising in effect**
52 **on the date the construction is completed shall apply to such section of highway.**

53 **8. Local zoning authorities may prohibit the resetting of qualifying signs which fail**
54 **to comply with local regulations, but local authorities which choose to prohibit such**
55 **resetting shall reimburse the commission the cost to condemn such signs less the cost to**
56 **reset the sign under the provisions in this section.**

57 **9. All signs shall be subject to the biennial inspection fees under section 226.550.**
 226.1120. 1. The provisions of this section shall be known as the "Show-Me
2 **Harvest Initiative".**

3 **2. Notwithstanding any law, the highway and transportation commission shall**
4 **allow persons or entities to submit bids to mow grass or vegetation along state roadways.**
5 **Persons or entities awarded contracts under this section shall use their own equipment for**
6 **mowing and, in addition to being awarded hay rights in the section they mow, may, if**
7 **deemed appropriate by the commission, receive monetary compensation. Any monetary**
8 **compensation shall be accommodated within the limits of the amount appropriated**
9 **annually.**

10 **3. Notwithstanding any other law, the highway and transportation commission may**
11 **enter into contracts with persons or entities to plant and harvest switchgrass, or other**
12 **grasses or produce approved by the commission, on the right-of-way of any state roadway.**
13 **Any such contract shall be for a duration of at least five years.**

14 **4. The highway and transportation commission may promulgate rules necessary**
15 **to carry out the purpose of this section. Any rule or portion of a rule, as that term is**

16 **defined in section 536.010, that is created under the authority delegated in this section shall**
17 **become effective only if it complies with and is subject to all of the provisions of chapter**
18 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and**
19 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
20 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
21 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
22 **after August 28, 2010, shall be invalid and void.**

230.220. 1. In each county adopting it, the county highway commission established by
2 sections 230.200 to 230.260 shall be composed of the three commissioners of the county
3 commission and one person elected from the unincorporated area of each of the two county
4 commission districts. Except that the presiding commissioner and one of the associate
5 commissioners by process of election may reside in the same township, not more than one
6 member of the county highway commission shall be a resident of the same township of the
7 county. The county commission shall designate one county commission district as district A and
8 the other as district B. The member of the county highway commission first elected from district
9 A shall serve a term of two years. The member first elected from district B shall serve a term
10 of four years. Upon the expiration of the term of each such member, his successors shall be
11 elected for a term of four years. The commissioners of the county commission shall serve as
12 members of the county highway commission during their term as county commissioners.

13 2. The elected members of the county highway commission shall be nominated at the
14 primary election and elected at the general election next following the adoption of the
15 proposition for the alternative county highway commission by the voters of the county.
16 Candidates shall file and the election shall be conducted in the same manner as for the
17 nomination and election of candidates for county office. Within thirty days after the adoption
18 of an alternative county highway commission by the voters of any county as provided in sections
19 230.200 to 230.260, the governor shall appoint a county highway commissioner from each
20 district from which a member will be elected at the next following general election. The
21 commissioners so appointed shall hold their office until their successors are elected at the
22 following general election. Appointments shall be made by naming one member from each of
23 the two political parties casting the highest number of votes in the preceding general election.

24 3. Members of the county highway commission [shall receive as compensation for their
25 services fifteen dollars per day for the first meeting each month and five dollars for each meeting
26 thereafter during the month. The members shall also receive a mileage allowance of eight cents
27 per mile actually and necessarily traveled in the performance of their duties. The compensation
28 and mileage allowance of the members of the commission shall be paid out of the road and
29 bridge fund of the county] **who are not also members of the county's governing body shall**

30 **receive an attendance fee in an amount per meeting as set by the county's governing body**
 31 **and a mileage allowance for miles actually and necessarily traveled in the performance of**
 32 **their duties in the same amount per mile received by the members of the county's**
 33 **governing body to be paid out of the road and bridge fund of the county.**

34 4. If a vacancy occurs among the elected members of the county highway commission,
 35 the members of the county highway commission shall select a successor who shall serve until
 36 the next regular election.

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

2 (1) "Board", the board of directors of a district;
 3 (2) "Commission", the Missouri highways and transportation commission;
 4 (3) "District", a transportation development district organized under sections 238.200
 5 to 238.275;

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

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

15 (6) **"Public mass transportation system", a transportation system or systems**
 16 **owned and operated by an interstate transportation authority, a municipality, a city transit**
 17 **authority, or a city utilities board, employing motor buses, rails, or any other means of**
 18 **conveyance, by whatsoever type of power, operated for public use in the conveyance of**
 19 **persons, mainly providing local transportation service within an interstate transportation**
 20 **district or municipality.**

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

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

25 (2) "Qualified electors", "qualified voters" or "voters":

26 (a) Within a proposed or established district, except for a district proposed under
 27 subsection 1 of section 238.207, any persons residing therein who have registered to vote
 28 pursuant to chapter 115, RSMo; or

29 (b) Within a district proposed or established under subsection 1 of section 238.207 which
30 has no persons residing therein who have registered to vote pursuant to chapter 115, RSMo, the
31 owners of record of all real property located in the district, who shall receive one vote per acre,
32 provided that if a registered voter subsequent to the creation of the district becomes a resident
33 within the district and obtains ownership of property within the district, such registered voter
34 must elect whether to vote as an owner of real property or as a registered voter, which election
35 once made cannot thereafter be changed;

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

238.208. 1. **Except as otherwise provided in this subsection**, the owners of property
2 adjacent to a transportation district formed under the Missouri transportation development
3 district act may petition the court by unanimous petition to add their property to the district. If
4 the property owners within the transportation development district unanimously approve of the
5 addition of property, the adjacent properties in the petition shall be added to the district. Any
6 property added under this section shall be subject to all projects, taxes, and special assessments
7 in effect as of the date of the court order adding the property to the district. The owners of the
8 added property shall be allowed to vote at the next election scheduled for the district to fill
9 vacancies on the board and on any other question submitted to them by the board under this
10 chapter. The owners of property added under this section shall have one vote per acre in the
11 same manner as provided in subdivision (2) of subsection 2 of section 238.220. **The unanimous
12 property owner approval requirement shall not apply to any transportation development
13 district formed by local transportation authorities to operate a public transportation
14 system, and the court shall add adjacent properties in the petition to the district upon the
15 approval and consent of the transportation development district's board of directors.**

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

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if
2 any persons eligible to be registered voters reside within the district the following procedures
3 shall be followed:

4 (1) After the district has been declared organized, the court shall upon petition of any
5 interested person order the county clerk to cause an election to be held in all areas of the district
6 within one hundred twenty days after the order establishing the district, to elect the district board
7 of directors which shall be not less than five nor more than fifteen;

8 (2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and
9 shall file with the election authority of such county a statement under oath that he or she
10 possesses all of the qualifications set out in this section for a director. Thereafter, such candidate
11 shall have his or her name placed on the ballot as a candidate for director;

12 (3) The director or directors to be elected shall be elected at large. The candidate
13 receiving the most votes from qualified voters shall be elected to the position having the longest
14 term, the second highest total votes elected to the position having the next longest term, and so
15 forth. Each initial director shall serve the one-, two- or three-year term to which he or she was
16 elected, and until a successor is duly elected and qualified. Each successor director shall serve
17 a three-year term. The directors shall nominate and elect an interim director to complete any
18 unexpired term of a director caused by resignation or disqualification; and

19 (4) Each director shall be a resident of the district. Directors shall be registered voters
20 at least twenty-one years of age.

21 2. Notwithstanding anything to the contrary contained in section 238.216, if no persons
22 eligible to be registered voters reside within the district, the following procedures shall apply:

23 (1) Within thirty days after the district has been declared organized, the circuit clerk of
24 the county in which the petition was filed shall, upon giving notice by causing publication to be
25 made once a week for two consecutive weeks in a newspaper of general circulation in the county,
26 the last publication of which shall be at least ten days before the day of the meeting required by
27 this section, call a meeting of the owners of real property within the district at a day and hour
28 specified in a public place in the county in which the petition was filed for the purpose of
29 electing a board of not less than five and not more than fifteen directors, to be composed of
30 owners or representatives of owners of real property in the district; provided that, if all the
31 owners of property in the district joined in the petition for formation of the district, such meeting
32 may be called by order of the court without further publication. For the purposes of determining
33 board membership, the owner or owners of real property within the district and their legally
34 authorized representative or representatives shall be deemed to be residents of the district; for
35 business organizations and other entities owning real property within the district, the individual
36 or individuals legally authorized to represent the business organizations or entities in regard to
37 the district shall be deemed to be a resident of the district;

38 (2) The property owners, when assembled, shall organize by the election of a chairman
39 and secretary of the meeting who shall conduct the election. At the election, each acre of real
40 property within the district shall represent one share, and each owner may have one vote in
41 person or by proxy for every acre of real property owned by such person within the district;

42 (3) The one-third of the initial board members receiving the most votes shall be elected
43 to positions having a term of three years. The one-third of initial board members receiving the

44 next highest number of votes shall be elected to positions having a term of two years. The lowest
45 one-third of initial board members receiving sufficient votes shall be elected to positions having
46 a term of one year. Each initial director shall serve the term to which he or she was elected, and
47 until a successor is duly elected and qualified. Successor directors shall be elected in the same
48 manner as the initial directors at a meeting of the real property owners called by the board. Each
49 successor director shall serve a three-year term. The directors shall nominate and elect an
50 interim director to complete any unexpired term of a director caused by resignation or
51 disqualification;

52 (4) Directors shall be at least twenty-one years of age.

53 3. Notwithstanding any provision of section 238.216 and this section to the contrary, if
54 the petition for formation of the district was filed pursuant to subsection 5 of section 238.207,
55 the following procedures shall be followed:

56 (1) **If the district is comprised of any of one or more local transportation authorities**
57 **to operate a public mass transportation system, the board of directors shall consist of not**
58 **less than three nor more than five persons appointed by the chief executive officers of each**
59 **local transportation authority proposing the creation of the district. For all other districts,**
60 **if the district is comprised of four or more local transportation authorities, the board of directors**
61 **shall consist of the presiding officer of each local transportation authority within the district. If**
62 **the district is comprised of two or three local transportation authorities, the board of directors**
63 **shall consist of the presiding officer of each local transportation authority within the district and**
64 **one person designated by the governing body of each local transportation authority within the**
65 **district;**

66 (2) Each director shall be at least twenty-one years of age and a resident or property
67 owner of the local transportation authority the director represents. A director designated by the
68 governing body of a local transportation authority may be removed by such governing body at
69 any time with or without cause, **and a director appointed by the chief executive officer may**
70 **be removed by the chief executive officer at any time with or without cause;** and

71 (3) Upon the assumption of office of a new presiding officer of a local transportation
72 authority, such individual shall automatically succeed his predecessor as a member of the board
73 of directors. Upon the removal, resignation or disqualification of a director designated by the
74 governing body of a local transportation authority, such governing body shall designate a
75 successor director.

76 4. **Except for those districts formed by local transportation authorities to operate**
77 **a public mass transportation system,** the commission shall appoint one or more advisors to the
78 board, who shall have no vote but shall have the authority to participate in all board meetings and

79 discussions, whether open or closed, and shall have access to all records of the district and its
80 board of directors.

81 5. If the proposed project is not intended to be merged into the state highways and
82 transportation system under the commission's jurisdiction, the local transportation authority that
83 will assume maintenance of the project shall appoint one or more advisors to the board of
84 directors who shall have the same rights as advisors appointed by the commission.

85 6. Any county or counties located wholly or partially within the district which is not a
86 local transportation authority pursuant to subdivision (4) of subsection 1 of section 238.202 may
87 appoint one or more advisors to the board who shall have the same rights as advisors appointed
88 by the commission.

238.225. 1. Before construction or funding of any project the district shall submit the
2 proposed project to the commission for its prior approval. If the commission by minute finds
3 that the project will improve or is a necessary or desirable extension of the state highways and
4 transportation system, the commission may preliminarily approve the project subject to the
5 district providing plans and specifications for the proposed project and making any revisions in
6 the plans and specifications required by the commission and the district and commission entering
7 into a mutually satisfactory agreement regarding development and future maintenance of the
8 project. After such preliminary approval, the district may impose and collect such taxes and
9 assessments as may be included in the commission's preliminary approval. After the commission
10 approves the final construction plans and specifications, the district shall obtain prior
11 commission approval of any modification of such plans or specifications.

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

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

25 **4. Notwithstanding any provision of this section to the contrary, this section shall**
 26 **not apply to any transportation development district formed by local transportation**
 27 **authorities to operate a public mass transportation system.**

238.232. 1. If approved by at least four-sevenths of the qualified voters voting on the
 2 question in the district, the district may impose a property tax in an amount not to exceed the
 3 annual rate of ten cents on the hundred dollars assessed valuation. The district board may levy
 4 a property tax rate lower than its approved tax rate ceiling and may increase that lowered tax rate
 5 to a level not exceeding the tax rate ceiling without voter approval. The property tax shall be
 6 uniform throughout the district.

7 2. The ballot of submission shall be substantially in the following form:

8 Shall the Transportation Development District impose
 9 a property tax upon all real and tangible personal property within the district at a rate of not more
 10 than (insert amount) cents per hundred dollars assessed valuation for the purpose of
 11 providing revenue for the development of a project (or projects) in the district (insert general
 12 description of the project or projects, if necessary)?

13 YES NO

14

15 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 16 to the question, place an "X" in the box opposite "NO".

17 3. The county collector of each county in which the district is partially or entirely located
 18 shall collect the property taxes and special benefit assessments made upon all real property and
 19 tangible personal property within that county and the district, in the same manner as other
 20 property taxes are collected.

21 4. Every county collector having collected or received district property taxes shall, on
 22 or before the fifteenth day of each month and after deducting his commissions, remit to the
 23 treasurer of that district the amount collected or received by him prior to the first day of the
 24 month. Upon receipt of such money, the district treasurer shall execute a receipt therefor, which
 25 he shall forward or deliver to the collector. The district treasurer shall deposit such sums into
 26 the district treasury, credited to the appropriate project or purpose. The collector and district
 27 treasurer shall make final settlement of the district account and commissions owing, not less than
 28 once each year, if necessary.

29 **5. Notwithstanding any provision of sections 99.800 to 99.865 to the contrary, the**
 30 **real property tax for a transportation development district shall not be considered**
 31 **"payment in lieu of taxes" as such term is defined under sections 99.805 and 99.918. Tax**
 32 **revenues derived from such tax shall not be subject to allocation under the provisions of**
 33 **subsection 2 of section 99.845, or subsection 3 of section 99.957.**

238.236. 1. This section shall not apply to any tax levied pursuant to section 238.235, and no tax shall be imposed pursuant to the provisions of this section if a tax has been imposed by a transportation development district pursuant to section 238.235.

2. In lieu of the taxes allowed pursuant to section 238.235, any transportation development district which consists of all of one or more entire counties, all of one or more entire cities, or all of one or more entire counties and one or more entire cities which are totally outside the boundaries of those counties may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters. No resolution enacted pursuant to the authority granted by this section shall be effective unless:

(1) The board of directors of the transportation development district submits to the qualified voters of the transportation development district, at a state general, primary, or special election, a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(2) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

3. If the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of subdivision (1) of subsection 2 of this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of(transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of

37 directors of the transportation development district shall have no power to impose the sales tax
38 authorized by this section unless and until the board of directors of the transportation
39 development district shall again have submitted another proposal to authorize it to impose the
40 sales tax pursuant to the provisions of this section and such proposal is approved by a majority
41 of the qualified voters voting thereon.

42 4. Within ten days after the adoption of any resolution in favor of the adoption of a
43 transportation development district sales tax which has been approved by the qualified voters of
44 such transportation development district, the transportation development district shall forward
45 to the director of revenue, by United States registered mail or certified mail, a certified copy of
46 the resolution of its board of directors. The resolution shall reflect the effective date thereof.
47 The sales tax authorized by this section shall become effective on the first day of the second
48 calendar quarter after the director of revenue receives notice of adoption of such tax.

49 5. All revenue received by a transportation development district from the tax authorized
50 by this section which has been designated for a certain transportation development purpose shall
51 be deposited in a special trust fund and shall be used solely for such designated purpose. Upon
52 the expiration of the period of years approved by the qualified voters pursuant to subsection 3
53 of this section or if the tax authorized by this section is repealed pursuant to subsection 12 of this
54 section, all funds remaining in the special trust fund shall continue to be used solely for such
55 designated transportation development purpose. Any funds in such special trust fund which are
56 not needed for current expenditures may be invested by the board of directors in accordance with
57 applicable laws relating to the investment of other transportation development district funds.

58 6. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one
59 percent, three-eighths of one percent, one-half of one percent or one percent on the receipts from
60 the sale at retail of all tangible personal property or taxable services at retail within the
61 transportation development district adopting such tax, if such property and services are subject
62 to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525,
63 RSMo. Any transportation development district sales tax imposed pursuant to this section shall
64 be imposed at a rate that shall be uniform throughout the district.

65 7. The resolution imposing the sales tax pursuant to this section shall impose upon all
66 sellers a tax for the privilege of engaging in the business of selling tangible personal property or
67 rendering taxable services at retail to the extent and in the manner provided in sections 144.010
68 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant
69 thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax.
70 The amount reported and returned to the director of revenue by the seller shall be computed on
71 the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and

72 the tax imposed by the resolution as authorized by this section, plus any amounts imposed
73 pursuant to other provisions of law.

74 8. On and after the effective date of any tax imposed pursuant to this section, the director
75 of revenue shall perform all functions incident to the administration, collection, enforcement, and
76 operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes
77 imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant
78 to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be
79 collected together and reported upon such forms and pursuant to such administrative rules and
80 regulations as may be prescribed by the director of revenue.

81 9. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing
82 the state sales tax, sections 32.085 and 32.087, RSMo, governing local sales taxes, and section
83 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax
84 imposed by this section, except as modified in this section.

85 10. All sales taxes collected by the director of revenue pursuant to this section on behalf
86 of any transportation development district, less one percent for the cost of collection, which shall
87 be deposited in the state's general revenue fund after payment of premiums for surety bonds as
88 provided in section 32.087, RSMo, shall be deposited in the state treasury to the credit of the
89 "Transportation Development District Sales Tax Fund", which is hereby created. Moneys in the
90 transportation development district sales tax fund shall not be deemed to be state funds and shall
91 not be commingled with any funds of the state. All interest earned upon the balance in the
92 transportation development district sales tax fund shall be deposited to the credit of the same
93 fund. Any balance in the fund at the end of an appropriation period shall not be transferred to
94 the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund.
95 The director of revenue shall keep accurate records of the amount of money which was collected
96 in each transportation development district imposing a sales tax pursuant to this section, and the
97 records shall be open to the inspection of officers of each transportation development district and
98 the general public. Not later than the tenth day of each month, the director of revenue shall
99 distribute all moneys deposited in such fund during the preceding month to the proper
100 transportation development district.

101 11. The director of revenue may authorize the state treasurer to make refunds from the
102 amounts credited to any transportation development district for erroneous payments and
103 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
104 such districts. If any transportation development district repeals the tax authorized by this
105 section, the transportation development district shall notify the director of revenue of the action
106 at least ninety days prior to the effective date of the repeal and the director of revenue may order
107 retention, for a period of one year, of two percent of the amount collected after receipt of such

108 notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks
109 and drafts deposited to the credit of such accounts. After one year has elapsed after the effective
110 date of repeal of the tax authorized by this section in such transportation development district,
111 the director of revenue shall remit the balance in the account to the transportation development
112 district and close the account of that transportation development district. The director of revenue
113 shall notify each transportation development district of each instance of any amount refunded
114 or any check redeemed from receipts due the transportation development district.

115 12. (1) No transportation development district imposing a sales tax pursuant to this
116 section may repeal or amend such sales tax unless such repeal or amendment will not impair the
117 district's ability to repay any liabilities which it has incurred, money which it has borrowed or
118 revenue bonds, notes or other obligations which it has issued or which have been issued by the
119 commission or any local transportation authority to finance any project or projects.

120 (2) Whenever the board of directors of any transportation development district in which
121 a transportation development sales tax has been imposed in the manner provided by this section
122 receives a petition, signed by ten percent of the qualified voters of such transportation
123 development district calling for an election to repeal such transportation development sales tax,
124 the board of directors shall, if such repeal will not impair the district's ability to repay any
125 liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other
126 obligations which it has issued or which have been issued by the commission or any local
127 transportation authority to finance any project or projects, submit to the voters of such
128 transportation development district a proposal to repeal the transportation development sales tax
129 imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal
130 by the qualified voters voting thereon are in favor of the proposal to repeal the transportation
131 development sales tax, then the resolution imposing the transportation development sales tax,
132 along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified
133 voters voting thereon are opposed to the proposal to repeal the transportation development sales
134 tax, then the resolution imposing the transportation development sales tax, along with any
135 amendments thereto, shall remain in effect.

136 **13. Notwithstanding any provision of sections 99.800 to 99.865, and this section to**
137 **the contrary, the sales tax for a transportation district formed by local transportation**
138 **authorities to operate a public mass transportation system:**

139 **(1) Shall not be considered economic activity taxes as such term is defined under**
140 **sections 99.805 and 99.918;**

141 **(2) Tax revenues derived from such tax shall not be subject to allocation under the**
142 **provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957; and**

143 **(3) Shall be collected by the director of revenue, less one percent for the cost of**
144 **collection which shall be deposited in the state's general revenue fund after payment of**
145 **premiums for surety bonds as provided in section 32.087 and shall be deposited with the**
146 **state treasurer in a special trust fund, which is hereby created, to be known as the**
147 **"Transportation Development District Sales Tax Trust Fund". The moneys in this fund**
148 **are not state funds and shall not be commingled with any funds of the state. The director**
149 **of revenue shall keep accurate records of the amount of money in the trust fund which was**
150 **collected in each district wherein a sales tax is imposed pursuant to the provisions of this**
151 **section. The records shall be open to the inspection of the officers of the city and the**
152 **public.**

 300.411. The operator of a motor vehicle overtaking a bicycle proceeding in the same
2 direction on the roadway, as defined in section 300.010, **or on the shoulder of the roadway**
3 shall leave a safe distance when passing the bicycle, **but in no case less than three feet**, and
4 shall maintain clearance until safely past the overtaken bicycle.

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

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

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

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

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

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

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

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

- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation":
- 29 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
30 a dealer over any public highway, under its own power singly, or in a fixed combination of two
31 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
- 32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and
34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or
- 36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
40 of a manufacturer or to any consignee designated by the shipper or consignor;
- 41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;
- 45 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 47 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 48 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
49 vehicle in a saddlemount combination;
- 50 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
51 the weight of any load thereon;
- 52 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
53 result of the impact of hail;
- 54 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
55 and public streets, avenues, boulevards, parkways or alleys in any municipality;
- 56 (20) "Improved highway", a highway which has been paved with gravel, macadam,
57 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

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

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

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

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

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

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation. Nothing in this subdivision shall be
74 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
75 local commercial motor vehicle;

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

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

94 truck does exceed such limits as determined by the inspecting officer, then notwithstanding any
95 other provisions of law to the contrary, such truck shall be subject to the weight limits required
96 by such sections as licensed for eighty thousand pounds;

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a one hundred-mile radius from such site, operates with a weight not
101 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
102 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
103 system of interstate and defense highways described in Title 23, Section 103(e) of the United
104 States Code, such vehicle does not exceed the weight limits contained in section 304.180, RSMo,
105 and does not have more than three axles and does not pull a trailer which has more than two
106 axles. Violations of axle weight limitations shall be subject to the load limit penalty as described
107 for in sections 304.180 to 304.220, RSMo;

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

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

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

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

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

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

127 [(34)] (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
128 tracks, except farm tractors;

129 [(35)] (34) "Motor vehicle primarily for business use", any vehicle other than a
130 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed
131 for over twelve thousand pounds:

132 (a) Offered for hire or lease; or

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

134 [(36)] (35) "Motorcycle", a motor vehicle operated on two wheels;

135 [(37)] (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an
136 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
137 centimeters, which produces less than three gross brake horsepower, and is capable of propelling
138 the device at a maximum speed of not more than thirty miles per hour on level ground;

139 [(38)] (37) "Motortricycle", a motor vehicle operated on three wheels, including a
140 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of
141 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

142 [(39)] (38) "Municipality", any city, town or village, whether incorporated or not;

143 [(40)] (39) "Nonresident", a resident of a state or country other than the state of Missouri;

144 [(41)] (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured
145 in compliance with United States emissions or safety standards;

146 [(42)] (41) "Operator", any person who operates or drives a motor vehicle;

147 [(43)] (42) "Owner", any person, firm, corporation or association, who holds the legal
148 title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale
149 or lease thereof with the right of purchase upon performance of the conditions stated in the
150 agreement and with an immediate right of possession vested in the conditional vendee or lessee,
151 or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee
152 or lessee or mortgagor shall be deemed the owner for the purpose of this law;

153 [(44)] (43) "Public garage", a place of business where motor vehicles are housed, stored,
154 repaired, reconstructed or repainted for persons other than the owners or operators of such place
155 of business;

156 [(45)] (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
157 rebuilder, but does not include certificated common or contract carriers of persons or property;

158 [(46)] (45) "Reconstructed motor vehicle", a vehicle that is altered from its original
159 construction by the addition or substitution of two or more new or used major component parts,
160 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

161 [(47)] (46) "Recreational motor vehicle", any motor vehicle designed, constructed or
162 substantially modified so that it may be used and is used for the purposes of temporary housing
163 quarters, including therein sleeping and eating facilities which are either permanently attached
164 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.

165 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
166 vehicle if the motor vehicle could otherwise be so registered;

167 [(48)] **(47)** "Recreational off-highway vehicle", any motorized vehicle manufactured and
168 used exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an
169 unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or more
170 nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV
171 trails;

172 [(49)] **(48)** "Rollback or car carrier", any vehicle specifically designed to transport
173 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected
174 to a wrecker or towing service;

175 [(50)] **(49)** "Saddlemount combination", a combination of vehicles in which a truck or
176 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame
177 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front
178 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a
179 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination
180 is called a "double saddlemount combination". When three vehicles are towed in this manner,
181 the combination is called a "triple saddlemount combination";

182 [(51)] **(50)** "Salvage dealer and dismantler", a business that dismantles used motor
183 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
184 accessories;

185 [(52)] **(51)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

186 (a) Was damaged during a year that is no more than six years after the manufacturer's
187 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
188 reconstruct the vehicle to its condition immediately before it was damaged for legal operation
189 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
190 immediately preceding the time it was damaged;

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

194 (c) Has been declared salvage by an insurance company as a result of settlement of a
195 claim;

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

197 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section
198 304.157, RSMo, and designated with the words "salvage/abandoned property". The total cost
199 of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing,
200 or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or

201 any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this
202 definition, "fair market value" means the retail value of a motor vehicle as:

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

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

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

211 [(53)] (52) "School bus", any motor vehicle used solely to transport students to or from
212 school or to transport students to or from any place for educational purposes;

213 (53) "Scrap processor", a business that, through the use of fixed or mobile
214 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for
215 processing or transportation to a shredder or scrap metal operator for recycling;

216 (54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
217 corporation as an incidental service to transport patrons or customers of the regular business of
218 such person, firm, or corporation to and from the place of business of the person, firm, or
219 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
220 buses or as commercial motor vehicles;

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

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

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

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

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

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

249 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of
250 property;

251 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
252 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
253 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second
254 semitrailer and has one less articulation point than the conventional A-dolly connected
255 truck-tractor semitrailer-trailer combination;

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

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

263 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for
264 off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one
265 thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily
266 for landscaping, lawn care, or maintenance purposes;

267 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
268 firm, corporation, association, city, county or state agency, or any member thereof, for the
269 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
270 and from their place of employment; however, a vanpool shall not be included in the definition
271 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this

272 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
273 [302.010, RSMo] **303.020**; nor shall use of a vanpool vehicle for ride-sharing arrangements,
274 recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle,
275 unless used for monetary profit other than for use in a ride-sharing arrangement;

276 (67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
277 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
278 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
279 operated by handicapped persons;

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

284 (69) "Wrecker or towing service", the act of transporting, towing or recovering with a
285 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
286 tow truck, rollback or car carrier for which the operator directly or indirectly receives
287 compensation or other personal gain.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the
2 contrary, the director of revenue shall establish a system of registration of all fleet vehicles
3 owned or purchased by a fleet owner registered pursuant to this section. The director of revenue
4 shall prescribe the forms for such fleet registration and the forms and procedures for the
5 registration updates prescribed in this section. Any owner of ten or more motor vehicles which
6 must be registered in accordance with this chapter may register as a fleet owner. All registered
7 fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar
8 year or biennial basis pursuant to this section in lieu of the registration periods provided in
9 sections 301.030, 301.035, and 301.147. The director shall issue an identification number to
10 each registered owner of fleet vehicles.

11 2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered
12 during April [each year] **of the corresponding year** or on a prorated basis as provided in
13 subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year
14 basis or on a biennial basis shall be payable not later than the last day of April of [each year] **of**
15 **the corresponding year**, with two years' fees due for biennially-registered vehicles.
16 Notwithstanding the provisions of section 307.355, RSMo, an application for registration of a
17 fleet vehicle must be accompanied by a certificate of inspection and approval issued no more
18 than one hundred twenty days prior to the date of application. The fees for vehicles added to the
19 fleet which must be licensed at the time of registration shall be payable at the time of registration,
20 except that when such vehicle is licensed between July first and September thirtieth the fee shall

21 be three-fourths the annual fee, when licensed between October first and December thirty-first
22 the fee shall be one-half the annual fee and when licensed on or after January first the fee shall
23 be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet,
24 an additional year's annual fee will be added to the partial year's prorated fee.

25 3. At any time during the calendar year in which an owner of a fleet purchases or
26 otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle,
27 the owner shall present to the director of revenue the identification number as a fleet number and
28 may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet
29 owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant
30 to this subsection.

31 4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant
32 to this section shall be issued a special license plate which shall have the words "Fleet Vehicle"
33 in place of the words "Show-Me State" in the manner prescribed by the advisory committee
34 established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle
35 fee beyond the regular registration fee, [owners of] **a fleet owner of at least fifty** fleet vehicles
36 may apply for fleet license plates bearing a company name or logo, **the size and design thereof**
37 **subject to approval by the director**. All fleet license plates shall be made with fully reflective
38 material with a common color scheme and design, shall be clearly visible at night, and shall be
39 aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear
40 license plates as provided in this section which shall not require issuance of a renewal tab. Upon
41 payment of appropriate registration fees, the director of revenue shall issue a registration
42 certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence
43 of payment shall be carried at all times in the vehicle for which it is issued. The director of
44 revenue shall promulgate rules and regulations establishing the procedure for application and
45 issuance of fleet vehicle license plates.

46 5. Notwithstanding the provisions of sections 307.350 to 307.390, RSMo, to the
47 contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections
48 307.350 to 307.390, RSMo, if at the time of the annual fleet registration, such fleet vehicle is
49 situated outside the state of Missouri.

301.069. 1. A driveaway license plate may not be used on a vehicle used or operated on
2 a highway except for the purpose of transporting vehicles in transit. Driveaway license plates
3 may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly
4 parked, or burned vehicles. **Driveaway license plates shall only be used by owners, corporate**
5 **officers, or employees of the business to which the plate was issued**. For each driveaway
6 license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set
7 of plates or such insignia as the director may issue which shall be attached to the motor vehicle

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

12 **2. No driveaway license plates shall be issued by the director of revenue unless the**
13 **applicant therefor shall make application for such plate and shall therein include:**

14 **(1) The business name, business street address, and business telephone number of**
15 **the applicant;**

16 **(2) The business owner's full name, date of birth, driver license number or non-**
17 **driver license number, residence street address, and residence telephone number;**

18 **(3) The signature and printed name of the business owner or authorized**
19 **representative of the business presenting such application; and**

20 **(4) A statement explaining what the driveaway license plate or plates will be used**
21 **for.**

22

23 **The applicant shall provide certification of proof of financial responsibility, as defined in**
24 **section 303.020 sufficient to cover each motor vehicle the applicant shall operate or**
25 **otherwise move on the streets or highways, through use of the driveaway license plate,**
26 **during the period of registration. The applicant shall provide such certification by affixing**
27 **a copy of said certification to the application. The application shall include a photograph,**
28 **not to exceed eight inches by ten inches but no less than five inches by seven inches,**
29 **showing the business building and sign of the applicant's business. The applicant shall**
30 **maintain a working, landline telephone at the applicant's place of business throughout the**
31 **registration period. The applicant shall maintain certification of proof of financial**
32 **responsibility as described herein throughout the registration period.**

33 **3. If any of the information required by this section to be reported by the applicant**
34 **changes during the registration period, the applicant shall report said changes to the**
35 **department of revenue within ten days of the date of the change.**

36 **4. Any violation of this section shall result in the revocation of the applicant's**
37 **driveaway license.**

38 **5. Any person who knowingly uses a revoked driveaway license plate shall be**
39 **deemed guilty of a misdemeanor.**

301.130. 1. The director of revenue, upon receipt of a proper application for registration,
2 required fees and any other information which may be required by law, shall issue to the
3 applicant a certificate of registration in such manner and form as the director of revenue may
4 prescribe and a set of license plates, or other evidence of registration, as provided by this section.

5 Each set of license plates shall bear the name or abbreviated name of this state, the words
6 "SHOW-ME STATE", the month and year in which the registration shall expire, and an
7 arrangement of numbers or letters, or both, as shall be assigned from year to year by the director
8 of revenue. The plates shall also contain fully reflective material with a common color scheme
9 and design for each type of license plate issued pursuant to this chapter. The plates shall be
10 clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled
11 veterans will have the "DISABLED VETERAN" wording on the license plates in preference to
12 the words "SHOW-ME STATE" and special plates for members of the national guard will have
13 the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

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

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

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

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

41 license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on
42 the rear of such vehicles, with the letters and numbers thereon right side up. The license plate
43 on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed
44 in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than
45 eight nor more than forty-eight inches above the ground, with the letters and numbers thereon
46 right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section,
47 displayed in the same manner on the front and rear of such vehicles. The license plate or plates
48 authorized by section 301.140, when properly attached, shall be prima facie evidence that the
49 required fees have been paid.

50 6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as
51 provided by law as evidence of the annual payment of registration fees and the current
52 registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may
53 prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs
54 positively correlate with the license plate or plates issued by the department of revenue for such
55 vehicle. Such tabs shall be produced in each license bureau office.

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

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

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

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

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

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

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

94 9. No later than January 1, 2009, the director of revenue shall commence the reissuance
95 of new license plates of such design as directed by the director consistent with the terms,
96 conditions, and provisions of this section and this chapter. Except as otherwise provided in this
97 section, in addition to all other fees required by law, applicants for registration of vehicles with
98 license plates that expire during the period of reissuance, applicants for registration of trailers
99 or semitrailers with license plates that expire during the period of reissuance and applicants for
100 registration of vehicles that are to be issued new license plates during the period of reissuance
101 shall pay the cost of the plates required by this subsection. The additional cost prescribed in this
102 subsection shall not be charged to persons receiving special license plates issued under section
103 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131
104 and specialized license plates are exempt from the provisions of this subsection. Except for new,
105 replacement, and transfer applications, permanent nonexpiring license plates issued to
106 commercial motor vehicles and trailers registered under section 301.041 are exempt from the
107 provisions of this subsection.

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

- 2 (1) "Department", the department of revenue;
- 3 (2) "Director", the director of the department of revenue;

4 (3) "Other authorized health care practitioner" includes advanced practice registered
5 nurses licensed pursuant to chapter 335, RSMo, chiropractors licensed pursuant to chapter 331,
6 RSMo, podiatrists licensed pursuant to chapter 330, RSMo, **physician assistants licensed**
7 **pursuant to chapter 334**, and optometrists licensed pursuant to chapter 336, RSMo;

8 (4) "Physically disabled", a natural person who is blind, as defined in section 8.700,
9 RSMo, or a natural person with medical disabilities which prohibits, limits, or severely impairs
10 one's ability to ambulate or walk, as determined by a licensed physician or other authorized
11 health care practitioner as follows:

12 (a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to
13 a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling
14 condition; or

15 (b) The person cannot ambulate or walk without the use of, or assistance from, a brace,
16 cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

17 (c) Is restricted by a respiratory or other disease to such an extent that the person's forced
18 respiratory expiratory volume for one second, when measured by spirometry, is less than one
19 liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

20 (d) Uses portable oxygen; or

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

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

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

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

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

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

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

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

40 3. A physician's statement shall:

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

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

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

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

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

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

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

66 7. Owners of motor vehicles who are residents of the state of Missouri, and who are
67 physically disabled, owners of motor vehicles operated at least fifty percent of the time by a
68 physically disabled person, or owners of motor vehicles used to primarily transport physically
69 disabled members of the owner's household may obtain disabled person license plates. Such
70 owners, upon application, accompanied by the documents and fees provided for in this section,
71 a current physician's statement which has been issued within ninety days proceeding the date the
72 application is made and proof of compliance with the state motor vehicle laws relating to
73 registration and licensing of motor vehicles, shall be issued motor vehicle license plates for
74 vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand
75 pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the

76 word "DISABLED" in addition to a combination of letters and numbers. Such license plates
77 shall be made with fully reflective material with a common color scheme and design, shall be
78 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

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

85 9. No additional fee shall be paid to the director for the issuance of the special license
86 plates provided in this section, except for special personalized license plates and other license
87 plates described in this subsection. Priority for any specific set of special license plates shall be
88 given to the applicant who received the number in the immediately preceding license period
89 subject to the applicant's compliance with the provisions of this section and any applicable rules
90 or regulations issued by the director. If determined feasible by the advisory committee
91 established in section 301.129, any special license plate issued pursuant to this section may be
92 adapted to also include the international wheelchair accessibility symbol and the word
93 "DISABLED" as prescribed in this section and such plate may be issued to any applicant who
94 meets the requirements of this section and the other appropriate provision of this chapter, subject
95 to the requirements and fees of the appropriate provision of this chapter.

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

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

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

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

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

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

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

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

159 18. The director of revenue upon receiving a physician's statement pursuant to this
160 subsection shall check with the state board of registration for the healing arts created in section
161 334.120, RSMo, or the Missouri state board of nursing established in section 335.021, RSMo,
162 with respect to physician's statements signed by advanced practice registered nurses, or the
163 Missouri state board of chiropractic examiners established in section 331.090, RSMo, with
164 respect to physician's statements signed by licensed chiropractors, or with the board of optometry
165 established in section 336.130, RSMo, with respect to physician's statements signed by licensed
166 optometrists, or the state board of podiatric medicine created in section 330.100, RSMo, with
167 respect to physician's statements signed by physicians of the foot or podiatrists to determine
168 whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining
169 a disabled license plate or placard presents proof of disability in the form of a statement from the
170 United States Veterans' Administration verifying that the person is permanently disabled, the
171 applicant shall be exempt from the four-year certification requirement of this subsection for
172 renewal of the plate or placard. Initial applications shall be accompanied by the physician's
173 statement required by this section. Notwithstanding the provisions of paragraph (f) of
174 subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who
175 provided the physician's statement with the original application shall not be required to provide
176 a physician's statement for the purpose of renewal of disabled persons license plates or
177 windshield placards.

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

182 20. Where the owner's application is based on the fact that the vehicle is used at least
183 fifty percent of the time by a physically disabled person, the applicant shall submit a statement

184 stating this fact, in addition to the physician's statement. The statement shall be signed by both
185 the owner of the vehicle and the physically disabled person. The applicant shall be required to
186 submit this statement with each application for license plates. No person shall willingly or
187 knowingly submit a false statement and any such false statement shall be considered perjury and
188 may be punishable pursuant to section 301.420.

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

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

195 23. When a person to whom disabled person license plates or a removable or temporary
196 windshield placard or both have been issued dies, the personal representative of the decedent or
197 such other person who may come into or otherwise take possession of the disabled license plates
198 or disabled windshield placard shall return the same to the director of revenue under penalty of
199 law. Failure to return such plates or placards shall constitute a class B misdemeanor.

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

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

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

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

301.144. 1. The director of revenue shall establish and issue special personalized license
2 plates containing letters or numbers or combinations of letters and numbers. Such license plates
3 shall be made with fully reflective material with a common color scheme and design, shall be
4 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

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

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

31 3. No personalized license plates shall be issued containing any letters, numbers or
32 combination of letters and numbers which are obscene, profane, patently offensive or
33 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
34 an unreasonable danger to the health or safety of the applicant, of other users of streets and
35 highways, or of the public in any location where the vehicle with such a plate may be found. The
36 director may recall any personalized license plates, including those issued prior to August 28,
37 1992, if the director determines that the plates are obscene, profane, patently offensive or
38 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
39 an unreasonable danger to the health or safety of the applicant, of other users of streets and
40 highways, or of the public in any location where the vehicle with such a plate may be found.

41 Where the director recalls such plates pursuant to the provisions of this subsection, the director
42 shall reissue personalized license plates to the owner of the motor vehicle for which they were
43 issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the
44 standards established pursuant to this section. The director shall not apply the provisions of this
45 statute in a way that violates the Missouri or United States Constitutions as interpreted by the
46 courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle
47 license plates is to identify motor vehicles. Nothing in the issuance of a personalized license
48 plate creates a designated or limited public forum. Nothing contained in this subsection shall be
49 interpreted to prohibit the use of license plates, which are no longer valid for registration
50 purposes, as collector's items or for decorative purposes.

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

57 5. The director of revenue shall issue to residents of the state of Missouri who hold an
58 unrevoked and unexpired official amateur radio license issued by the Federal Communications
59 Commission, upon application and upon payment of the additional fee specified in subsection
60 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7
61 of this section, personalized special license plates bearing the official amateur radio call letters
62 assigned by the Federal Communications Commission to the applicant with the words
63 "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be
64 accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur
65 radio license issued by the Federal Communications Commission and the official radio call
66 letters assigned by the Federal Communications Commission to the applicant. An owner making
67 a new application and paying a new fee to retain an amateur radio **license** plate may request a
68 replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME
69 STATE". If application is made to retain a plate that is three years old or older, the replacement
70 plate shall be issued upon the payment of required fees.

71 6. Notwithstanding any other provision to the contrary, any business that repossesses
72 motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard
73 displaying the word "Repossessed", provided such business pays the license fees presently
74 required of a manufacturer, distributor, or dealer in section 301.560. Such placard shall bear a
75 number and shall be in such form as the director of revenue shall determine, and shall be only

76 used for demonstrations when displayed substantially as provided for number plates on the rear
77 of the repossessed motor vehicle or trailer.

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

301.196. 1. Beginning January 1, 2006, except as otherwise provided in this section, the
2 transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title,
3 excluding [salvage titles and] junking certificates, shall notify the department of revenue of the
4 transfer within thirty days of the date of transfer. The notice shall be in a form determined by
5 the department by rule and shall contain:

- 6 (1) A description of the motor vehicle or trailer sufficient to identify it;
- 7 (2) The vehicle identification number of the motor vehicle or trailer;
- 8 (3) The name and address of the transferee;
- 9 (4) The date of birth of the transferee, unless the transferee is not a natural person;
- 10 (5) The date of the transfer or sale;
- 11 (6) The purchase price of the motor vehicle or trailer, if applicable;
- 12 (7) The number of the transferee's drivers license, unless the transferee does not have a
13 drivers license;
- 14 (8) The printed name and signature of the transferee;
- 15 (9) Any other information required by the department by rule.

16 2. For purposes of giving notice under this section, if the transfer occurs by operation of
17 law, the personal representative, receiver, trustee, sheriff, or other representative or successor in
18 interest of the person whose interest is transferred shall be considered the transferor.
19 Repossession by a creditor shall not be considered a transfer of ownership requiring such notice.

20 3. The requirements of this section shall not apply to transfers when there is no complete
21 change of ownership interest or upon award of ownership of a motor vehicle or trailer made by
22 court order, or transfers of ownership of a motor vehicle or trailer to or between vehicle dealers,
23 or transfers of ownership of a motor vehicle or trailer to an insurance company due to a theft or
24 casualty loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

25 4. Notification under this section is only required for transfers of ownership that would
26 otherwise require [registration and] an application for certificate of title in this state under section

27 301.190, and is for informational purposes only and does not constitute an assignment or release
28 of any interest in the vehicle.

29 5. Retail sales made by licensed dealers including sales of new vehicles shall be reported
30 pursuant to the provisions of section 301.280.

301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or
2 servicing of vehicles by a licensed franchised motor vehicle dealer, carry on or conduct the
3 following business unless licensed to do so by the department of revenue under sections 301.217
4 to 301.229:

5 (1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined
6 in section 301.010;

7 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a
8 salvage dealer or dismantler, as defined in section 301.010;

9 (3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar
10 year as a rebuilder or body shop, as defined in section 301.010;

11 (4) Processing scrapped vehicles or vehicle parts as a [mobile] scrap processor, as
12 defined in section 301.010.

13 2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to
14 persons actually engaged in and holding a current license under sections 301.217 to 301.221 and
15 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his
16 or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor
17 vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing
18 salvage vehicles for export outside of the United States. Operators of salvage pools or salvage
19 disposal sales shall keep a record, for three years, of sales of salvage vehicles with the
20 purchasers' name and address, and the year, make, and vehicle identification number for each
21 vehicle. These records shall be open for inspection as provided in section 301.225. Such records
22 shall be submitted to the department on a quarterly basis.

23 3. The operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who
24 sells a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident
25 of the United States at a salvage pool or a salvage disposal sale shall:

26 (1) Stamp on the face of the title so as not to obscure any name, date, or mileage
27 statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and

28 (2) Stamp in each unused reassignment space on the back of the title the words "FOR
29 EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the
30 salvage pool, or the name of the governmental entity, as applicable. The words "FOR EXPORT
31 ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches
32 wide and clearly legible. Copies of the stamped titles shall be forwarded to the department.

33 4. The director of revenue shall issue a separate license for each kind of business
34 described in subsection 1 of this section, to be entitled and designated as either "used parts
35 dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "[mobile] scrap processor"
36 license.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to
2 the department of revenue, on blanks to be prescribed by the department of revenue, giving the
3 following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle
4 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture;
5 model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall
6 also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand.
7 Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection
8 8 of section 144.070, RSMo, shall also include the amount of state and local sales tax collected
9 for each motor vehicle sold if sales tax was due. The odometer reading is not required when
10 reporting the sale of any motor vehicle that is ten years old or older, any motor vehicle having
11 a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are
12 transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer
13 and another, or boats, all-terrain vehicles or trailers. The sale of all thirty-day temporary permits,
14 without exception, shall be recorded in the appropriate space on the dealer's monthly sales report
15 by recording the complete permit number issued on the motor vehicle or trailer sale listed. The
16 monthly sales report shall be completed in full and signed by an officer, partner, or owner of the
17 dealership, and actually received by the department of revenue on or before the fifteenth day of
18 the month succeeding the month for which the sales are being reported. If no sales occur in any
19 given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer
20 who fails to file a monthly report or who fails to file a timely report shall be subject to
21 disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to
22 exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain
23 copies of the monthly sales report as part of the records to be maintained at the dealership
24 location and shall hold them available for inspection by appropriate law enforcement officials
25 and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles
26 a month shall file the monthly sales report with the department in an electronic format. Any
27 dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice
28 of transfer required by section 301.196. For any dealer not filing electronically, the notice of
29 transfer required by section 301.196 shall be submitted with the monthly sales report as
30 prescribed by the director.

31 2. Every dealer and every person operating a public garage shall keep a correct record
32 of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles

33 or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together
34 with the name and address of the person delivering such motor vehicle or trailer to the dealer or
35 public garage keeper, and the person delivering such motor vehicle or trailer shall record such
36 information in a file kept by the dealer or garage keeper. The record shall be kept for [three] **five**
37 years and be open for inspection by law enforcement officials, members or authorized or
38 designated employees of the Missouri highway patrol, and persons, agencies and officials
39 designated by the director of revenue.

40 3. Every dealer and every person operating a public garage in which a motor vehicle
41 remains unclaimed for a period of fifteen days shall, within five days after the expiration of that
42 period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on
43 a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and
44 address are known to the dealer or his employee or person operating a public garage or his
45 employee is not considered unclaimed. Any dealer or person operating a public garage who fails
46 to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its
47 garaging, parking or storing.

48 4. The director of revenue shall maintain appropriately indexed cumulative records of
49 unclaimed vehicles reported to the director. Such records shall be kept open to public inspection
50 during reasonable business hours.

51 5. The alteration or obliteration of the vehicle identification number on any such motor
52 vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public
53 garage shall upon the discovery of such obliteration or alteration immediately notify the highway
54 patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or
55 garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period
56 of forty-eight hours for the purpose of an investigation by the officer so notified.

57 **6. Any person who knowingly makes a false statement or omission of a material fact**
58 **in a monthly sales report to the department of revenue, as described in subsection 1 of this**
59 **section, shall be deemed guilty of a class A misdemeanor.**

301.290. 1. Correctional enterprises of the department of corrections shall purchase,
2 erect and maintain all of the machinery and equipment necessary for the manufacture of the
3 license plates and tabs issued by the director of revenue, and of signs used by the state
4 transportation department. [Beginning on January 1, 2011,] Correctional enterprises shall [no
5 longer] erect and maintain tabs for the department of revenue.

6 2. The director of revenue shall procure all plates issued by him, and the state
7 transportation department shall procure all signs used by it from correctional enterprises, unless
8 an emergency arises and correctional enterprises cannot furnish the plates, tabs or signs.

9 3. Correctional enterprises shall furnish the plates and signs at such a price as will not
10 exceed the price at which such plates and signs may be obtained upon the open market, but in
11 no event shall such price be less than the cost of manufacture, including labor and materials.

12 4. All moneys derived from the sale of the plates, tabs and signs shall be paid into the
13 state treasury to the credit of the working capital revolving fund as provided in section 217.595,
14 RSMo.

**301.423. If the director of revenue or his or her designated representative
2 reasonably believes that a certificate of ownership, a license plate, or a license plate tab was
3 obtained fraudulently, any person in possession of said item shall surrender same to the
4 director of revenue or his or her designated representative upon request. Any person
5 failing to do so shall be deemed guilty of a class A misdemeanor.**

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

3 (1) Every application other than a renewal application for a motor vehicle franchise
4 dealer shall include a certification that the applicant has a bona fide established place of business.
5 Such application shall include an annual certification that the applicant has a bona fide
6 established place of business [for the first three years and only for every other year thereafter].
7 The certification shall be performed by a uniformed member of the Missouri state highway patrol
8 or authorized or designated employee stationed in the troop area in which the applicant's place
9 of business is located; except that in counties of the first classification, certification may be
10 performed by an officer of a metropolitan police department when the applicant's established
11 place of business of distributing or selling motor vehicles or trailers is in the metropolitan area
12 where the certifying metropolitan police officer is employed. When the application is being
13 made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a
14 uniformed member of the Missouri state water patrol stationed in the district area in which the
15 applicant's place of business is located or by a uniformed member of the Missouri state highway
16 patrol stationed in the troop area in which the applicant's place of business is located or, if the
17 applicant's place of business is located within the jurisdiction of a metropolitan police
18 department in a first class county, by an officer of such metropolitan police department. A bona
19 fide established place of business for any new motor vehicle franchise dealer, used motor vehicle
20 dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or
21 wholesale or public auction shall be a permanent enclosed building or structure, either owned
22 in fee or leased and actually occupied as a place of business by the applicant for the selling,
23 bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or
24 trailers and wherein the public may contact the owner or operator at any reasonable time, and
25 wherein shall be kept and maintained the books, records, files and other matters required and

26 necessary to conduct the business. The [applicant's place of business shall contain] **applicant**
27 **shall possess** a working telephone **or cellular phone** which shall be maintained during the entire
28 registration year. In order to qualify as a bona fide established place of business for all applicants
29 licensed pursuant to this section there shall be an exterior sign displayed carrying the name of
30 the business set forth in letters at least six inches in height and clearly visible to the public and
31 there shall be an area or lot which shall not be a public street on which multiple vehicles, boats,
32 personal watercraft, or trailers may be displayed. The sign shall contain the name of the
33 dealership by which it is known to the public through advertising or otherwise, which need not
34 be identical to the name appearing on the dealership's license so long as such name is registered
35 as a fictitious name with the secretary of state, has been approved by its line-make manufacturer
36 in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name
37 registration has been provided to the department. Dealers who sell only emergency vehicles as
38 defined in section 301.550 are exempt from maintaining a bona fide place of business, including
39 the related law enforcement certification requirements, and from meeting the minimum yearly
40 sales;

41 (2) The initial application for licensure shall include a photograph, not to exceed eight
42 inches by ten inches but no less than five inches by seven inches, showing the business building,
43 lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently
44 licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the
45 existing dealership building, lot and sign but shall be required to submit a new photograph upon
46 the installation of the new dealership sign as required by sections 301.550 to 301.573.
47 Applicants shall not be required to submit a photograph annually unless the business has moved
48 from its previously licensed location, or unless the name of the business or address has changed,
49 or unless the class of business has changed;

50 (3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer,
51 a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish
52 with the application a corporate surety bond or an irrevocable letter of credit as defined in section
53 400.5-103, RSMo, issued by any state or federal financial institution in the penal sum of
54 twenty-five thousand dollars on a form approved by the department. The bond or irrevocable
55 letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes
56 applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport
57 dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be
58 an indemnity for any loss sustained by reason of the acts of the person bonded when such acts
59 constitute grounds for the suspension or revocation of the dealer's license. The bond shall be
60 executed in the name of the state of Missouri for the benefit of all aggrieved parties or the
61 irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the

62 aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event,
63 exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or
64 irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from
65 a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved
66 party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor
67 vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, [trailer dealer,] or boat
68 dealer shall furnish with the application a copy of a current dealer garage policy bearing the
69 policy number and name of the insurer and the insured;

70 (4) Payment of all necessary license fees as established by the department. In
71 establishing the amount of the annual license fees, the department shall, as near as possible,
72 produce sufficient total income to offset operational expenses of the department relating to the
73 administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of
74 sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or
75 certificates of number collected pursuant to subsection 6 of this section, shall be collected by the
76 department for deposit in the state treasury to the credit of the "Motor Vehicle Commission
77 Fund", which is hereby created. The motor vehicle commission fund shall be administered by
78 the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary
79 notwithstanding, money in such fund shall not be transferred and placed to the credit of the
80 general revenue fund until the amount in the motor vehicle commission fund at the end of the
81 biennium exceeds two times the amount of the appropriation from such fund for the preceding
82 fiscal year or, if the department requires permit renewal less frequently than yearly, then three
83 times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the
84 fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation
85 from such fund for the preceding fiscal year.

86 2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer,
87 wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction,
88 trailer dealer, or a public motor vehicle auction submits an application for a license for a new
89 business and the applicant has complied with all the provisions of this section, the department
90 shall make a decision to grant or deny the license to the applicant within eight working hours
91 after receipt of the dealer's application, notwithstanding any rule of the department.

92 3. Upon the initial issuance of a license by the department, the department shall assign
93 a distinctive dealer license number or certificate of number to the applicant and the department
94 shall issue one number plate or certificate bearing the distinctive dealer license number or
95 certificate of number and two additional number plates or certificates of number within eight
96 working hours after presentment of the application. Upon renewal, the department shall issue
97 the distinctive dealer license number or certificate of number as quickly as possible. The

98 issuance of such distinctive dealer license number or certificate of number shall be in lieu of
99 registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat
100 manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer,
101 wholesale motor vehicle auction or new or used motor vehicle dealer.

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

- 104 New motor vehicle franchise
- 105 dealers D-0 through D-999
- 106 New powersport dealers and
- 107 motorcycle franchise
- 108 dealers D-1000 through D-1999
- 109 Used motor vehicle, used
- 110 powersport, and used
- 111 motorcycle dealers D-2000 through D-9999
- 112 Wholesale motor vehicle
- 113 dealers W-0 through W-1999
- 114 Wholesale motor vehicle
- 115 auctions WA-0 through WA-999
- 116 New and used trailer dealers T-0 through T-9999
- 117 Motor vehicle, trailer, and
- 118 boat manufacturers DM-0 through DM-999
- 119 Public motor vehicle auctions A-0 through A-1999
- 120 Boat dealers M-0 through M-9999
- 121 New and used recreational
- 122 motor vehicle dealers RV-0 through RV-999

123

124 For purposes of this subsection, qualified transactions shall include the purchase of salvage titled
125 vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage
126 dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified
127 transactions annually. In order for salvage dealers to obtain number plates or certificates under
128 this section, dealers shall submit to the department of revenue on August first of each year a
129 statement certifying, under penalty of perjury, the dealer's number of purchases during the
130 reporting period of July first of the immediately preceding year to June thirtieth of the present
131 year. The provisions of this subsection shall become effective on the date the director of the
132 department of revenue begins to reissue new license plates under section 301.130, or on
133 December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new

134 license plates under the authority granted under section 301.130 prior to December 1, 2008, the
135 director of the department of revenue shall notify the revisor of statutes of such fact.

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

139 6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport
140 dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one
141 number plate bearing the distinctive dealer license number and may issue two additional number
142 plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the
143 number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each
144 additional number plate. Such license plates shall be made with fully reflective material with
145 a common color scheme and design, shall be clearly visible at night, and shall be aesthetically
146 attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be
147 entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee.
148 Additional number plates and as many additional certificates of number may be obtained upon
149 payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor
150 vehicle manufacturers shall not be issued or possess more than three hundred forty-seven
151 additional number plates or certificates of number annually. New and used motor vehicle
152 dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are
153 limited to one additional plate or certificate of number per ten-unit qualified transactions
154 annually. New and used recreational motor vehicle dealers are limited to two additional plates
155 or certificate of number per ten-unit qualified transactions annually for their first fifty
156 transactions and one additional plate or certificate of number per ten-unit qualified transactions
157 thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her
158 initial application the applicant's proposed annual number of sales in order for the director to
159 issue the appropriate number of additional plates or certificates of number. A motor vehicle
160 dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor
161 vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a
162 distinctive dealer license plate or certificate of number or additional license plate or additional
163 certificate of number, throughout the calendar year, shall be required to pay a fee for such license
164 plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed
165 for the original and duplicate number plates or certificates of number for such dealers' licenses,
166 multiplied by the number of months remaining in the licensing period for which the dealer or
167 manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at
168 the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a
169 certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain

170 number plates or certificates under this section, dealers shall submit to the department of revenue
171 on August first of each year a statement certifying, under penalty of perjury, the dealer's number
172 of sales during the reporting period of July first of the immediately preceding year to June
173 thirtieth of the present year.

174 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any
175 motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to
176 subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held
177 for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle,
178 for use and display purposes during, but not limited to, parades, private events, charitable events,
179 or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer
180 hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle
181 dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under
182 a loaded condition. Trailer dealers may display their dealer license plates in like manner, except
183 such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

184 8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be
185 displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a
186 boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by
187 an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor
188 vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer
189 hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers
190 and boat manufacturers may display their certificate of number on a vessel or vessel trailer when
191 transporting a vessel or vessels to an exhibit or show.

192 9. (1) Every application for the issuance of a used motor vehicle dealer's license shall
193 be accompanied by proof that the applicant, within the last twelve months, has completed an
194 educational seminar course approved by the department as prescribed by subdivision (2) of this
195 subsection. Wholesale and public auto auctions and applicants currently holding a new or used
196 license for a separate dealership shall be exempt from the requirements of this subsection. The
197 provisions of this subsection shall not apply to current new motor vehicle franchise dealers or
198 motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle
199 leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers
200 who were licensed prior to August 28, 2006.

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

301.561. 1. Any person or corporation holding a public motor vehicle auction shall
2 display in a conspicuous manner two signs each of which shall bear the following warning in

3 letters at least six inches high: "Attention Buyers: Vehicles sold at this auction may not have
4 had a safety inspection." The dimensions of each sign shall be at least two feet by two feet.

5 **2. Notwithstanding any provision of law to the contrary, a public motor vehicle**
6 **auction may sell motor vehicles through an internet auction without the services of a**
7 **licensed auctioneer. A public motor vehicle auction may auction motor vehicles that are**
8 **not located at its licensed place of business through the internet.**

301.562. 1. The department may refuse to issue or renew any license required pursuant
2 to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2
3 of this section. The department shall notify the applicant or licensee in writing at his or her last
4 known address of the reasons for the refusal to issue or renew the license and shall advise the
5 applicant or licensee of his or her right to file a complaint with the administrative hearing
6 commission as provided by chapter 621, RSMo.

7 2. The department may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621, RSMo, against any holder of any license issued under
9 sections 301.550 to 301.573 for any one or any combination of the following causes:

10 (1) The applicant or license holder was previously the holder of a license issued under
11 sections 301.550 to 301.573, which license was revoked for cause and never reissued by the
12 department, or which license was suspended for cause and the terms of suspension have not been
13 fulfilled;

14 (2) The applicant or license holder was previously a partner, stockholder, director or
15 officer controlling or managing a partnership or corporation whose license issued under sections
16 301.550 to 301.573 was revoked for cause and never reissued or was suspended for cause and
17 the terms of suspension have not been fulfilled;

18 (3) The applicant or license holder has, within ten years prior to the date of the
19 application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo
20 contendere, in a prosecution under the laws of any state or of the United States, for any offense
21 reasonably related to the qualifications, functions, or duties of any business licensed under
22 sections 301.550 to 301.573; for any offense, an essential element of which is fraud, dishonesty,
23 or an act of violence; or for any offense involving moral turpitude, whether or not sentence is
24 imposed;

25 (4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued
26 pursuant to sections 301.550 to 301.573;

27 (5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or
28 other compensation by fraud, deception, or misrepresentation;

29 (6) Violation of, or assisting or enabling any person to violate any provisions of this
30 chapter and chapters 144, 306, 307, 407, 578, and 643, RSMo, or of any lawful rule or regulation
31 adopted pursuant to this chapter and chapters **144**, 306, 307, 407, 578, and 643, RSMo;

32 (7) The applicant or license holder has filed an application for a license which, as of its
33 effective date, was incomplete in any material respect or contained any statement which was, in
34 light of the circumstances under which it was made, false or misleading with respect to any
35 material fact;

36 (8) The applicant or license holder has failed to pay the proper application or license fee
37 or other fees required pursuant to this chapter or chapter 306, RSMo, or fails to establish or
38 maintain a bona fide place of business;

39 (9) Uses or permits the use of any special license or license plate assigned to the license
40 holder for any purpose other than those permitted by law;

41 (10) The applicant or license holder is finally adjudged insane or incompetent by a court
42 of competent jurisdiction;

43 (11) Use of any advertisement or solicitation which is false;

44 (12) Violations of sections 407.511 to 407.556, RSMo, section 578.120, RSMo, which
45 resulted in a conviction or finding of guilt or violation of any federal motor vehicle laws which
46 result in a conviction or finding of guilt.

47 3. Any such complaint shall be filed within one year of the date upon which the
48 department receives notice of an alleged violation of an applicable statute or regulation. After
49 the filing of such complaint, the proceedings shall be conducted in accordance with the
50 provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that
51 the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
52 department may, singly or in combination, refuse to issue the person a license, issue a private
53 reprimand, place the person on probation on such terms and conditions as the department deems
54 appropriate for a period of one day to five years, suspend the person's license from one day to
55 six days, or revoke the person's license for such period as the department deems appropriate. The
56 applicant or licensee shall have the right to appeal the decision of the administrative hearing
57 commission and department in the manner provided in chapter 536, RSMo.

58 4. Upon the suspension or revocation of any person's license issued under sections
59 301.550 to 301.573, the department shall recall any distinctive number plates that were issued
60 to that licensee.

301.567. 1. For purposes of this section, a violation of any of the following advertising
2 standards shall be deemed an attempt by the advertising dealer to obtain a fee or other
3 compensation by fraud, deception or misrepresentation in violation of section 301.562:

- 4 (1) A motor vehicle shall not be advertised as new, either by express terms or
5 implication, unless it is a new motor vehicle as defined in section 301.550;
- 6 (2) When advertising any motor vehicle which is not a new motor vehicle, such
7 advertisement must expressly identify that the motor vehicle is a used motor vehicle by express
8 use of the term "used", or by such other term as is commonly understood to mean that the vehicle
9 is used;
- 10 (3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price
11 or financing options shall be stated clearly and conspicuously. An asterisk or other reference
12 symbol may be used to point to a disclaimer or other information, but not be used as a means of
13 contradicting or changing the meaning of an advertised statement;
- 14 (4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and
15 conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price
16 shall be deemed effective so long as such vehicles remain in the advertising dealership's
17 inventory;
- 18 (5) The terms "list price", "sticker price", or "suggested retail price" shall be used only
19 in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used,
20 shall be accompanied by a clear and conspicuous disclosure that such terms represent the
21 manufacturer's suggested retail price of the advertised vehicle;
- 22 (6) Terms such as "at cost", "\$..... above cost", "invoice price", and "\$ below/over
23 invoice" shall not be used in advertisements because of the difficulty in determining a dealer's
24 actual net cost at the time of the sale;
- 25 (7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall
26 be fully identified as to year, make, and model. In addition, in advertisements placed by
27 individual dealers and not line-make marketing groups, the advertised price or credit terms shall
28 include all charges which the buyer must pay to the dealer, except buyer-selected options and
29 state and local taxes. If a processing fee or freight or destination charges are not included in the
30 advertised price, the amount of any such processing fee and freight or destination charge must
31 be clearly and conspicuously disclosed within the advertisement;
- 32 (8) Advertisements of dealer rebates shall not be used, however, this shall not be deemed
33 to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates
34 are clearly and conspicuously disclosed;
- 35 (9) "Free"[,] or "at no cost" shall not be used if any purchase is required to qualify for
36 the free item, merchandise, or service;
- 37 (10) Bait advertising, in which an advertiser may have no intention to sell at the prices
38 or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the
39 following examples:

40 (a) Not having available for sale the advertised motor vehicles at the advertised prices.
41 If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such
42 vehicles, and they shall be available at the advertised price. If the advertised vehicle is available
43 only in limited numbers or only by order, such limitations shall be stated in the advertisement;

44 (b) Advertising a motor vehicle at a specified price, including such terms as "as low as
45 \$.....", but having available for sale only vehicles equipped with dealer-added cost options
46 which increase the selling price above the advertised price;

47 (11) Any reference to monthly payments, down payments, or other reference to financing
48 or leasing information shall be accompanied by a clear and conspicuous disclosure of the
49 following:

50 (a) Whether the payment or other information relates to a financing or a lease
51 transaction;

52 (b) If the payment or other information relates to a financing transaction, the minimum
53 down payment, annual percentage interest rate, and number of payments necessary to obtain the
54 advertised payment amount must be disclosed, in addition to any special qualifications required
55 for obtaining the advertised terms including, but not limited to, first-time buyer discounts,
56 college graduate discounts, and a statement concerning whether the advertised terms are subject
57 to credit approval;

58 (c) If the payment or other information relates to a lease transaction, the total amount due
59 from the purchaser at signing with such costs broken down and identified by category, lease term
60 expressed in number of months, whether the lease is closed-end or open-end, and total cost to
61 the lessee over the lease term in dollars;

62 (12) Any advertisement which states or implies that the advertising dealer has a special
63 arrangement or relationship with the distributor or manufacturer, as compared to similarly
64 situated dealers, shall not be used;

65 (13) Any advertisement which, in the circumstances under which it is made or applied,
66 is false, deceptive, or misleading shall not be used;

67 (14) No abbreviations for industry words or phrases shall be used in any advertisement
68 unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

69 2. The requirements of this section shall apply regardless of whether a dealer advertises
70 by means of print, broadcast, or electronic media, or direct mail. If the advertisement is by means
71 of a broadcast or print media, a dealer may provide the disclaimers and disclosures required
72 under subdivision (3) of subsection 1 of this section by reference to an Internet web page or
73 toll-free telephone number containing the information required to be disclosed.

74 3. Dealers shall clearly and conspicuously identify themselves in each advertisement by
75 use of a dealership name which complies with subsection [6] 1 of section 301.560.

301.570. 1. It shall be unlawful for any person, partnership, corporation, company or
2 association, unless the seller is a financial institution, or is selling repossessed motor vehicles
3 or is disposing of vehicles used and titled solely in its ordinary course of business or is a collector
4 of antique motor vehicles, to sell or display with an intent to sell six or more motor vehicles in
5 a calendar year, except when such motor vehicles are registered in the name of the seller, unless
6 such person, partnership, corporation, company or association is:

7 (1) Licensed as a motor vehicle dealer by the department under the provisions of sections
8 301.550 to 301.573;

9 (2) Exempt from licensure as a motor vehicle dealer pursuant to subsection 4 of section
10 301.559;

11 (3) Selling commercial motor vehicles with a gross weight of at least nineteen thousand
12 five hundred pounds, but only with respect to such commercial motor vehicles;

13 (4) An auctioneer, acting at the request of the owner at an auction, when such auction
14 is not a public motor vehicle auction.

15 2. Any person, partnership, corporation, company or association that has reason to
16 believe that the provisions of this section are being violated shall file a complaint with the
17 prosecuting attorney in the county in which the violation occurred. The prosecuting attorney
18 shall investigate the complaint and take appropriate action.

19 3. For the purposes of sections 301.550 to 301.573, the sale, barter, exchange, lease or
20 rental with option to purchase of six or more motor vehicles in a calendar year by any person,
21 partnership, corporation, company or association, whether or not the motor vehicles are owned
22 by them, shall be prima facie evidence of intent to make a profit or gain of money and such
23 person, partnership, corporation, company or association shall be deemed to be acting as a motor
24 vehicle dealer without a license.

25 4. Any person, partnership, corporation, company or association who violates subsection
26 1 of this section is guilty of a class A misdemeanor. **A second or subsequent conviction shall**
27 **be deemed a class D felony.**

28 5. The provisions of this section shall not apply to liquidation of an estate.

301.572. Notwithstanding any other provisions of law, if the director of revenue or
2 **his or her designated representative determines through reasonable means that the place**
3 **of business of a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer, public**
4 **motor vehicle auction, wholesale motor vehicle auction or wholesale motor vehicle dealer**
5 **licensed under the provisions of sections 301.550 to 301.573 is uninhabited, abandoned, or**
6 **otherwise not inhabited by the licensee, the director shall send a notice by certified mail**
7 **indicating the director's determination and that the failure of the licensee to respond**
8 **within thirty days from the date of the letter will result in the revocation of the license of**

9 such business. If the licensee fails to respond to the notice, the license of such business shall
10 be immediately revoked and ownership of all dealer license plates and all unused
11 temporary permits previously issued to the licensee by the department of revenue shall
12 immediately revert back to the department of revenue.

301.580. 1. The department of revenue may issue special event motor vehicle
2 auction licenses under the provisions of this section. For purposes of this section, a "special
3 event motor vehicle auction" is a motor vehicle auction which:

4 (1) Ninety percent of the vehicles being auctioned are at least ten years old or older;
5 and

6 (2) The duration is no more than three consecutive calendar days and is held no
7 more than two times in a calendar year by a licensee.

8 2. A special event motor vehicle auction shall be considered a public motor vehicle
9 auction for purposes of sections 301.559 and 301.564.

10 3. Special event motor vehicle auction licensees shall be exempt from the
11 requirements of section 301.560, with the exception of subdivision (4) of subsection 1 of
12 section 301.560.

13 4. An application for a special event motor vehicle auction license must be received
14 by the department at least ninety days prior to the beginning of the special event auction.

15 5. Applicants for a special motor vehicle auction are limited to no more than two
16 special event auctions in any calendar year. A separate application is required for each
17 special event motor vehicle auction.

18 6. At least ninety percent of the vehicles being auctioned at a special event motor
19 vehicle auction shall be ten years old or older. The licensee shall, within ten days of the
20 conclusion of a special event motor vehicle auction, submit a report in the form approved
21 by the director to the department that includes the make, model, year, and vehicle
22 identification number of each vehicle included in the auction. Every vehicle included in
23 the special event auction shall be listed, including those vehicles that were auctioned and
24 sold and those vehicles that were auctioned but did not sell. Violation of this subsection
25 is a class A misdemeanor.

26 7. The applicant for the special event motor vehicle auction shall be responsible for
27 ensuring that a sales tax license or special event sales tax license is obtained for the event
28 if one is required.

29 8. The fee for a special event motor vehicle auction license shall be one thousand
30 dollars. For every vehicle auctioned in violation of subsection 6 of this section, an
31 administrative fee of five hundred dollars shall be paid to the department. Such fees shall
32 be deposited in like manner as other license fees of this section.

33 **9. In addition to the causes set forth in section 301.562, the department may**
34 **promulgate rules that establish additional causes to refuse to issue or to revoke a special**
35 **event license.**

36 **10. A special motor vehicle auction shall last no more than three consecutive days.**

37 **11. The applicant for a special event motor vehicle auction shall be registered to**
38 **conduct business in this state.**

39 **12. Every applicant for a special event motor vehicle auction license shall furnish**
40 **with the application a corporate surety bond or an irrevocable letter of credit as defined**
41 **in section 400.5-103 issued by any state or federal financial institution in the penal sum of**
42 **one hundred thousand dollars on a form approved by the department. The bond or**
43 **irrevocable letter of credit shall be conditioned upon the applicant complying with the**
44 **provisions of the statutes applicable to a special event auction license holder and the bond**
45 **shall be an indemnity for any loss sustained by reason of the acts of the person bonded**
46 **when such acts constitute grounds for the revocation or denial of a special event auction**
47 **license. The bond shall be executed in the name of the state of Missouri for the benefit of**
48 **all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as**
49 **the beneficiary. The aggregate liability of the surety or financial institution to the**
50 **aggrieved parties shall not exceed the amount of the bond or irrevocable letter of credit.**
51 **The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the**
52 **department of a final judgment from a Missouri court of competent jurisdiction against**
53 **the principal and in favor of an aggrieved party.**

54 **13. No dealer, driveaway, auction, or wholesale plates, or temporary permit**
55 **booklets, shall be issued in conjunction with a special event motor vehicle auction license.**

56 **14. Any person or entity who sells a vehicle at a special event motor vehicle auction**
57 **shall provide, to the buyer, current contact information including, but not limited to, name,**
58 **address, and telephone number.**

59 **15. Any rule or portion of a rule, as that term is defined in section 536.010 that is**
60 **created under the authority delegated in this section shall become effective only if it**
61 **complies with and is subject to all of the provisions of chapter 536, and, if applicable,**
62 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
63 **vested with the general assembly pursuant to chapter 536, to review, to delay the effective**
64 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
65 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,**
66 **shall be invalid and void.**

302.183. 1. Notwithstanding any provision of this chapter that requires an applicant to
2 provide reasonable proof of residence for issuance or renewal of a noncommercial driver's

3 license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have
4 his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's
5 license, noncommercial instruction permit, or a nondriver's license.

6 2. Any data derived from a person's application shall not be sold for commercial
7 purposes to any other organization or any other state without the express permission of the
8 applicant without a court order; except such information may be shared with a law enforcement
9 agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited
10 purposes set out in section 302.600 or for conducting driver history checks in compliance with
11 the Motor Carrier Safety Improvement Act, 49 U.S.C. 31309. The state of Missouri shall
12 protect the privacy of its citizens when handling any written, digital, or electronic data, and shall
13 not participate in any standardized identification system using driver's and nondriver's license
14 records. **For purposes of this subsection, "commercial purposes" does not include data**
15 **used or compiled solely to be used for, or obtained or compiled solely for purposes**
16 **expressly allowed under the Missouri or federal Drivers Privacy Protection Act.**

17 3. The department of revenue shall not amend procedures for applying for a driver's
18 license or identification card in order to comply with the goals or standards of the federal REAL
19 ID Act of 2005, any rules or regulations promulgated under the authority granted in such act, or
20 any requirements adopted by the American Association of Motor Vehicle Administrators for
21 furtherance of the act.

22 4. Any biometric data previously collected, obtained, or retained in connection with
23 motor vehicle registration or operation, the issuance or renewal of driver's licenses, or the
24 issuance or renewal of any identification cards by any department or agency of the state charged
25 with those activities shall be retrieved and deleted from all databases. The provisions of this
26 subsection shall not apply to any data collected, obtained, or retained for a purpose other than
27 compliance with the federal REAL ID Act of 2005. For purposes of this section, "biometric
28 data" includes, but is not limited to:

29 (1) Facial feature pattern characteristics;

30 (2) Voice data used for comparing live speech with a previously created speech model
31 of a person's voice;

32 (3) Iris recognition data containing color or texture patterns or codes;

33 (4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

34 (5) Fingerprint, palm prints, hand geometry, measuring of any and all characteristics of
35 biometric information, including shape and length of fingertips or recording ridge pattern or
36 fingertip characteristics;

37 (6) Eye spacing;

38 (7) Characteristic gait or walk;

39 (8) DNA;

40 (9) Keystroke dynamics, measuring pressure applied to key pads or other digital
41 receiving devices.

42 5. No citizen of this state shall have his or her privacy compromised by the state or
43 agents of the state. The state shall within reason protect the sovereignty of the citizens the state
44 is entrusted to protect.

302.220. It shall be unlawful for any person to display or to permit to be displayed, or
2 to have in his possession, any license **or nondriver identification card** knowing the same to be
3 fictitious or to have been canceled, suspended, revoked, disqualified or altered; to lend to or
4 knowingly permit the use of by another any license **or nondriver identification card** issued to
5 the person so lending or permitting the use thereof; to display or to represent as one's own any
6 license **or nondriver identification card** not issued to the person so displaying the same, or fail
7 or refuse to surrender to the clerk of any division of the circuit court or the director **or his or her**
8 **designee**, any license **or nondriver identification card** which has been suspended, canceled,
9 disqualified or revoked, as provided by law **or that the director or his or her designee has**
10 **reasonable suspicion to believe is fictitious**; to use a false or fictitious name or give a false or
11 fictitious address on any application for a license **or nondriver identification card**, or any
12 renewal or duplicate thereof, or knowingly to make a false statement, or knowingly to conceal
13 a material fact, or otherwise commit a fraud in any such application; to authorize or consent to
14 any motor vehicle owned by him or under his control to be driven by any person, when he has
15 knowledge that such person has no legal right to do so, or for any person to drive any motor
16 vehicle in violation of any of the provisions of sections 302.010 to 302.780; to employ a person
17 to operate a motor vehicle in the transportation of persons or property, with knowledge that such
18 person has not complied with the provisions of sections 302.010 to 302.780, or whose license
19 has been revoked, suspended, canceled or disqualified; or who fails to produce his or her license
20 upon demand of any person or persons authorized to make such demand.

302.230. Any person who makes a false unsworn statement or affidavit or knowingly
2 swears or affirms falsely as to any matter or thing required by sections 302.010 to 302.540 shall
3 be deemed guilty of a class A misdemeanor. No person who pleads guilty or nolo contendere,
4 or is found guilty of making a false statement or affidavit shall be licensed to operate a motor
5 vehicle for a period of one year after such plea, finding or conviction. **Notwithstanding any**
6 **other provision of law, a prosecution under this section may be commenced within one year**
7 **after the director first discovers the falsity of any statement or affidavit required under**
8 **sections 302.010 to 302.540, provided that no prosecution shall commence more than six**
9 **years after such statement or affidavit was made.**

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 the resident
3 is 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 the resident for any such violation within the
6 period of time specified or in such installments as approved by the court or as otherwise provided
7 by law, any court having jurisdiction over the charges shall within ten days of the failure to
8 comply inform the defendant by ordinary mail at the last address shown on the court records that
9 the 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 return the license and remove the suspension from the individual's driving
22 record. The filing of financial responsibility with the bureau of safety responsibility, department
23 of revenue, shall not be required as a condition of reinstatement of a driver's license suspended
24 solely under the provisions of this section.

25 2. If any city, town or village receives more than thirty-five percent of its annual general
26 operating revenue from fines and court costs for traffic violations occurring on state highways,
27 all revenues from such violations in excess of thirty-five percent of the annual general operating
28 revenue of the city, town or village shall be sent to the director of the department of revenue and
29 shall be distributed annually to the schools of the county in the same manner that proceeds of all
30 penalties, forfeitures and fines collected for any breach of the penal laws of the state are
31 distributed. For the purpose of this section the words "state highways" shall mean any state or
32 federal highway, including any such highway continuing through the boundaries of a city, town
33 or village with a designated street name other than the state highway number. **For purposes of**
34 **this subsection, the term "traffic violations" shall include moving and nonmoving**
35 **violations and any moving violations, as that term is defined in section 302.010, that are**
36 **subsequently pled or amended to nonmoving traffic violations.** The director of the

37 department of revenue shall set forth by rule a procedure whereby excess revenues as set forth
38 above shall be sent to the department of revenue. If any city, town, or village disputes a
39 determination that it has received excess revenues required to be sent to the department of
40 revenue, such city, town, or village may submit to an annual audit by the state auditor under the
41 authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as
42 that term is defined in section 536.010, RSMo, that is created under the authority delegated in
43 this section shall become effective only if it complies with and is subject to all of the provisions
44 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
45 RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter
46 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are
47 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
48 or adopted after August 28, 2009, shall be invalid and void.

303.025. 1. No owner of a motor vehicle registered in this state, or required to be
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or
3 permit another person to operate such vehicle, unless the owner maintains the financial
4 responsibility which conforms to the requirements of the laws of this state. **No nonresident
5 shall operate or permit another person to operate in this state a motor vehicle registered
6 to such nonresident unless the nonresident maintains the financial responsibility which
7 conforms to the requirements of the laws of the nonresident's state of residence.**
8 Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that
9 the owner has not maintained financial responsibility unless such person has financial
10 responsibility which covers the person's operation of the other's vehicle; however, no owner **or
11 nonresident** shall be in violation of this subsection if he or she fails to maintain financial
12 responsibility on a motor vehicle which is inoperable or being stored and not in operation. The
13 director may prescribe rules and regulations for the implementation of this section.

14 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner
15 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the
16 requirements of the laws of this state. **A nonresident motor vehicle owner shall maintain the
17 owner's financial responsibility which conforms to the requirements of the laws of the
18 nonresident's state of residence.**

19 3. Any person who violates this section is guilty of a class C misdemeanor. However,
20 no person shall be found guilty of violating this section if the operator demonstrates to the court
21 that he or she met the financial responsibility requirements of this section at the time the peace
22 officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the
23 citation. In addition to any other authorized punishment, the court shall notify the director of
24 revenue of any person convicted pursuant to this section and shall do one of the following:

25 (1) Enter an order suspending the driving privilege as of the date of the court order. If
26 the court orders the suspension of the driving privilege, the court shall require the defendant to
27 surrender to it any driver's license then held by such person. The length of the suspension shall
28 be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of
29 revenue the order of suspension of driving privilege and any license surrendered within ten days;

30 (2) Forward the record of the conviction for an assessment of four points; or

31 (3) In lieu of an assessment of points, render an order of supervision as provided in
32 section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than
33 one time in any thirty-six-month period. Every court having jurisdiction pursuant to the
34 provisions of this section shall forward a record of conviction to the Missouri state highway
35 patrol, or at the written direction of the Missouri state highway patrol, to the department of
36 revenue, in a manner approved by the director of the department of public safety. The director
37 shall establish procedures for the record keeping and administration of this section.

38 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330
39 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions
40 and professional registration from approving or authorizing those exclusions and limitations
41 which are contained in automobile liability insurance policies and the uninsured motorist
42 provisions of automobile liability insurance policies.

43 5. If a court enters an order of suspension, the offender may appeal such order directly
44 pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

303.080. 1. In case the operator or the owner of a motor vehicle involved in an accident
2 within this state has no license or registration, or is a nonresident, he shall not be allowed a
3 license or registration until he has complied with the requirements of this chapter to the same
4 extent that would be necessary if, at the time of the accident, he had held a license and
5 registration.

6 2. When a nonresident's operating privilege is suspended pursuant to [section 303.030
7 or section 303.140] **this chapter**, the director shall transmit a certified copy of the record of such
8 action to the official in charge of the issuance of licenses and registration certificates in the state
9 in which such nonresident resides[, if the law of such other state provides for action in relation
10 thereto similar to that provided for in subsection 3 of this section].

11 3. Upon receipt of such certification that the operating privilege of a resident of this state
12 has been suspended or revoked in any such other state pursuant to a law providing for its
13 suspension or revocation for failure to deposit security for the payment of judgments arising out
14 of a motor vehicle accident, under circumstances which would require the director to suspend
15 a nonresident's operating privilege had the accident occurred in this state, the director shall
16 suspend the license of such resident if he was the operator, and all of his registrations if he was

17 the owner of a motor vehicle involved in such accident. Such suspension shall continue until
18 such resident furnishes evidence of his compliance with the law of such other state relating to
19 the deposit of such security.

**304.161. Towing and storage charges shall be reasonable and not excessive. As
2 used in this section, the term "storage charges" means any fees or charges or the
3 combination of all fees and other charges associated with the storage of a towed vehicle,
4 including, but not limited to, storage fees, access fees, document fees, release of vehicle
5 charges, and any other charges, the payment of which is required for the release of the
6 vehicle to the owner or his or her designee. Complaints regarding allegations of excessive
7 charges shall be reported to the attorney general for investigation, review, and
8 determination. A determination that storage charges are excessive shall constitute an
9 unlawful trade practice as provided in section 407.020.**

304.678. 1. The operator of a motor vehicle overtaking a bicycle proceeding in the same
2 direction on the roadway, as defined in section 300.010, RSMo, **or on the shoulder of the
3 roadway** shall leave a safe distance when passing the bicycle, **but in no case less than three
4 feet**, and shall maintain clearance until safely past the overtaken bicycle.

5 2. Any person who violates the provisions of this section is guilty of an infraction unless:
6 [an accident is involved in which case it shall be a class C misdemeanor.]

7 **(1) The person intentionally violates the provisions of this section; or**

8 **(2) An accident is involved.**

9 **In such cases, the person who violated the provisions of this section is guilty of a**
10 **class C misdemeanor.**

[304.678. The operator of a motor vehicle overtaking a bicycle
2 proceeding in the same direction on the roadway, as defined in section 300.010,
3 RSMo, shall leave a safe distance when passing the bicycle, and shall maintain
4 clearance until safely past the overtaken bicycle.]

304.705. 1. In any county with a population of more than one hundred eighty thousand
2 inhabitants that adjoins a county with a charter form of government with a population of more
3 than nine hundred thousand inhabitants, all trucks registered for a gross weight of more than
4 twenty-four thousand pounds, as of January 1, 2008, shall not be driven in the far left lane upon
5 an interstate highway having at least three lanes proceeding in the same direction, within three
6 miles of where an interstate highway and a three-digit numbered Missouri route intersects with
7 an average daily traffic count on the interstate highway of at least one hundred thirty thousand
8 vehicles at such point. The Missouri department of transportation shall design, manufacture, and
9 install any informational and directional signs at the appropriate locations. Such restriction shall
10 not apply when:

11 (1) It is reasonably necessary for the operation of the truck to respond to emergency
12 conditions; or

13 (2) The right or a center lane of a roadway is closed to traffic while under construction,
14 maintenance, or repair.

15 2. As used in this section, "truck" means any vehicle, machine, tractor trailer, or
16 semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed
17 for or used in the transportation of property upon the highways.

18 3. A violation of this section is [an infraction] **a class C misdemeanor** unless such
19 violation causes an immediate threat of an accident, in which case such violation shall be deemed
20 a class [C] **B** misdemeanor, or unless an accident results from such violation, in which case such
21 violation is a class A misdemeanor.

306.127. 1. [Beginning January 1, 2005,] Every person born after January 1, 1984, or
2 as required pursuant to section 306.128, who operates a vessel on the lakes of this state shall
3 possess, on the vessel, a boating safety identification card issued by the Missouri state water
4 patrol or its agent, **or a Missouri driver's license or nondriver's license with an endorsement,**
5 which shows that he or she has:

6 (1) Successfully completed a boating safety course approved by the National Association
7 of State Boating Law Administrators and certified by the Missouri state water patrol. The
8 boating safety course may include a course sponsored by the United States Coast Guard
9 Auxiliary or the United States Power Squadron. The Missouri state water patrol may appoint
10 agents to administer a boater education course or course equivalency examination and issue
11 boater identification cards under guidelines established by the water patrol. The Missouri state
12 water patrol shall maintain a list of approved courses; or

13 (2) Successfully passed an equivalency examination prepared by the Missouri state water
14 patrol and administered by the Missouri state water patrol or its agent. The equivalency
15 examination shall have a degree of difficulty equal to, or greater than, that of the examinations
16 given at the conclusion of an approved boating safety course; or

17 (3) A valid master's, mate's, or operator's license issued by the United States Coast
18 Guard.

19 2. The Missouri state water patrol or its agent shall issue a permanent boating safety
20 identification card to each person who complies with the requirements of this section which is
21 valid for life unless invalidated pursuant to law.

22 3. The Missouri state water patrol may charge a fee for such card or any replacement
23 card that does not substantially exceed the costs of administering this section. The Missouri
24 state water patrol or its designated agent shall collect such fees. These funds shall be forwarded
25 to general revenue.

- 26 4. The provisions of this section shall not apply to any person who:
27 (1) Is licensed by the United States Coast Guard to serve as master of a vessel;
28 (2) Operates a vessel only on a private lake or pond that is not classified as waters of the
29 state;
30 (3) [Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;
31 (4)] Is participating in an event or regatta approved by the water patrol;
32 [(5)] (4) Is a nonresident who has proof of a valid boating certificate or license issued
33 by another state if the boating course is approved by the National Association of State Boating
34 Law Administrators (NASBLA);
35 [(6)] (5) Is exempted by rule of the water patrol;
36 [(7)] (6) Is currently serving in any branch of the United States armed forces, reserves,
37 or Missouri national guard, or any spouse of a person currently in such service; or
38 [(8)] (7) Has previously successfully completed a boating safety education course
39 approved by the National Association of State Boating Law Administrators (NASBLA).
- 40 5. [The Missouri state water patrol shall inform other states of the requirements of this
41 section.
- 42 6.] No individual shall be detained or stopped strictly for the purpose of checking
43 whether the individual possesses a boating safety identification card or a temporary boater
44 education permit.
- 45 [7. Beginning January 1, 2006,] 6. Any nonresident born after January 1, 1984, desiring
46 to operate a rental vessel on the lakes of this state[,] may obtain a temporary boater education
47 permit by completing and passing a written examination developed by the Missouri state water
48 patrol, provided the person meets the minimum age requirements for operating a vessel in this
49 state. The Missouri state water patrol is authorized to promulgate rules for developing the
50 examination and any requirements necessary for issuance of the temporary boater education
51 permit. The temporary boater education permit shall expire when the nonresident obtains a
52 permanent identification card pursuant to subsection 2 of this section or thirty days after
53 issuance, whichever occurs first. The Missouri state water patrol may charge a fee not to exceed
54 ten dollars for such temporary permit. Upon successful completion of an examination and prior
55 to renting a vessel, the business entity responsible for giving the examination shall collect such
56 fee and forward all collected fees to the Missouri state water patrol on a monthly basis for
57 deposit in the state general revenue fund. Such business entity shall incur no additional liability
58 in accepting the responsibility for administering the examination. [This subsection shall
59 terminate on December 31, 2010.]

2 [226.095. Upon request of the plaintiff in a negligence action against the
3 department of transportation as defendant, the case shall be arbitrated by a panel
4 of three arbiters pursuant to the provisions of chapter 435, RSMo.]

2 [301.129. There is established in this section an advisory committee for
3 the department of revenue, which shall exist solely to develop uniform designs
4 and common colors for motor vehicle license plates issued under this chapter and
5 to determine appropriate license plate parameters for all license plates issued
6 under this chapter. The advisory committee may adopt more than one type of
7 design and color scheme for license plates issued under this chapter; however,
8 each license plate of a distinct type shall be uniform in design and color scheme
9 with all other license plates of that distinct type. The specifications for the fully
10 reflective material used for the plates, as required by section 301.130, shall be
11 determined by the committee. Such plates shall meet any specific requirements
12 prescribed in this chapter. The advisory committee shall consist of the director
13 of revenue, the superintendent of the highway patrol, the correctional enterprises
14 administrator, and the respective chairpersons of both the senate and house of
15 representatives transportation committees. Notwithstanding section 226.200,
16 RSMo, to the contrary, the general assembly may appropriate state highways and
17 transportation department funds for the requirements of section 301.130 and this
18 section. Prior to January 1, 2007, the committee shall meet, select a chairman
19 from among their members, and develop uniform design and license plate
20 parameters for the motor vehicle license plates issued under this chapter. Prior
21 to determining the final design of the plates, the committee shall hold at least
22 three public meetings in different areas of the state to invite public input on the
23 final design. Members of the committee shall be reimbursed for their actual and
24 necessary expenses incurred in the performance of their duties under this section
25 out of funds appropriated for that purpose. The committee shall direct the
26 director of revenue to implement its final design of the uniform motor vehicle
27 license plates and any specific parameters for all license plates developed by the
28 committee not later than January 1, 2007. The committee shall be dissolved upon
29 completion of its duties under this section.]

2 Section B. The repeal and reenactment of sections 301.010, 301.032, 301.069, 301.196,
3 301.218, 301.280, 301.560, 301.562, 301.567, and 301.570 of section A of this act, shall become
3 effective January 1, 2011. ✓