

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 430**  
96TH GENERAL ASSEMBLY

---

Reported from the Committee on Transportation, May 5, 2011, with recommendation that the Senate Committee Substitute do pass.

1235S.10C

TERRY L. SPIELER, Secretary.

---

**AN ACT**

To repeal sections 21.795, 70.441, 144.030, 226.095, 226.520, 227.107, 301.010, 301.3084, 302.181, 302.291, 302.309, 302.341, 302.700, 304.120, 304.200, 304.820, 323.020, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, 390.280, 558.021, 571.101, and 577.023, RSMo, and to enact in lieu thereof thirty-eight new sections relating to transportation, with existing penalty provisions and a contingent effective dates for certain sections.

---

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

Section A. Sections 21.795, 70.441, 144.030, 226.095, 226.520, 227.107, 301.010, 301.3084, 302.181, 302.291, 302.309, 302.341, 302.700, 304.120, 304.200, 304.820, 323.020, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, 390.280, 558.021, 571.101, and 577.023, RSMo, are repealed and thirty-eight new sections enacted in lieu thereof, to be known as sections 21.795, 70.441, 144.030, 226.131, 226.195, 226.520, 227.107, 301.010, 301.3084, 301.4036, 302.181, 302.291, 302.309, 302.341, 302.700, 302.768, 304.120, 304.200, 304.820, 323.020, 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054, 390.061, 390.116, 390.280, 537.293, 558.021, 571.101, 577.023, and 1, to read as follows:

21.795. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three

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

5 nonvoting ex officio members. Of the fourteen members to be appointed to the  
6 joint committee, the seven senate members of the joint committee shall be  
7 appointed by the president pro tem of the senate and minority leader of the  
8 senate and the seven house members shall be appointed by the speaker of the  
9 house of representatives and the minority floor leader of the house of  
10 representatives. **The seven senate members shall be composed, as nearly**  
11 **as may be, of majority and minority party members in the same**  
12 **proportion as the number of majority and minority party members in**  
13 **the senate bears to the total membership of the senate.** No major party  
14 shall be represented by more than four members from the house of  
15 representatives [nor more than four members from the senate]. The ex officio  
16 members shall be the state auditor, the director of the oversight division of the  
17 committee on legislative research, and the commissioner of the office of  
18 administration or the designee of such auditor, director or commissioner. The  
19 joint committee shall be chaired jointly by both chairs of the senate and house  
20 transportation committees. A majority of the committee shall constitute a  
21 quorum, but the concurrence of a majority of the members, other than the ex  
22 officio members, shall be required for the determination of any matter within the  
23 committee's duties.

24         2. The department of transportation shall submit a written report prior  
25 to [November tenth] **December thirty-first** of each year to the governor,  
26 lieutenant governor, and every member of the senate and house of  
27 representatives. The report shall be posted to the department's Internet website  
28 so that general assembly members may elect to access a copy of the report  
29 electronically. The written report shall contain the following:

30         (1) A comprehensive financial report of all funds for the preceding state  
31 fiscal year which shall include a report by independent certified public  
32 accountants, selected by the commissioner of the office of administration,  
33 attesting that the financial statements present fairly the financial position of the  
34 department in conformity with generally accepted government accounting  
35 principles. This report shall include amounts of:

36         (a) State revenues by sources, including all new state revenue derived  
37 from highway users which results from action of the general assembly or  
38 voter-approved measures taken after August 28, 2003, and projects funded in  
39 whole or in part from such new state revenue, and amounts of federal revenues  
40 by source;

41 (b) Any other revenues available to the department by source;

42 (c) Funds appropriated, the amount the department has budgeted and  
43 expended for the following: contracts, right-of-way purchases, preliminary and  
44 construction engineering, maintenance operations and administration;

45 (d) Total state and federal revenue compared to the revenue estimate in  
46 the fifteen-year highway plan as adopted in 1992. All expenditures made by, or  
47 on behalf of, the department for personal services including fringe benefits, all  
48 categories of expense and equipment, real estate and capital improvements shall  
49 be assigned to the categories listed in this subdivision in conformity with  
50 generally accepted government accounting principles;

51 (2) A detailed explanation of the methods or criteria employed to select  
52 construction projects, including a listing of any new or reprioritized projects not  
53 mentioned in a previous report, and an explanation as to how the new or  
54 reprioritized projects meet the selection methods or criteria;

55 (3) The proposed allocation and expenditure of moneys and the proposed  
56 work plan for the current fiscal year, at least the next four years, and for any  
57 period of time expressed in any public transportation plan approved by either the  
58 general assembly or by the voters of Missouri. This proposed allocation and  
59 expenditure of moneys shall include the amounts of proposed allocation and  
60 expenditure of moneys in each of the categories listed in subdivision (1) of this  
61 subsection;

62 (4) The amounts which were planned, estimated and expended for projects  
63 in the state highway and bridge construction program or any other projects  
64 relating to other modes of transportation in the preceding state fiscal year and  
65 amounts which have been planned, estimated or expended by project for  
66 construction work in progress;

67 (5) The current status as to completion, by project, of the fifteen-year road  
68 and bridge program adopted in 1992. The first written report submitted pursuant  
69 to this section shall include the original cost estimate, updated estimate and final  
70 completed cost by project. Each written report submitted thereafter shall include  
71 the cost estimate at the time the project was placed on the most recent five-year  
72 highway and bridge construction plan and the final completed cost by project;

73 (6) The reasons for cost increases or decreases exceeding five million  
74 dollars or ten percent relative to cost estimates and final completed costs for  
75 projects in the state highway and bridge construction program or any other  
76 projects relating to other modes of transportation completed in the preceding

77 state fiscal year. Cost increases or decreases shall be determined by comparing  
78 the cost estimate at the time the project was placed on the most recent five-year  
79 highway and bridge construction plan and the final completed cost by  
80 project. The reasons shall include the amounts resulting from inflation,  
81 department-wide design changes, changes in project scope, federal mandates, or  
82 other factors;

83 (7) Specific recommendations for any statutory or regulatory changes  
84 necessary for the efficient and effective operation of the department;

85 (8) An accounting of the total amount of state, federal and earmarked  
86 federal highway funds expended in each district of the department of  
87 transportation; and

88 (9) Any further information specifically requested by the joint committee  
89 on transportation oversight.

90 3. Prior to [December first] **February fifteenth** of each year, the  
91 committee shall hold an annual meeting and call before its members, officials or  
92 employees of the state highways and transportation commission or department  
93 of transportation, as determined by the committee, for the sole purpose of  
94 receiving and examining the report pursuant to subsection 2 of this  
95 section. The committee shall not have the power to modify projects or priorities  
96 of the state highways and transportation commission or department of  
97 transportation. The committee may make recommendations to the state highways  
98 and transportation commission or the department of transportation. Disposition  
99 of those recommendations shall be reported by the commission or the department  
100 to the joint committee on transportation oversight.

101 4. In addition to the annual meeting required by subsection 3 of this  
102 section, the committee shall meet two times each year. The co-chairs of the  
103 committee shall establish an agenda for each meeting that may include, but not  
104 be limited to, the following items to be discussed with the committee members  
105 throughout the year during the scheduled meeting:

106 (1) Presentation of a prioritized plan for all modes of transportation;

107 (2) Discussion of department efficiencies and expenditure of cost-savings  
108 within the department;

109 (3) Presentation of a status report on department of transportation  
110 revenues and expenditures, including a detailed summary of projects funded by  
111 new state revenue as provided in paragraph (a) of subdivision (1) of subsection  
112 2 of this section; and

113 (4) Implementation of any actions as may be deemed necessary by the  
114 committee as authorized by law. The co-chairs of the committee may call special  
115 meetings of the committee with ten days' notice to the members of the committee,  
116 the director of the department of transportation, and the department of  
117 transportation.

118 5. The committee shall also review all applications for the development  
119 of specialty plates submitted to it by the department of revenue. The committee  
120 shall approve such application by a majority vote. The committee shall approve  
121 any application unless the committee receives:

122 (1) A signed petition from five house members or two senators that they  
123 are opposed to the approval of the proposed license plate and the reason for such  
124 opposition;

125 (2) Notification that the organization seeking authorization to establish  
126 a new specialty license plate has not met all the requirements of section  
127 301.3150;

128 (3) A proposed new specialty license plate containing objectionable  
129 language or design;

130 (4) A proposed license plate not meeting the requirements of any reason  
131 promulgated by rule. The committee shall notify the director of the department  
132 of revenue upon approval or denial of an application for the development of a  
133 specialty plate.

134 6. The committee shall submit records of its meetings to the secretary of  
135 the senate and the chief clerk of the house of representatives in accordance with  
136 sections 610.020 and 610.023.

70.441. 1. As used in this section, the following terms have the following  
2 meanings:

3 (1) "Agency", the bi-state development agency created by compact under  
4 section 70.370;

5 (2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or  
6 train, locomotive, or other vehicle used or held for use by the agency as a means  
7 of transportation of passengers;

8 (3) "Facilities" includes all property and equipment, including, without  
9 limitation, rights-of-way and related trackage, rails, signals, power, fuel,  
10 communication and ventilation systems, power plants, stations, terminals,  
11 signage, storage yards, depots, repair and maintenance shops, yards, offices,  
12 parking lots and other real estate or personal property used or held for or

13 incidental to the operation, rehabilitation or improvement of any public mass  
14 transportation system of the agency;

15 (4) "Person", any individual, firm, copartnership, corporation, association  
16 or company; and

17 (5) "Sound production device" includes, but is not limited to, any radio  
18 receiver, phonograph, television receiver, musical instrument, tape recorder,  
19 cassette player, speaker device and any sound amplifier.

20 2. In interpreting or applying this section, the following provisions shall  
21 apply:

22 (1) Any act otherwise prohibited by this section is lawful if specifically  
23 authorized by agreement, permit, license or other writing duly signed by an  
24 authorized officer of the agency or if performed by an officer, employee or  
25 designated agent of the agency acting within the scope of his or her employment  
26 or agency;

27 (2) Rules shall apply with equal force to any person assisting, aiding or  
28 abetting another, including a minor, in any of the acts prohibited by the rules or  
29 assisting, aiding or abetting another in the avoidance of any of the requirements  
30 of the rules; and

31 (3) The singular shall mean and include the plural; the masculine gender  
32 shall mean the feminine and the neuter genders; and vice versa.

33 3. (1) No person shall use or enter upon the light rail conveyances of the  
34 agency without payment of the fare or other lawful charges established by the  
35 agency. Any person on any such conveyance must have properly validated fare  
36 media in his possession. This ticket must be valid to or from the station the  
37 passenger is using, and must have been used for entry for the trip then being  
38 taken;

39 (2) No person shall use any token, pass, badge, ticket, document, transfer,  
40 card or fare media to gain entry to the facilities or conveyances of, or make use  
41 of the services of, the agency, except as provided, authorized or sold by the agency  
42 and in accordance with any restriction on the use thereof imposed by the agency;

43 (3) No person shall enter upon parking lots designated by the agency as  
44 requiring payment to enter, either by electronic gate or parking meters, where the  
45 cost of such parking fee is visibly displayed at each location, without payment of  
46 such fees or other lawful charges established by the agency;

47 (4) Except for employees of the agency acting within the scope of their  
48 employment, no person shall sell, provide, copy, reproduce or produce, or create

49 any version of any token, pass, badge, ticket, document, transfer, card or any  
50 other fare media or otherwise authorize access to or use of the facilities,  
51 conveyances or services of the agency without the written permission of an  
52 authorized representative of the agency;

53 (5) No person shall put or attempt to put any paper, article, instrument  
54 or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other  
55 access authorization or other fare media issued by the agency and valid for the  
56 place, time and manner in which used, into any fare box, pass reader, ticket  
57 vending machine, parking meter, parking gate or other fare collection instrument,  
58 receptacle, device, machine or location;

59 (6) Tokens, tickets, fare cards, badges, passes, transfers or other fare  
60 media that have been forged, counterfeited, imitated, altered or improperly  
61 transferred or that have been used in a manner inconsistent with this section  
62 shall be confiscated;

63 (7) No person may perform any act which would interfere with the  
64 provision of transit service or obstruct the flow of traffic on facilities or  
65 conveyances or which would in any way interfere or tend to interfere with the  
66 safe and efficient operation of the facilities or conveyances of the agency;

67 (8) All persons on or in any facility or conveyance of the agency shall:

68 (a) Comply with all lawful orders and directives of any agency employee  
69 acting within the scope of his employment;

70 (b) Obey any instructions on notices or signs duly posted on any agency  
71 facility or conveyance; and

72 (c) Provide accurate, complete and true information or documents  
73 requested by agency personnel acting within the scope of their employment and  
74 otherwise in accordance with law;

75 (9) No person shall falsely represent himself or herself as an agent,  
76 employee or representative of the agency;

77 (10) No person on or in any facility or conveyance shall:

78 (a) Litter, dump garbage, liquids or other matter, or create a nuisance,  
79 hazard or unsanitary condition, including, but not limited to, spitting and  
80 urinating, except in facilities provided;

81 (b) Drink any alcoholic beverage or possess any opened or unsealed  
82 container of alcoholic beverage, except on premises duly licensed for the sale of  
83 alcoholic beverages, such as bars and restaurants;

84 (c) Enter or remain in any facility or conveyance while his ability to

85 function safely in the environment of the agency transit system is impaired by the  
86 consumption of alcohol or by the taking of any drug;

87 (d) Loiter or stay on any facility of the agency;

88 (e) Consume foods or liquids of any kind, except in those areas specifically  
89 authorized by the agency;

90 (f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe  
91 or torch, except in those areas or locations specifically authorized by the agency;  
92 or

93 (g) Throw or cause to be propelled any stone, projectile or other article at,  
94 from, upon or in a facility or conveyance;

95 (11) No weapon or other instrument intended for use as a weapon may be  
96 carried in or on any facility or conveyance, except for law enforcement  
97 personnel. For the purposes hereof, a weapon shall include, but not be limited  
98 to, a firearm, switchblade knife, sword, or any instrument of any kind known as  
99 blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with  
100 metal, wood impregnated with metal filings or razor blades; except that this  
101 subdivision shall not apply to a rifle or shotgun which is unloaded and carried in  
102 any enclosed case, box or other container which completely conceals the item from  
103 view and identification as a weapon;

104 (12) No explosives, flammable liquids, acids, fireworks or other highly  
105 combustible materials or radioactive materials may be carried on or in any  
106 facility or conveyance, except as authorized by the agency;

107 (13) No person, except as specifically authorized by the agency, shall enter  
108 or attempt to enter into any area not open to the public, including, but not  
109 limited to, motorman's cabs, conductor's cabs, bus operator's seat location,  
110 closed-off areas, mechanical or equipment rooms, concession stands, storage  
111 areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards,  
112 garages, depots or any area marked with a sign restricting access or indicating  
113 a dangerous environment;

114 (14) No person may ride on the roof, the platform between rapid transit  
115 cars, or on any other area outside any rapid transit car or bus or other  
116 conveyance operated by the agency;

117 (15) No person shall extend his hand, arm, leg, head or other part of his  
118 or her person or extend any item, article or other substance outside of the window  
119 or door of a moving rapid transit car, bus or other conveyance operated by the  
120 agency;



121 (16) No person shall enter or leave a rapid transit car, bus or other  
122 conveyance operated by the agency except through the entrances and exits  
123 provided for that purpose;

124 (17) No animals may be taken on or into any conveyance or facility except  
125 the following:

126 (a) An animal enclosed in a container, accompanied by the passenger and  
127 carried in a manner which does not annoy other passengers; and

128 (b) Working dogs for law enforcement agencies, agency dogs on duty, dogs  
129 properly harnessed and accompanying blind or hearing-impaired persons to aid  
130 such persons, or dogs accompanying trainers carrying a certificate of  
131 identification issued by a dog school;

132 (18) No vehicle shall be operated carelessly, or negligently, or in disregard  
133 of the rights or safety of others or without due caution and circumspection, or at  
134 a speed in such a manner as to be likely to endanger persons or property on  
135 facilities of the agency. The speed limit on parking lots and access roads shall  
136 be posted as fifteen miles per hour unless otherwise designated.

137 4. (1) Unless a greater penalty is otherwise provided by the laws of the  
138 state, any violation of this section shall constitute a misdemeanor, and any  
139 person committing a violation thereof shall be subject to arrest and, upon  
140 conviction in a court of competent jurisdiction, shall pay a fine in an amount not  
141 less than twenty-five dollars and no greater than two hundred fifty dollars per  
142 violation, in addition to court costs. Any default in the payment of a fine imposed  
143 pursuant to this section without good cause shall result in imprisonment for not  
144 more than thirty days;

145 (2) Unless a greater penalty is provided by the laws of the state, any  
146 person convicted a second or subsequent time for the same offense under this  
147 section shall be guilty of a misdemeanor and sentenced to pay a fine of not less  
148 than fifty dollars nor more than five hundred dollars in addition to court costs,  
149 or to undergo imprisonment for up to sixty days, or both such fine and  
150 imprisonment;

151 (3) Any person failing to pay the proper fare, fee or other charge for use  
152 of the facilities and conveyances of the agency shall be subject to payment of such  
153 charge as part of the judgment against the violator. All proceeds from judgments  
154 for unpaid fares or charges shall be directed to the appropriate agency official;

155 (4) All juvenile offenders violating the provisions of this section shall be  
156 subject to the jurisdiction of the juvenile court as provided in chapter 211;

157 (5) As used in this section, the term "conviction" shall include all pleas of  
158 guilty and findings of guilt.

159 **5. Any person who is convicted, pleads guilty, or pleads nolo**  
160 **contendere for failing to pay the proper fare, fee, or other charge for**  
161 **the use of the facilities and conveyances of the bi-state development**  
162 **agency, as described in subdivision (3) of subsection 4 of this section,**  
163 **shall, in addition to the unpaid fares or charges and any fines,**  
164 **penalties, or sentences imposed by law, be required to reimburse the**  
165 **reasonable costs attributable to the enforcement, investigation, and**  
166 **prosecution of such offense by the bi-state development agency. The**  
167 **court shall direct the reimbursement proceeds to the appropriate**  
168 **agency official.**

169 **6. (1)** Stalled or disabled vehicles may be removed from the roadways of  
170 the agency property by the agency and parked or stored elsewhere at the risk and  
171 expense of the owner;

172 (2) Motor vehicles which are left unattended or abandoned on the property  
173 of the agency for a period of over seventy-two hours may be removed as provided  
174 for in section 304.155, except that the removal may be authorized by personnel  
175 designated by the agency under section 70.378.

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

10 2. There are also specifically exempted from the provisions of the local  
11 sales tax law as defined in section 32.085, section 238.235, and sections 144.010  
12 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied,  
13 assessed or payable pursuant to the local sales tax law as defined in section  
14 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

15 (1) Motor fuel or special fuel subject to an excise tax of this state, unless  
16 all or part of such excise tax is refunded pursuant to section 142.824; or upon the  
17 sale at retail of fuel to be consumed in manufacturing or creating gas, power,

18 steam, electrical current or in furnishing water to be sold ultimately at retail; or  
19 feed for livestock or poultry; or grain to be converted into foodstuffs which are to  
20 be sold ultimately in processed form at retail; or seed, limestone or fertilizer  
21 which is to be used for seeding, liming or fertilizing crops which when harvested  
22 will be sold at retail or will be fed to livestock or poultry to be sold ultimately in  
23 processed form at retail; economic poisons registered pursuant to the provisions  
24 of the Missouri pesticide registration law (sections 281.220 to 281.310) which are  
25 to be used in connection with the growth or production of crops, fruit trees or  
26 orchards applied before, during, or after planting, the crop of which when  
27 harvested will be sold at retail or will be converted into foodstuffs which are to  
28 be sold ultimately in processed form at retail;

29 (2) Materials, manufactured goods, machinery and parts which when used  
30 in manufacturing, processing, compounding, mining, producing or fabricating  
31 become a component part or ingredient of the new personal property resulting  
32 from such manufacturing, processing, compounding, mining, producing or  
33 fabricating and which new personal property is intended to be sold ultimately for  
34 final use or consumption; and materials, including without limitation, gases and  
35 manufactured goods, including without limitation slagging materials and  
36 firebrick, which are ultimately consumed in the manufacturing process by  
37 blending, reacting or interacting with or by becoming, in whole or in part,  
38 component parts or ingredients of steel products intended to be sold ultimately  
39 for final use or consumption;

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

44 (4) Replacement machinery, equipment, and parts and the materials and  
45 supplies solely required for the installation or construction of such replacement  
46 machinery, equipment, and parts, used directly in manufacturing, mining,  
47 fabricating or producing a product which is intended to be sold ultimately for  
48 final use or consumption; and machinery and equipment, and the materials and  
49 supplies required solely for the operation, installation or construction of such  
50 machinery and equipment, purchased and used to establish new, or to replace or  
51 expand existing, material recovery processing plants in this state. For the  
52 purposes of this subdivision, a "material recovery processing plant" means a  
53 facility that has as its primary purpose the recovery of materials into a useable

54 product or a different form which is used in producing a new product and shall  
55 include a facility or equipment which are used exclusively for the collection of  
56 recovered materials for delivery to a material recovery processing plant but shall  
57 not include motor vehicles used on highways. For purposes of this section, the  
58 terms motor vehicle and highway shall have the same meaning pursuant to  
59 section 301.010. Material recovery is not the reuse of materials within a  
60 manufacturing process or the use of a product previously recovered. The material  
61 recovery processing plant shall qualify under the provisions of this section  
62 regardless of ownership of the material being recovered;

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

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

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

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

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

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

81 (11) Railroad rolling stock for use in transporting persons or property in  
82 interstate commerce and motor vehicles licensed for a gross weight of twenty-four  
83 thousand pounds or more or trailers used by [common] carriers[, as defined in  
84 section 390.020,] **who have received federal authority to haul for hire in**  
85 the transportation of persons or property;

86 (12) Electrical energy used in the actual primary manufacture, processing,  
87 compounding, mining or producing of a product, or electrical energy used in the  
88 actual secondary processing or fabricating of the product, or a material recovery  
89 processing plant as defined in subdivision (4) of this subsection, in facilities

90 owned or leased by the taxpayer, if the total cost of electrical energy so used  
91 exceeds ten percent of the total cost of production, either primary or secondary,  
92 exclusive of the cost of electrical energy so used or if the raw materials used in  
93 such processing contain at least twenty-five percent recovered materials as  
94 defined in section 260.200. There shall be a rebuttable presumption that the raw  
95 materials used in the primary manufacture of automobiles contain at least  
96 twenty-five percent recovered materials. For purposes of this subdivision,  
97 "processing" means any mode of treatment, act or series of acts performed upon  
98 materials to transform and reduce them to a different state or thing, including  
99 treatment necessary to maintain or preserve such processing by the producer at  
100 the production facility;

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

104 (14) Machinery, equipment, appliances and devices purchased or leased  
105 and used solely for the purpose of preventing, abating or monitoring air pollution,  
106 and materials and supplies solely required for the installation, construction or  
107 reconstruction of such machinery, equipment, appliances and devices;

108 (15) Machinery, equipment, appliances and devices purchased or leased  
109 and used solely for the purpose of preventing, abating or monitoring water  
110 pollution, and materials and supplies solely required for the installation,  
111 construction or reconstruction of such machinery, equipment, appliances and  
112 devices;

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

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

121 (18) All sales of insulin and prosthetic or orthopedic devices as defined on  
122 January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the  
123 Social Security Act of 1965, including the items specified in Section 1862(a)(12)  
124 of that act, and also specifically including hearing aids and hearing aid supplies  
125 and all sales of drugs which may be legally dispensed by a licensed pharmacist

126 only upon a lawful prescription of a practitioner licensed to administer those  
127 items, including samples and materials used to manufacture samples which may  
128 be dispensed by a practitioner authorized to dispense such samples and all sales  
129 of medical oxygen, home respiratory equipment and accessories, hospital beds and  
130 accessories and ambulatory aids, all sales of manual and powered wheelchairs,  
131 stairway lifts, Braille writers, electronic Braille equipment and, if purchased by  
132 or on behalf of a person with one or more physical or mental disabilities to enable  
133 them to function more independently, all sales of scooters, reading machines,  
134 electronic print enlargers and magnifiers, electronic alternative and augmentative  
135 communication devices, and items used solely to modify motor vehicles to permit  
136 the use of such motor vehicles by individuals with disabilities or sales of  
137 over-the-counter or nonprescription drugs to individuals with disabilities;

138 (19) All sales made by or to religious and charitable organizations and  
139 institutions in their religious, charitable or educational functions and activities  
140 and all sales made by or to all elementary and secondary schools operated at  
141 public expense in their educational functions and activities;

142 (20) All sales of aircraft to common carriers for storage or for use in  
143 interstate commerce and all sales made by or to not-for-profit civic, social, service  
144 or fraternal organizations, including fraternal organizations which have been  
145 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the  
146 1986 Internal Revenue Code, as amended, in their civic or charitable functions  
147 and activities and all sales made to eleemosynary and penal institutions and  
148 industries of the state, and all sales made to any private not-for-profit institution  
149 of higher education not otherwise excluded pursuant to subdivision (19) of this  
150 subsection or any institution of higher education supported by public funds, and  
151 all sales made to a state relief agency in the exercise of relief functions and  
152 activities;

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

161 (22) All sales made to any private not-for-profit elementary or secondary

162 school, all sales of feed additives, medications or vaccines administered to  
163 livestock or poultry in the production of food or fiber, all sales of pesticides used  
164 in the production of crops, livestock or poultry for food or fiber, all sales of  
165 bedding used in the production of livestock or poultry for food or fiber, all sales  
166 of propane or natural gas, electricity or diesel fuel used exclusively for drying  
167 agricultural crops, natural gas used in the primary manufacture or processing of  
168 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity  
169 used by an eligible new generation cooperative or an eligible new generation  
170 processing entity as defined in section 348.432, and all sales of farm machinery  
171 and equipment, other than airplanes, motor vehicles and trailers. As used in this  
172 subdivision, the term "feed additives" means tangible personal property which,  
173 when mixed with feed for livestock or poultry, is to be used in the feeding of  
174 livestock or poultry. As used in this subdivision, the term "pesticides" includes  
175 adjuvants such as crop oils, surfactants, wetting agents and other assorted  
176 pesticide carriers used to improve or enhance the effect of a pesticide and the  
177 foam used to mark the application of pesticides and herbicides for the production  
178 of crops, livestock or poultry. As used in this subdivision, the term "farm  
179 machinery and equipment" means new or used farm tractors and such other new  
180 or used farm machinery and equipment and repair or replacement parts thereon,  
181 and supplies and lubricants used exclusively, solely, and directly for producing  
182 crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for  
183 producing milk for ultimate sale at retail, including field drain tile, and one-half  
184 of each purchaser's purchase of diesel fuel therefor which is:

185       (a) Used exclusively for agricultural purposes;  
186       (b) Used on land owned or leased for the purpose of producing farm  
187 products; and

188       (c) Used directly in producing farm products to be sold ultimately in  
189 processed form or otherwise at retail or in producing farm products to be fed to  
190 livestock or poultry to be sold ultimately in processed form at retail;

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

195       (a) "Domestic use" means that portion of metered water service,  
196 electricity, electrical current, natural, artificial or propane gas, wood, coal or  
197 home heating oil, and in any city not within a county, metered or unmetered

198 water service, which an individual occupant of a residential premises uses for  
199 nonbusiness, noncommercial or nonindustrial purposes. Utility service through  
200 a single or master meter for residential apartments or condominiums, including  
201 service for common areas and facilities and vacant units, shall be deemed to be  
202 for domestic use. Each seller shall establish and maintain a system whereby  
203 individual purchases are determined as exempt or nonexempt;

204 (b) Regulated utility sellers shall determine whether individual purchases  
205 are exempt or nonexempt based upon the seller's utility service rate  
206 classifications as contained in tariffs on file with and approved by the Missouri  
207 public service commission. Sales and purchases made pursuant to the rate  
208 classification "residential" and sales to and purchases made by or on behalf of the  
209 occupants of residential apartments or condominiums through a single or master  
210 meter, including service for common areas and facilities and vacant units, shall  
211 be considered as sales made for domestic use and such sales shall be exempt from  
212 sales tax. Sellers shall charge sales tax upon the entire amount of purchases  
213 classified as nondomestic use. The seller's utility service rate classification and  
214 the provision of service thereunder shall be conclusive as to whether or not the  
215 utility must charge sales tax;

216 (c) Each person making domestic use purchases of services or property  
217 and who uses any portion of the services or property so purchased for a  
218 nondomestic use shall, by the fifteenth day of the fourth month following the year  
219 of purchase, and without assessment, notice or demand, file a return and pay  
220 sales tax on that portion of nondomestic purchases. Each person making  
221 nondomestic purchases of services or property and who uses any portion of the  
222 services or property so purchased for domestic use, and each person making  
223 domestic purchases on behalf of occupants of residential apartments or  
224 condominiums through a single or master meter, including service for common  
225 areas and facilities and vacant units, under a nonresidential utility service rate  
226 classification may, between the first day of the first month and the fifteenth day  
227 of the fourth month following the year of purchase, apply for credit or refund to  
228 the director of revenue and the director shall give credit or make refund for taxes  
229 paid on the domestic use portion of the purchase. The person making such  
230 purchases on behalf of occupants of residential apartments or condominiums shall  
231 have standing to apply to the director of revenue for such credit or refund;

232 (24) All sales of handicraft items made by the seller or the seller's spouse  
233 if the seller or the seller's spouse is at least sixty-five years of age, and if the total



234 gross proceeds from such sales do not constitute a majority of the annual gross  
235 income of the seller;

236 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041,  
237 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United  
238 States Code. The director of revenue shall promulgate rules pursuant to chapter  
239 536 to eliminate all state and local sales taxes on such excise taxes;

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

246 (27) All sales made to an interstate compact agency created pursuant to  
247 sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the  
248 functions and activities of such agency as provided pursuant to the compact;

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

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

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

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

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

266 (33) Tangible personal property and utilities purchased for use or  
267 consumption directly or exclusively in the research and development of  
268 agricultural/biotechnology and plant genomics products and prescription  
269 pharmaceuticals consumed by humans or animals;

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

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

275 (36) All purchases by a contractor on behalf of an entity located in another  
276 state, provided that the entity is authorized to issue a certificate of exemption for  
277 purchases to a contractor under the provisions of that state's laws. For purposes  
278 of this subdivision, the term "certificate of exemption" shall mean any document  
279 evidencing that the entity is exempt from sales and use taxes on purchases  
280 pursuant to the laws of the state in which the entity is located. Any contractor  
281 making purchases on behalf of such entity shall maintain a copy of the entity's  
282 exemption certificate as evidence of the exemption. If the exemption certificate  
283 issued by the exempt entity to the contractor is later determined by the director  
284 of revenue to be invalid for any reason and the contractor has accepted the  
285 certificate in good faith, neither the contractor or the exempt entity shall be liable  
286 for the payment of any taxes, interest and penalty due as the result of use of the  
287 invalid exemption certificate. Materials shall be exempt from all state and local  
288 sales and use taxes when purchased by a contractor for the purpose of fabricating  
289 tangible personal property which is used in fulfilling a contract for the purpose  
290 of constructing, repairing or remodeling facilities for the following:

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

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

297 (37) All sales or other transfers of tangible personal property to a lessor  
298 who leases the property under a lease of one year or longer executed or in effect  
299 at the time of the sale or other transfer to an interstate compact agency created  
300 pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

301 (38) Sales of tickets to any collegiate athletic championship event that is  
302 held in a facility owned or operated by a governmental authority or commission,  
303 a quasi-governmental agency, a state university or college or by the state or any  
304 political subdivision thereof, including a municipality, and that is played on a  
305 neutral site and may reasonably be played at a site located outside the state of

306 Missouri. For purposes of this subdivision, "neutral site" means any site that is  
307 not located on the campus of a conference member institution participating in the  
308 event;

309 (39) All purchases by a sports complex authority created under section  
310 64.920, and all sales of utilities by such authority at the authority's cost that are  
311 consumed in connection with the operation of a sports complex leased to a  
312 professional sports team;

313 (40) Beginning January 1, 2009, but not after January 1, 2015, materials,  
314 replacement parts, and equipment purchased for use directly upon, and for the  
315 modification, replacement, repair, and maintenance of aircraft, aircraft power  
316 plants, and aircraft accessories;

317 (41) Sales of sporting clays, wobble, skeet, and trap targets to any  
318 shooting range or similar places of business for use in the normal course of  
319 business and money received by a shooting range or similar places of business  
320 from patrons and held by a shooting range or similar place of business for  
321 redistribution to patrons at the conclusion of a shooting event.

**226.131. 1. Notwithstanding any other provision of law to the  
2 contrary, the commission may delegate to a designated hearing  
3 examiner and/or appeals board the authority to conduct hearings and  
4 render final decisions and orders on behalf of the commission in all  
5 contested case administrative hearings that are required by federal or  
6 state law.**

**7 2. The commission may adopt rules and regulations to implement  
8 and administer this section. Any rule or portion of a rule, as that term  
9 is defined in section 536.010 that is created under the authority  
10 delegated in this section shall become effective only if it complies with  
11 and is subject to all of the provisions of chapter 536, and, if applicable,  
12 section 536.028. This section and chapter 536 are nonseverable and if  
13 any of the powers vested with the general assembly pursuant to chapter  
14 536, to review, to delay the effective date, or to disapprove and annul  
15 a rule are subsequently held unconstitutional, then the grant of  
16 rulemaking authority and any rule proposed or adopted after August  
17 28, 2011, shall be invalid and void.**

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

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

4           **(2) "Department", the Missouri department of transportation;**

5           **(3) "Public mass transportation service provider", a city, a city**  
6 **transit authority, a city utilities board, or an interstate transportation**  
7 **authority as such terms are defined in section 94.600, an intrastate**  
8 **transportation authority, or an agency receiving funding from either**  
9 **the federal transit administration urban or nonurban formula transit**  
10 **program.**

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

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

20           **(1) Population;**

21           **(2) Ridership;**

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

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

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

25           **4. The commission shall promulgate rules to implement the**  
26 **provisions of this section. Any rule or portion of a rule, as that term is**  
27 **defined in section 536.010, that is created under the authority delegated**  
28 **in this section shall become effective only if it complies with and is**  
29 **subject to all of the provisions of chapter 536 and, if applicable, section**  
30 **536.028. This section and chapter 536 are nonseverable and if any of**  
31 **the powers vested with the general assembly pursuant to chapter 536**  
32 **to review, to delay the effective date, or to disapprove and annul a rule**  
33 **are subsequently held unconstitutional, then the grant of rulemaking**  
34 **authority and any rule proposed or adopted after August 28, 2011, shall**  
35 **be invalid and void.**

          226.520. On and after March 30, 1972, no outdoor advertising shall be  
2 erected or maintained within six hundred sixty feet of the nearest edge of the  
3 right-of-way and visible from the main traveled way of any highway which is part  
4 of the federal-aid primary highways as of June 1, 1991, and all highways  
5 designated as part of the National Highway System by the National Highway

6 System Designation Act of 1995 and those highways subsequently designated as  
7 part of the National Highway System in this state except the following:

8 (1) Directional and other official signs, including, but not limited to, signs  
9 pertaining to natural wonders, scenic, **cultural (including agricultural**  
10 **activities or attractions), scientific, educational, religious sites,** and  
11 historical attractions, which are required or authorized by law, and which comply  
12 with regulations which shall be promulgated by the department relative to their  
13 lighting, size, number, spacing and such other requirements as may be  
14 appropriate to implement sections 226.500 to 226.600, but such regulations shall  
15 not be inconsistent with, nor more restrictive than, such national standards as  
16 may be promulgated from time to time by the Secretary of the Department of  
17 Transportation of the United States, under subsection (c) of Section 131 of Title  
18 23 of the United States Code;

19 (2) Signs, displays, and devices advertising activities conducted on the  
20 property upon which they are located, or services and products therein provided;

21 (3) Outdoor advertising located in areas which are zoned industrial,  
22 commercial or the like as provided in sections 226.500 to 226.600 or under other  
23 authority of law;

24 (4) Outdoor advertising located in unzoned commercial or industrial areas  
25 as defined and determined pursuant to sections 226.500 to 226.600;

26 (5) Outdoor advertising for tourist-oriented businesses, and scoreboards  
27 used in sporting events or other electronic signs with changeable messages which  
28 are not prohibited by federal regulations or local zoning ordinances. Outdoor  
29 advertising which is authorized by this subdivision (5) shall only be allowed to  
30 the extent that such outdoor advertising is not prohibited by Title 23, United  
31 States Code, Section 131, as now or thereafter amended, and lawful regulations  
32 promulgated thereunder. The general assembly finds and declares it to be the  
33 policy of the state of Missouri that the tourism industry is of major and critical  
34 importance to the economic well-being of the state and that directional signs,  
35 displays and devices providing directional information about goods and services  
36 in the interest of the traveling public are essential to the economic welfare of the  
37 tourism industry. The general assembly further finds and declares that the  
38 removal of directional signs advertising tourist-oriented businesses is harmful to  
39 the tourism industry in Missouri and that the removal of directional signs within  
40 or near areas of the state where there is high concentration of tourist-oriented  
41 businesses would have a particularly harmful effect upon the economies within

42 such areas. The state highways and transportation commission is authorized and  
43 directed to determine those specific areas of the state of Missouri in which there  
44 is high concentration of tourist-oriented businesses, and within such areas, no  
45 directional signs, displays and devices which are lawfully erected, which are  
46 maintained in good repair, which provide directional information about goods and  
47 services in the interest of the traveling public, and which would otherwise be  
48 required to be removed because they are not allowed to be maintained under the  
49 provisions of sections 226.500 through 226.600 shall be required to be removed  
50 until such time as such removal has been finally ordered by the United States  
51 Secretary of Transportation;

52 (6) The provisions of this section shall not be construed to require removal  
53 of signs advertising churches or items of religious significance, items of native  
54 arts and crafts, woodworking in native products, or native items of artistic,  
55 historical, geologic significance, or hospitals or airports.

227.107. 1. Notwithstanding any provision of section 227.100 to the  
2 contrary, as an alternative to the requirements and procedures specified by  
3 sections 227.040 to 227.100, the state highways and transportation commission  
4 is authorized to enter into highway design-build project contracts. The total  
5 number of highway design-build project contracts awarded by the commission in  
6 any state fiscal year shall not exceed two percent of the total number of all state  
7 highway system projects **awarded to contracts for construction from**  
8 **projects** listed in the commission's approved statewide transportation  
9 improvement project for that state fiscal year. Authority to enter into  
10 design-build projects granted by this section shall expire on July 1, [2012] **2018**,  
11 unless extended by statute.

12 2. Notwithstanding provisions of subsection 1 of this section to the  
13 contrary, the state highways and transportation commission is authorized to  
14 enter into additional design-build contracts for the design, construction,  
15 reconstruction, or improvement of Missouri Route 364 as contained in any county  
16 with a charter form of government and with more than two hundred fifty  
17 thousand but fewer than three hundred fifty thousand inhabitants and in any  
18 county with a charter form of government and with more than one million  
19 inhabitants, and the State Highway 169 and 96th Street intersection located  
20 within a home rule city with more than four hundred thousand inhabitants and  
21 located in more than one county. The state highways and transportation  
22 commission is authorized to enter into an additional design-build contract for the

23 design, construction, reconstruction, or improvement of State Highway 92,  
24 contained in a county of the first classification with more than one hundred  
25 eighty-four thousand but fewer than one hundred eighty-eight thousand  
26 inhabitants, from its intersection with State Highway 169, east to its intersection  
27 with State Highway E. **The state highways and transportation commission**  
28 **is authorized to enter into an additional design-build contract for the**  
29 **design, construction, reconstruction, or improvement of US 40/61 I-64**  
30 **Missouri River Bridge as contained in any county with a charter form**  
31 **of government and with more than one million inhabitants and any**  
32 **county with a charter form of government and with more than two**  
33 **hundred fifty thousand but fewer than three hundred fifty thousand**  
34 **inhabitants.** The authority to enter into a design-build highway project under  
35 this subsection shall not be subject to the time limitation expressed in subsection  
36 1 of this section.

37         3. For the purpose of this section a "design-builder" is defined as an  
38 individual, corporation, partnership, joint venture or other entity, including  
39 combinations of such entities making a proposal to perform or performing a  
40 design-build highway project contract.

41         4. For the purpose of this section, "design-build highway project contract"  
42 is defined as the procurement of all materials and services necessary for the  
43 design, construction, reconstruction or improvement of a state highway project in  
44 a single contract with a design-builder capable of providing the necessary  
45 materials and services.

46         5. For the purpose of this section, "highway project" is defined as the  
47 design, construction, reconstruction or improvement of highways or bridges under  
48 contract with the state highways and transportation commission, which is funded  
49 by state, federal or local funds or any combination of such funds.

50         6. In using a design-build highway project contract, the commission shall  
51 establish a written procedure by rule for prequalifying design-builders before  
52 such design-builders will be allowed to make a proposal on the project.

53         7. In any design-build highway project contract, whether involving state  
54 or federal funds, the commission shall require that each person submitting a  
55 request for qualifications provide a detailed disadvantaged business enterprise  
56 participation plan. The plan shall provide information describing the experience  
57 of the person in meeting disadvantaged business enterprise participation goals,  
58 how the person will meet the department of transportation's disadvantaged

59 business enterprise participation goal and such other qualifications that the  
60 commission considers to be in the best interest of the state.

61           8. The commission is authorized to issue a request for proposals to a  
62 maximum of five design-builders prequalified in accordance with subsection 6 of  
63 this section.

64           9. The commission may require approval of any person performing  
65 subcontract work on the design-build highway project.

66           10. Notwithstanding the provisions of sections 107.170, and 227.100, to  
67 the contrary, the commission shall require the design-builder to provide to the  
68 commission directly such bid, performance and payment bonds, or such letters of  
69 credit, in such terms, durations, amounts, and on such forms as the commission  
70 may determine to be adequate for its protection and provided by a surety or  
71 sureties authorized to conduct surety business in the state of Missouri or a  
72 federally insured financial institution or institutions, satisfactory to the  
73 commission, including but not limited to:

74           (1) A bid or proposal bond, cash or a certified or cashier's check;

75           (2) A performance bond or bonds for the construction period specified in  
76 the design-build highway project contract equal to a reasonable estimate of the  
77 total cost of construction work under the terms of the design-build highway  
78 project contract. If the commission determines in writing supported by specific  
79 findings that the reasonable estimate of the total cost of construction work under  
80 the terms of the design-build highway project contract is expected to exceed  
81 two-hundred fifty million dollars and a performance bond or bonds in such  
82 amount is impractical, the commission shall set the performance bond or bonds  
83 at the largest amount reasonably available, but not less than two-hundred fifty  
84 million dollars, and may require additional security, including but not limited to  
85 letters of credit, for the balance of the estimate not covered by the performance  
86 bond or bonds;

87           (3) A payment bond or bonds that shall be enforceable under section  
88 522.300 for the protection of persons supplying labor and material in carrying out  
89 the construction work provided for in the design-build highway project  
90 contract. The aggregate amount of the payment bond or bonds shall equal a  
91 reasonable estimate of the total amount payable for the cost of construction work  
92 under the terms of the design-build highway project contract unless the  
93 commission determines in writing supported by specific findings that a payment  
94 bond or bonds in such amount is impractical, in which case the commission shall



95 establish the amount of the payment bond or bonds; except that the amount of the  
96 payment bond or bonds shall not be less than the aggregate amount of the  
97 performance bond or bonds and any additional security to such performance bond  
98 or bonds; and

99 (4) Upon award of the design-build highway project contract, the sum of  
100 the performance bond and any required additional security established under  
101 subdivisions (2) and (3) of this subsection shall be stated, and shall be a matter  
102 of public record.

103 11. The commission is authorized to prescribe the form of the contracts  
104 for the work.

105 12. The commission is empowered to make all final decisions concerning  
106 the performance of the work under the design-build highway project contract,  
107 including claims for additional time and compensation.

108 13. The provisions of sections 8.285 to 8.291 shall not apply to the  
109 procurement of architectural, engineering or land surveying services for the  
110 design-build highway project, except that any person providing architectural,  
111 engineering or land surveying services for the design-builder on the design-build  
112 highway project must be licensed in Missouri to provide such services.

113 14. The commission shall pay a reasonable stipend to prequalified  
114 responsive design-builders who submit a proposal, but are not awarded the  
115 design-build highway project.

116 15. The commission shall comply with the provisions of any act of  
117 congress or any regulations of any federal administrative agency which provides  
118 and authorizes the use of federal funds for highway projects using the  
119 design-build process.

120 16. The commission shall promulgate administrative rules to implement  
121 this section or to secure federal funds. Such rules shall be published for comment  
122 in the Missouri Register and shall include prequalification criteria, the make-up  
123 of the prequalification review team, specifications for the design criteria package,  
124 the method of advertising, receiving and evaluating proposals from  
125 design-builders, the criteria for awarding the design-build highway project based  
126 on the design criteria package and a separate proposal stating the cost of  
127 construction, and other methods, procedures and criteria necessary to administer  
128 this section.

129 17. The commission shall make a status report to the members of the  
130 general assembly and the governor following the award of the design-build

131 project, as an individual component of the annual report submitted by the  
132 commission to the joint transportation oversight committee in accordance with the  
133 provisions of section 21.795. The annual report prior to advertisement of the  
134 design-build highway project contracts shall state the goals of the project in  
135 reducing costs and/or the time of completion for the project in comparison to the  
136 design-bid-build method of construction and objective measurements to be utilized  
137 in determining achievement of such goals. Subsequent annual reports shall  
138 include: the time estimated for design and construction of different phases or  
139 segments of the project and the actual time required to complete such work  
140 during the period; the amount of each progress payment to the design-builder  
141 during the period and the percentage and a description of the portion of the  
142 project completed regarding such payment; the number and a description of  
143 design change orders issued during the period and the cost of each such change  
144 order; upon substantial and final completion, the total cost of the design-build  
145 highway project with a breakdown of costs for design and construction; and such  
146 other measurements as specified by rule. The annual report immediately after  
147 final completion of the project shall state an assessment of the advantages and  
148 disadvantages of the design-build method of contracting for highway and bridge  
149 projects in comparison to the design-bid-build method of contracting and an  
150 assessment of whether the goals of the project in reducing costs and/or the time  
151 of completion of the project were met.

152         18. The commission shall give public notice of a request for qualifications  
153 in at least two public newspapers that are distributed wholly or in part in this  
154 state and at least one construction industry trade publication that is distributed  
155 nationally.

156         19. The commission shall publish its cost estimates of the design-build  
157 highway project award and the project completion date along with its public  
158 notice of a request for qualifications of the design-build project.

159         20. If the commission fails to receive at least two responsive submissions  
160 from design-builders considered qualified, submissions shall not be opened and  
161 it shall readvertise the project.

162         21. For any highway design-build project constructed under this section,  
163 the commission shall negotiate and reach agreements with affected  
164 railroads. Such agreements shall include clearance, safety, insurance, and  
165 indemnification provisions, but are not required to include provisions on  
166 right-of-way acquisitions.

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

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

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

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

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

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

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

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

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

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

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

32 (11) "Driveaway operation":

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

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

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

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

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

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

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

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

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

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

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

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

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

71 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon  
72 the highways and has no resale value except as a source of parts or scrap, and

73 shall not be titled or registered;

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

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

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

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

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

99 (26) "Local log truck", a commercial motor vehicle which is registered  
100 pursuant to this chapter to operate as a motor vehicle on the public highways of  
101 this state, used exclusively in this state, used to transport harvested forest  
102 products, operated solely at a forested site and in an area extending not more  
103 than a one hundred-mile radius from such site, carries a load with dimensions not  
104 in excess of twenty-five cubic yards per two axles with dual wheels, and when  
105 operated on the national system of interstate and defense highways described in  
106 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed  
107 the weight limits of section 304.180, does not have more than four axles, and does  
108 not pull a trailer which has more than two axles. Harvesting equipment which

109 is used specifically for cutting, felling, trimming, delimiting, debarking, chipping,  
110 skidding, loading, unloading, and stacking may be transported on a local log  
111 truck. A local log truck may not exceed the limits required by law, however, if  
112 the truck does exceed such limits as determined by the inspecting officer, then  
113 notwithstanding any other provisions of law to the contrary, such truck shall be  
114 subject to the weight limits required by such sections as licensed for eighty  
115 thousand pounds;

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

129 (28) "Local transit bus", a bus whose operations are confined wholly  
130 within a municipal corporation, or wholly within a municipal corporation and a  
131 commercial zone, as defined in section 390.020, adjacent thereto, forming a part  
132 of a public transportation system within such municipal corporation and such  
133 municipal corporation and adjacent commercial zone;

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

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

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

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

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

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

153 (35) "Motor vehicle primarily for business use", any vehicle other than a  
154 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor  
155 vehicle licensed for over twelve thousand pounds;

156 (a) Offered for hire or lease; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

203 (49) "Rollback or car carrier", any vehicle specifically designed to  
204 transport wrecked, disabled or otherwise inoperable vehicles, when the  
205 transportation is directly connected to a wrecker or towing service;

206 (50) "Saddlemount combination", a combination of vehicles in which a  
207 truck or truck tractor tows one or more trucks or truck tractors, each connected  
208 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"  
209 is a mechanism that connects the front axle of the towed vehicle to the frame or  
210 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin  
211 connection. When two vehicles are towed in this manner the combination is  
212 called a "double saddlemount combination". When three vehicles are towed in  
213 this manner, the combination is called a "triple saddlemount combination";

214 (51) "Salvage dealer and dismantler", a business that dismantles used  
215 motor vehicles for the sale of the parts thereof, and buys and sells used motor  
216 vehicle parts and accessories;



- 217 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:  
218 (a) Was damaged during a year that is no more than six years after the  
219 manufacturer's model year designation for such vehicle to the extent that the  
220 total cost of repairs to rebuild or reconstruct the vehicle to its condition  
221 immediately before it was damaged for legal operation on the roads or highways  
222 exceeds eighty percent of the fair market value of the vehicle immediately  
223 preceding the time it was damaged;
- 224 (b) By reason of condition or circumstance, has been declared salvage,  
225 either by its owner, or by a person, firm, corporation, or other legal entity  
226 exercising the right of security interest in it;
- 227 (c) Has been declared salvage by an insurance company as a result of  
228 settlement of a claim;
- 229 (d) Ownership of which is evidenced by a salvage title; or
- 230 (e) Is abandoned property which is titled pursuant to section 304.155 or  
231 section 304.157 and designated with the words "salvage/abandoned  
232 property". The total cost of repairs to rebuild or reconstruct the vehicle shall not  
233 include the cost of repairing, replacing, or reinstalling inflatable safety restraints,  
234 tires, sound systems, or damage as a result of hail, or any sales tax on parts or  
235 materials to rebuild or reconstruct the vehicle. For purposes of this definition,  
236 "fair market value" means the retail value of a motor vehicle as:
- 237 a. Set forth in a current edition of any nationally recognized compilation  
238 of retail values, including automated databases, or from publications commonly  
239 used by the automotive and insurance industries to establish the values of motor  
240 vehicles;
- 241 b. Determined pursuant to a market survey of comparable vehicles with  
242 regard to condition and equipment; and
- 243 c. Determined by an insurance company using any other procedure  
244 recognized by the insurance industry, including market surveys, that is applied  
245 by the company in a uniform manner;
- 246 (53) "School bus", any motor vehicle used solely to transport students to  
247 or from school or to transport students to or from any place for educational  
248 purposes;
- 249 (54) "Shuttle bus", a motor vehicle used or maintained by any person,  
250 firm, or corporation as an incidental service to transport patrons or customers of  
251 the regular business of such person, firm, or corporation to and from the place of  
252 business of the person, firm, or corporation providing the service at no fee or

253 charge. Shuttle buses shall not be registered as buses or as commercial motor  
254 vehicles;

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

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

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

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

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

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

288 (61) "Truck", a motor vehicle designed, used, or maintained for the

289 transportation of property;

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

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

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

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

310 (66) "Vanpool", any van or other motor vehicle used or maintained by any  
311 person, group, firm, corporation, association, city, county or state agency, or any  
312 member thereof, for the transportation of not less than eight nor more than  
313 forty-eight employees, per motor vehicle, to and from their place of employment;  
314 however, a vanpool shall not be included in the definition of the term bus or  
315 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,  
316 nor shall a vanpool driver be deemed a chauffeur as that term is defined by  
317 section 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements,  
318 recreational, personal, or maintenance uses constitute an unlicensed use of the  
319 motor vehicle, unless used for monetary profit other than for use in a ride-sharing  
320 arrangement;

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

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

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

301.3084. 1. Any person may receive special license plates as prescribed  
2 by this section, for any motor vehicle such person owns, either solely or jointly,  
3 other than an apportioned motor vehicle or a commercial motor vehicle licensed  
4 in excess of eighteen thousand pounds gross weight[, after an annual contribution  
5 of an emblem-use authorization fee to the Friends of the Missouri Women's  
6 Council. Any contribution to the Friends of the Missouri Women's Council  
7 pursuant to this section, except reasonable administrative costs, shall be  
8 designated for the sole purpose of providing breast cancer services, including but  
9 not limited to screening, treatment, staging, and follow-up services. The Friends  
10 of the Missouri Women's Council hereby authorizes the use of its official emblem  
11 to be affixed on multiyear personalized license plates as provided in this  
12 section. Any person may annually apply for the use of the emblem]. **Upon**  
13 **making a twenty-five dollar annual contribution to the breast cancer**  
14 **awareness fund, established in this section, the vehicle owner may**  
15 **apply for a "Breast Cancer Awareness" license plate. If the contribution**  
16 **is made directly to the state treasurer, the state treasurer shall issue**  
17 **the individual making the contribution a receipt, verifying the**  
18 **contribution, that may be used to apply for the "Breast Cancer**  
19 **Awareness" license plate. If the contribution is made directly to the**  
20 **director of revenue, the director shall note the contribution and the**  
21 **owner may then apply for the "Breast Cancer Awareness" plate. The**  
22 **applicant for such plate must pay a fifteen dollar fee in addition to the**  
23 **regular registration fees and present any other documentation required**  
24 **by law for each set of "Breast Cancer Awareness" plates issued pursuant**  
25 **to this section. Notwithstanding the provisions of section 301.144, no**  
26 **additional fee shall be charged for the personalization of license plates**  
27 **issued pursuant to this section.**

28           2. [Upon annual application and payment of a twenty-five dollar  
29 emblem-use contribution to the Friends of the Missouri Women's Council, the  
30 organization shall issue to the vehicle owner, without further charge, an  
31 emblem-use authorization statement, which shall be presented by the owner to  
32 the department of revenue at the time of registration of a motor vehicle. Upon  
33 presentation of the annual statement, payment of a fifteen dollar fee in addition  
34 to the registration fee and documents which may be required by law, the  
35 department of revenue shall issue to the vehicle owner a personalized] **The**  
36 **"Breast Cancer Awareness"** license plate [which] shall bear a graphic design  
37 depicting the breast cancer awareness pink ribbon symbol [with the words  
38 "Breast Cancer Awareness" forming an oval around the symbol,] and shall bear  
39 the words ["MISSOURI WOMEN'S COUNCIL"] **"BREAST CANCER**  
40 **AWARENESS"** in place of the words "SHOW-ME STATE". Such license plates  
41 shall be made with fully reflective material with a common color scheme and  
42 design, shall be clearly visible at night, and shall be aesthetically attractive, as  
43 prescribed by section 301.130. Notwithstanding the provisions of section 301.144,  
44 no additional fee shall be charged for the personalization of license plates  
45 pursuant to this section.

46           3. A vehicle owner, who was previously issued a plate with a breast cancer  
47 awareness emblem authorized by this section but who does not provide an  
48 emblem-use authorization statement at a subsequent time of registration, shall  
49 be issued a new plate which does not bear the emblem, as otherwise provided by  
50 law. The director of revenue shall make necessary rules and regulations for the  
51 administration of this section, and shall design all necessary forms required by  
52 this section. No rule or portion of a rule promulgated pursuant to the authority  
53 of this section shall become effective unless it has been promulgated pursuant to  
54 the provisions of chapter 536.

55           4. **There is hereby created in the state treasury the "Breast**  
56 **Cancer Awareness Fund"** which shall consist of all gifts, donations,  
57 transfers, and moneys appropriated by the general assembly, and  
58 bequests to the fund. **The fund shall be administered by the**  
59 **department of health and senior services.**

60           5. **The state treasurer or the director of revenue shall deposit the**  
61 **twenty-five dollar annual contribution in the breast cancer awareness**  
62 **fund. Funds deposited pursuant to subsection 1 of this section shall be**  
63 **used to support breast cancer awareness activities conducted by the**

64 department of health and senior services.

65           6. The state treasurer shall be custodian of the fund and may  
66 approve disbursements from the fund in accordance with sections  
67 30.170 and 30.180. Notwithstanding the provisions of section 33.080, to  
68 the contrary, any moneys remaining in the fund at the end of the  
69 biennium shall not revert to the credit of the general revenue  
70 fund. The state treasurer shall invest moneys in the fund in the same  
71 manner as other funds are invested. Any interest and moneys earned  
72 on such investments shall be credited to the fund.

          301.4036. 1. Notwithstanding any other provision of law, any  
2 member of the National Wild Turkey Federation, after an annual  
3 payment of an emblem-use fee to the National Wild Turkey Federation,  
4 may receive personalized specialty license plates for any vehicle the  
5 member owns, either solely or jointly, other than an apportioned motor  
6 vehicle or a commercial motor vehicle licensed in excess of eighteen  
7 thousand pounds gross weight. The National Wild Turkey Federation  
8 hereby authorizes the use of its official emblem to be affixed on  
9 multiyear personalized specialty license plates as provided in this  
10 section. Any contribution to the National Wild Turkey Federation  
11 derived from this section, except reasonable administrative costs, shall  
12 be used solely for the purposes of the National Wild Turkey  
13 Federation. Any member of the National Wild Turkey Federation may  
14 annually apply for the use of the emblem.

15           2. Upon annual application and payment of a fifteen dollar  
16 emblem-use contribution to the National Wild Turkey Federation, the  
17 National Wild Turkey Federation shall issue to the vehicle owner,  
18 without further charge, an emblem-use authorization statement, which  
19 shall be presented by the vehicle owner to the director of revenue at  
20 the time of registration. Upon presentation of the annual emblem-use  
21 authorization statement and payment of a fifteen-dollar fee in addition  
22 to the regular registration fees, and presentation of any documents  
23 which may be required by law, the director of revenue shall issue to the  
24 vehicle owner a personalized specialty license plate which shall bear  
25 the emblem of the National Wild Turkey Federation. Such license  
26 plates shall be made with fully reflective material with a common color  
27 scheme and design, shall be clearly visible at night, and shall be  
28 aesthetically attractive, and prescribed by section 301.130. In addition,

29 upon each set of license plates shall be inscribed, in lieu of the words  
30 "SHOW-ME STATE", the words "National Wild Turkey  
31 Federation". Notwithstanding the provisions of section 301.144, no  
32 additional fee shall be charged for the personalized specialty plates  
33 issued under this section.

34 3. A vehicle owner who was previously issued a plate with the  
35 National Wild Turkey Federation's emblem authorized by this section,  
36 but who does not provide an emblem-use authorization statement at a  
37 subsequent time of registration, shall be issued a new plate which does  
38 not bear the National Wild Turkey Federation's emblem, as otherwise  
39 provided by law. The director of revenue shall make necessary rules  
40 and regulations for the enforcement of this section, and shall design all  
41 necessary forms required by this section.

42 4. Prior to the issuance of a National Wild Turkey Federation  
43 specialty plate authorized under this section, the department of  
44 revenue must be in receipt of an application, as prescribed by the  
45 director, which shall be accompanied by a list of at least two hundred  
46 potential applicants who plan to purchase the specialty plate, the  
47 proposed art design for the specialty license plate, and an application  
48 fee, not to exceed five thousand dollars, to defray the department's cost  
49 for issuing, developing, and programming the implementation of the  
50 specialty plate. Once the plate design is approved, the director of  
51 revenue shall not authorize the manufacture of the material to produce  
52 such personalized specialty license plates with the individual seal, logo,  
53 or emblem until such time as the director has received two hundred  
54 applications, the fifteen dollar specialty plate fee per application, and  
55 emblem-use statements, if applicable, and other required documents or  
56 fees for such plates.

302.181. 1. The license issued pursuant to the provisions of sections  
2 302.010 to 302.340 shall be in such form as the director shall prescribe, but the  
3 license shall be a card made of plastic or other comparable material. All licenses  
4 shall be manufactured of materials and processes that will prohibit, as nearly as  
5 possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license  
6 without ready detection. All licenses shall bear the licensee's Social Security  
7 number, if the licensee has one, and if not, a notarized affidavit must be signed  
8 by the licensee stating that the licensee does not possess a Social Security  
9 number, or, if applicable, a certified statement must be submitted as provided in

10 subsection 4 of this section. The license shall also bear the expiration date of the  
11 license, the classification of the license, the name, date of birth, residence address  
12 including the county of residence or a code number corresponding to such county  
13 established by the department, and brief description and colored photograph or  
14 digitized image of the licensee, and a facsimile of the signature of the  
15 licensee. The director shall provide by administrative rule the procedure and  
16 format for a licensee to indicate on the back of the license together with the  
17 designation for an anatomical gift as provided in section 194.240 the name and  
18 address of the person designated pursuant to sections 404.800 to 404.865 as the  
19 licensee's attorney in fact for the purposes of a durable power of attorney for  
20 health care decisions. No license shall be valid until it has been so signed by the  
21 licensee. If any portion of the license is prepared by a private firm, any contract  
22 with such firm shall be made in accordance with the competitive purchasing  
23 procedures as established by the state director of the division of purchasing. For  
24 all licenses issued or renewed after March 1, 1992, the applicant's Social Security  
25 number shall serve as the applicant's license number. Where the licensee has no  
26 Social Security number, or where the licensee is issued a license without a Social  
27 Security number in accordance with subsection 4 of this section, the director shall  
28 issue a license number for the licensee and such number shall also include an  
29 indicator showing that the number is not a Social Security number.

30           2. All film involved in the production of photographs for licenses shall  
31 become the property of the department of revenue.

32           3. The license issued shall be carried at all times by the holder thereof  
33 while driving a motor vehicle, and shall be displayed upon demand of any officer  
34 of the highway patrol, or any police officer or peace officer, or any other duly  
35 authorized person, for inspection when demand is made therefor. Failure of any  
36 operator of a motor vehicle to exhibit his or her license to any duly authorized  
37 officer shall be presumptive evidence that such person is not a duly licensed  
38 operator.

39           4. The director of revenue shall issue a commercial or noncommercial  
40 driver's license without a Social Security number to an applicant therefor, who  
41 is otherwise qualified to be licensed, upon presentation to the director of a  
42 certified statement that the applicant objects to the display of the Social Security  
43 number on the license. The director shall assign an identification number, that  
44 is not based on a Social Security number, to the applicant which shall be  
45 displayed on the license in lieu of the Social Security number.



46           5. The director of revenue shall not issue a license without a facial  
47 photograph or digital image of the license applicant, except as provided pursuant  
48 to subsection 8 of this section. A photograph or digital image of the applicant's  
49 full facial features shall be taken in a manner prescribed by the director. No  
50 photograph or digital image will be taken wearing anything which cloaks the  
51 facial features of the individual.

52           6. The department of revenue may issue a temporary license or a full  
53 license without the photograph or with the last photograph or digital image in the  
54 department's records to members of the armed forces, except that where such  
55 temporary license is issued it shall be valid only until the applicant shall have  
56 had time to appear and have his or her picture taken and a license with his or  
57 her photograph issued.

58           7. The department of revenue shall issue upon request a nondriver's  
59 license card containing essentially the same information and photograph or  
60 digital image, except as provided pursuant to subsection 8 of this section, as the  
61 driver's license upon payment of six dollars. All nondriver's licenses shall expire  
62 on the applicant's birthday in the sixth year after issuance. A person who has  
63 passed his or her seventieth birthday shall upon application be issued a  
64 nonexpiring nondriver's license card. **Notwithstanding any other provision**  
65 **of this chapter, a nondriver's license containing a concealed carry**  
66 **endorsement shall expire three years from the date the certificate of**  
67 **qualification was issued pursuant to section 571.101. The fee for**  
68 **nondriver's licenses issued for a period exceeding three years is six**  
69 **dollars or three dollars for nondriver's licenses issued for a period of**  
70 **three years or less.** The nondriver's license card shall be used for identification  
71 purposes only and shall not be valid as a license.

72           8. If otherwise eligible, an applicant may receive a driver's license or  
73 nondriver's license without a photograph or digital image of the applicant's full  
74 facial features except that such applicant's photograph or digital image shall be  
75 taken and maintained by the director and not printed on such license.  
76 In order to qualify for a license without a photograph or digital image pursuant  
77 to this section the applicant must:

78           (1) Present a form provided by the department of revenue requesting the  
79 applicant's photograph be omitted from the license or nondriver's license due to  
80 religious affiliations. The form shall be signed by the applicant and another  
81 member of the religious tenant verifying the photograph or digital image

82 exemption on the license or nondriver's license is required as part of their  
83 religious affiliation. The required signatures on the prescribed form shall be  
84 properly notarized;

85 (2) Provide satisfactory proof to the director that the applicant has been  
86 a U.S. citizen for at least five years and a resident of this state for at least one  
87 year, except that an applicant moving to this state possessing a valid driver's  
88 license from another state without a photograph, shall be exempt from the  
89 one-year state residency requirement. The director may establish rules necessary  
90 to determine satisfactory proof of citizenship and residency pursuant to this  
91 section;

92 (3) Applications for a driver's license or nondriver's license without a  
93 photograph or digital image must be made in person at a license office  
94 determined by the director. The director is authorized to limit the number of  
95 offices that may issue a driver's or nondriver's license without a photograph or  
96 digital image pursuant to this section.

97 9. The department of revenue shall make available, at one or more  
98 locations within the state, an opportunity for individuals to have their full facial  
99 photograph taken by an employee of the department of revenue, or their designee,  
100 who is of the same sex as the individual being photographed, in a segregated  
101 location.

102 10. Beginning July 1, 2005, the director shall not issue a driver's license  
103 or a nondriver's license for a period that exceeds an applicant's lawful presence  
104 in the United States. The director may, by rule or regulation, establish  
105 procedures to verify the lawful presence of the applicant and establish the  
106 duration of any driver's license or nondriver's license issued under this section.

107 11. No rule or portion of a rule promulgated pursuant to the authority of  
108 this chapter shall become effective unless it is promulgated pursuant to the  
109 provisions of chapter 536.

302.291. 1. The director, having good cause to believe that an operator  
2 is incompetent or unqualified to retain his or her license, after giving ten days'  
3 notice in writing by certified mail directed to such person's present known  
4 address, may require the person to submit to an examination as prescribed by the  
5 director. Upon conclusion of the examination, the director may allow the person  
6 to retain his or her license, may suspend, deny or revoke the person's license, or  
7 may issue the person a license subject to restrictions as provided in section  
8 302.301. If an examination indicates a condition that potentially impairs safe

9 driving, the director, in addition to action with respect to the license, may require  
10 the person to submit to further periodic examinations. The refusal or neglect of  
11 the person to submit to an examination within thirty days after the date of such  
12 notice shall be grounds for suspension, denial or revocation of the person's license  
13 by the director, an associate circuit or circuit court. Notice of any suspension,  
14 denial, revocation or other restriction shall be provided by certified mail. As used  
15 in this section, the term "denial" means the act of not licensing a person who is  
16 currently suspended, revoked or otherwise not licensed to operate a motor  
17 vehicle. Denial may also include the act of withdrawing a previously issued  
18 license.

19 2. The examination provided for in subsection 1 of this section may  
20 include, but is not limited to, a written test and tests of driving skills, vision,  
21 highway sign recognition and, if appropriate, a physical and/or mental  
22 examination as provided in section 302.173.

23 3. The director shall have good cause to believe that an operator is  
24 incompetent or unqualified to retain such person's license on the basis of, but not  
25 limited to, a report by:

26 (1) Any certified peace officer;

27 (2) Any physician, physical therapist or occupational therapist licensed  
28 pursuant to chapter 334; any chiropractic physician licensed pursuant to chapter  
29 331; any registered nurse licensed pursuant to chapter 335; any psychologist [or],  
30 social worker **or professional counselor** licensed pursuant to chapter 337; any  
31 optometrist licensed pursuant to chapter 336; or

32 (3) Any member of the operator's family within three degrees of  
33 consanguinity, or the operator's spouse, who has reached the age of eighteen,  
34 except that no person may report the same family member pursuant to this  
35 section more than one time during a twelve-month period. The report must state  
36 that the person reasonably and in good faith believes the driver cannot safely  
37 operate a motor vehicle and must be based upon personal observation or physical  
38 evidence which shall be described in the report, or the report shall be based upon  
39 an investigation by a law enforcement officer. The report shall be a written  
40 declaration in the form prescribed by the department of revenue and shall contain  
41 the name, address, telephone number, and signature of the person making the  
42 report.

43 4. Any physician, physical therapist or occupational therapist licensed  
44 pursuant to chapter 334, any chiropractor licensed pursuant to chapter 331, any

45 registered nurse licensed pursuant to chapter 335, any psychologist [or], social  
46 worker **or professional counselor** licensed pursuant to chapter 337, or any  
47 optometrist licensed pursuant to chapter 336 may report to the department any  
48 patient diagnosed or assessed as having a disorder or condition that may prevent  
49 such person from safely operating a motor vehicle. Such report shall state the  
50 diagnosis or assessment and whether the condition is permanent or  
51 temporary. The existence of a physician-patient relationship shall not prevent  
52 the making of a report by such medical professionals.

53         5. Any person who makes a report in good faith pursuant to this section  
54 shall be immune from any civil liability that otherwise might result from making  
55 the report. Notwithstanding the provisions of chapter 610 to the contrary, all  
56 reports made and all medical records reviewed and maintained by the department  
57 of revenue pursuant to this section shall be kept confidential except upon order  
58 of a court of competent jurisdiction or in a review of the director's action pursuant  
59 to section 302.311.

60         6. The department of revenue shall keep records and statistics of reports  
61 made and actions taken against driver's licenses pursuant to this section.

62         7. The department of revenue shall, in consultation with the medical  
63 advisory board established by section 302.292, develop a standardized form and  
64 provide guidelines for the reporting of cases and for the examination of drivers  
65 pursuant to this section. The guidelines shall be published and adopted as  
66 required for rules and regulations pursuant to chapter 536. The department of  
67 revenue shall also adopt rules and regulations as necessary to carry out the other  
68 provisions of this section. The director of revenue shall provide health care  
69 professionals and law enforcement officers with information about the procedures  
70 authorized in this section. The guidelines and regulations implementing this  
71 section shall be in compliance with the federal Americans with Disabilities Act  
72 of 1990.

73         8. Any person who knowingly violates a confidentiality provision of this  
74 section or who knowingly permits or encourages the unauthorized use of a report  
75 or reporting person's name in violation of this section shall be guilty of a class A  
76 misdemeanor and shall be liable for damages which proximately result.

77         9. Any person who intentionally files a false report pursuant to this  
78 section shall be guilty of a class A misdemeanor and shall be liable for damages  
79 which proximately result.

80         10. All appeals of license revocations, suspensions, denials and

81 restrictions shall be made as required pursuant to section 302.311 within thirty  
82 days after the receipt of the notice of revocation, suspension, denial or restriction.

83 11. Any individual whose condition is temporary in nature as reported  
84 pursuant to the provisions of subsection 4 of this section shall have the right to  
85 petition the director of the department of revenue for total or partial  
86 reinstatement of his or her license. Such request shall be made on a form  
87 prescribed by the department of revenue and accompanied by a statement from  
88 a health care provider with the same or similar license as the health care  
89 provider who made the initial report resulting in the limitation or loss of the  
90 driver's license. Such petition shall be decided by the director of the department  
91 of revenue within thirty days of receipt of the petition. Such decision by the  
92 director is appealable pursuant to subsection 10 of this section.

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

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

8 3. (1) All circuit courts, the director of revenue, or a commissioner  
9 operating under section 478.007 shall have jurisdiction to hear applications and  
10 make eligibility determinations granting limited driving privileges. Any  
11 application may be made in writing to the director of revenue and the person's  
12 reasons for requesting the limited driving privilege shall be made therein.

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

16 (a) [A business, occupation, or] **Driving to or from the operator's**  
17 **places of** employment;

18 (b) [Seeking medical treatment for such operator;

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

20 [(d)] **(c)** Attending alcohol or drug treatment programs; **or**

21 [(e)] **(d)** Seeking the required services of a certified ignition interlock  
22 device provider; [or

23 (f) Any other circumstance the court or director finds would create an  
24 undue hardship on the operator;] the court or director may grant such limited

25 driving privilege as the circumstances of the case justify if the court or director  
26 finds undue hardship would result to the individual, and while so operating a  
27 motor vehicle within the restrictions and limitations of the limited driving  
28 privilege the driver shall not be guilty of operating a motor vehicle without a  
29 valid license.

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

48 (4) No limited driving privilege shall be issued to any person otherwise  
49 eligible under the provisions of paragraph (a) of subdivision (6) of this subsection  
50 on a license revocation resulting from a conviction under subdivision (9) of  
51 subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of  
52 subdivision (8) of this subsection, until the applicant has filed proof with the  
53 department of revenue that any motor vehicle operated by the person is equipped  
54 with a functioning, certified ignition interlock device as a required condition of  
55 limited driving privilege.

56 (5) The court order or the director's grant of the limited or restricted  
57 driving privilege shall indicate the termination date of the privilege, which shall  
58 be not later than the end of the period of suspension or revocation. A copy of any  
59 court order shall be sent by the clerk of the court to the director, and a copy shall  
60 be given to the driver which shall be carried by the driver whenever such driver

61 operates a motor vehicle. The director of revenue upon granting a limited driving  
62 privilege shall give a copy of the limited driving privilege to the applicant. The  
63 applicant shall carry a copy of the limited driving privilege while operating a  
64 motor vehicle. A conviction which results in the assessment of points pursuant  
65 to section 302.302, other than a violation of a municipal stop sign ordinance  
66 where no accident is involved, against a driver who is operating a vehicle  
67 pursuant to a limited driving privilege terminates the privilege, as of the date the  
68 points are assessed to the person's driving record. If the date of arrest is prior  
69 to the issuance of the limited driving privilege, the privilege shall not be  
70 terminated. Failure of the driver to maintain proof of financial responsibility, as  
71 required by chapter 303, or to maintain proof of installation of a functioning,  
72 certified ignition interlock device, as applicable, shall terminate the  
73 privilege. The director shall notify by ordinary mail the driver whose privilege  
74 is so terminated.

75 (6) Except as provided in subdivision (8) of this subsection, no person is  
76 eligible to receive a limited driving privilege who at the time of application for a  
77 limited driving privilege has previously been granted such a privilege within the  
78 immediately preceding five years, or whose license has been suspended or revoked  
79 for the following reasons:

80 (a) A conviction of violating the provisions of section 577.010 or 577.012,  
81 or any similar provision of any federal or state law, or a municipal or county law  
82 where the judge in such case was an attorney and the defendant was represented  
83 by or waived the right to an attorney in writing, until the person has completed  
84 the first thirty days of a suspension or **forty-five days of a** revocation imposed  
85 pursuant to this chapter;

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

88 (c) Ineligibility for a license because of the provisions of subdivision (1),  
89 (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

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

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

97 (f) Violation more than once of the provisions of section 577.041 or a  
98 similar implied consent law of any other state; or

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

104 (7) No person who possesses a commercial driver's license shall receive a  
105 limited driving privilege issued for the purpose of operating a commercial motor  
106 vehicle if such person's driving privilege is suspended, revoked, canceled, denied,  
107 or disqualified. Nothing in this section shall prohibit the issuance of a limited  
108 driving privilege for the purpose of operating a noncommercial motor vehicle  
109 provided that pursuant to the provisions of this section, the applicant is not  
110 otherwise ineligible for a limited driving privilege.

111 (8) (a) Provided that pursuant to the provisions of this section, the  
112 applicant is not otherwise ineligible for a limited driving privilege, a circuit court  
113 or the director may, in the manner prescribed in this subsection, allow a person  
114 who has had such person's license to operate a motor vehicle revoked where that  
115 person cannot obtain a new license for a period of ten years, as prescribed in  
116 subdivision (9) of section 302.060, to apply for a limited driving privilege  
117 pursuant to this subsection if such person has served at least three years of such  
118 disqualification or revocation. Such person shall present evidence satisfactory to  
119 the court or the director that such person has not been convicted of any offense  
120 related to alcohol, controlled substances or drugs during the preceding three  
121 years and that the person's habits and conduct show that the person no longer  
122 poses a threat to the public safety of this state.

123 (b) Provided that pursuant to the provisions of this section, the applicant  
124 is not otherwise ineligible for a limited driving privilege or convicted of  
125 involuntary manslaughter while operating a motor vehicle in an intoxicated  
126 condition, a circuit court or the director may, in the manner prescribed in this  
127 subsection, allow a person who has had such person's license to operate a motor  
128 vehicle revoked where that person cannot obtain a new license for a period of five  
129 years because of two convictions of driving while intoxicated, as prescribed in  
130 subdivision (10) of section 302.060, to apply for a limited driving privilege  
131 pursuant to this subsection if such person has served at least two years of such  
132 disqualification or revocation. Such person shall present evidence satisfactory to



133 the court or the director that such person has not been convicted of any offense  
134 related to alcohol, controlled substances or drugs during the preceding two years  
135 and that the person's habits and conduct show that the person no longer poses a  
136 threat to the public safety of this state. Any person who is denied a license  
137 permanently in this state because of an alcohol-related conviction subsequent to  
138 a restoration of such person's driving privileges pursuant to subdivision (9) of  
139 section 302.060 shall not be eligible for limited driving privilege pursuant to the  
140 provisions of this subdivision.

141 (9) A DWI docket or court established under section 478.007 may grant  
142 a limited driving privilege to a participant in or graduate of the program who  
143 would otherwise be ineligible for such privilege under another provision of  
144 law. The DWI docket or court shall not grant a limited driving privilege to a  
145 participant during his or her initial forty-five days of participation.

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

154 5. The director of revenue shall promulgate rules and regulations  
155 necessary to carry out the provisions of this section. Any rule or portion of a rule,  
156 as that term is defined in section 536.010, that is created under the authority  
157 delegated in this section shall become effective only if it complies with and is  
158 subject to all of the provisions of chapter 536 and, if applicable, section  
159 536.028. This section and chapter 536 are nonseverable and if any of the powers  
160 vested with the general assembly pursuant to chapter 536 to review, to delay the  
161 effective date or to disapprove and annul a rule are subsequently held  
162 unconstitutional, then the grant of rulemaking authority and any rule proposed  
163 or adopted after August 28, 2001, shall be invalid and void.

302.341. 1. If a Missouri resident charged with a moving traffic violation  
2 of this state or any county or municipality of this state fails to dispose of the  
3 charges of which the resident is accused through authorized prepayment of fine  
4 and court costs and fails to appear on the return date or at any subsequent date  
5 to which the case has been continued, or without good cause fails to pay any fine

6 or court costs assessed against the resident for any such violation within the  
7 period of time specified or in such installments as approved by the court or as  
8 otherwise provided by law, any court having jurisdiction over the charges shall  
9 within ten days of the failure to comply inform the defendant by ordinary mail  
10 at the last address shown on the court records that the court will order the  
11 director of revenue to suspend the defendant's driving privileges if the charges  
12 are not disposed of and fully paid within thirty days from the date of  
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges  
14 and fully pay any applicable fines and court costs, the court shall notify the  
15 director of revenue of such failure and of the pending charges against the  
16 defendant. Upon receipt of this notification, the director shall suspend the  
17 license of the driver, effective immediately, and provide notice of the suspension  
18 to the driver at the last address for the driver shown on the records of the  
19 department of revenue. Such suspension shall remain in effect until the court  
20 with the subject pending charge requests setting aside the noncompliance  
21 suspension pending final disposition, or satisfactory evidence of disposition of  
22 pending charges and payment of fine and court costs, if applicable, is furnished  
23 to the director by the individual. Upon proof of disposition of charges and  
24 payment of fine and court costs, if applicable, and payment of the reinstatement  
25 fee as set forth in section 302.304, the director shall return the license and  
26 remove the suspension from the individual's driving record **if the individual**  
27 **was not operating a commercial motor vehicle or a commercial driver's**  
28 **license holder at the time of the offense.** The filing of financial  
29 responsibility with the bureau of safety responsibility, department of revenue,  
30 shall not be required as a condition of reinstatement of a driver's license  
31 suspended solely under the provisions of this section.

32           2. If any city, town or village receives more than thirty-five percent of its  
33 annual general operating revenue from fines and court costs for traffic violations  
34 occurring on state highways, all revenues from such violations in excess of  
35 thirty-five percent of the annual general operating revenue of the city, town or  
36 village shall be sent to the director of the department of revenue and shall be  
37 distributed annually to the schools of the county in the same manner that  
38 proceeds of all penalties, forfeitures and fines collected for any breach of the  
39 penal laws of the state are distributed. For the purpose of this section the words  
40 "state highways" shall mean any state or federal highway, including any such  
41 highway continuing through the boundaries of a city, town or village with a

42 designated street name other than the state highway number. The director of the  
43 department of revenue shall set forth by rule a procedure whereby excess  
44 revenues as set forth above shall be sent to the department of revenue. If any  
45 city, town, or village disputes a determination that it has received excess  
46 revenues required to be sent to the department of revenue, such city, town, or  
47 village may submit to an annual audit by the state auditor under the authority  
48 of article IV, section 13 of the Missouri Constitution. Any rule or portion of a  
49 rule, as that term is defined in section 536.010, that is created under the  
50 authority delegated in this section shall become effective only if it complies with  
51 and is subject to all of the provisions of chapter 536 and, if applicable, section  
52 536.028. This section and chapter 536 are nonseverable and if any of the powers  
53 vested with the general assembly under chapter 536 to review, to delay the  
54 effective date, or to disapprove and annul a rule are subsequently held  
55 unconstitutional, then the grant of rulemaking authority and any rule proposed  
56 or adopted after August 28, 2009, shall be invalid and void.

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

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

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

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

11 (3) **"CDLIS driver record", the electronic record of the individual**  
12 **commercial driver's status and history stored by the state of record as**  
13 **part of the Commercial Driver's License Information System (CDLIS)**  
14 **established under 49 U.S.C. Section 31309, et seq.;**

15 (4) **"CDLIS motor vehicle record (CDLIS MVR)", a report**  
16 **generated from the CDLIS driver record which meets the requirements**  
17 **for access to CDLIS information and is provided by states to users**  
18 **authorized in 49 CFR Part 384, subject to the provisions of the Driver**  
19 **Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;**

20 (5) "Commercial driver's instruction permit", a permit issued pursuant to  
21 section 302.720;

22            [(4)] **(6)** "Commercial driver's license", a license issued by this state to  
23 an individual which authorizes the individual to operate a commercial motor  
24 vehicle;

25            [(5)] **(7)** "Commercial driver's license downgrade", occurs when:

26            (a) A driver changes the self-certification to interstate, but  
27 operates exclusively in transportation or operation excepted from 49  
28 CFR Part 391, as provided in 49 CFR Part 390.3(f), 391.2, 391.68, or  
29 398.3;

30            (b) A driver changes the self-certification to intrastate only, if  
31 the driver qualifies under the state's physical qualification  
32 requirements for intrastate only;

33            (c) A driver changes the self-certification to intrastate, but  
34 operating exclusively in transportation or operations excepted from all  
35 or part of the state driver qualification requirements; or

36            (d) The state removes the commercial driver's license privilege  
37 from the driver's license;

38            **(8)** "Commercial driver's license information system (CDLIS)", the  
39 information system established pursuant to the Commercial Motor Vehicle Safety  
40 Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating  
41 information related to the licensing and identification of commercial motor vehicle  
42 drivers;

43            [(6)] **(9)** "Commercial motor vehicle", a motor vehicle designed or used to  
44 transport passengers or property:

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

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

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

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

55            [(7)] **(10)** "Controlled substance", any substance so classified under  
56 Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes  
57 all substances listed in schedules I through V of 21 CFR part 1308, as they may

58 be revised from time to time;

59        [(8)] (11) "Conviction", an unvacated adjudication of guilt, including  
60 pleas of guilt and nolo contendere, or a determination that a person has violated  
61 or failed to comply with the law in a court of original jurisdiction or an authorized  
62 administrative proceeding, an unvacated forfeiture of bail or collateral deposited  
63 to secure the person's appearance in court, the payment of a fine or court cost, or  
64 violation of a condition of release without bail, regardless of whether the penalty  
65 is rebated, suspended or prorated, including an offense for failure to appear or  
66 pay;

67        [(9)] (12) "Director", the director of revenue or his authorized  
68 representative;

69        [(10)] (13) "Disqualification", any of the following three actions:

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

72        (b) Any withdrawal of a person's privileges to drive a commercial motor  
73 vehicle by a state, **Canada, or Mexico** as the result of a violation of federal,  
74 state, county, municipal, or local law relating to motor vehicle traffic control or  
75 violations committed through the operation of motor vehicles, other than parking,  
76 vehicle weight, or vehicle defect violations;

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

80        [(11)] (14) "Drive", to drive, operate or be in physical control of a  
81 commercial motor vehicle;

82        [(12)] (15) "Driver", any person who drives, operates, or is in physical  
83 control of a motor vehicle, or who is required to hold a commercial driver's  
84 license;

85        (16) **"Driver applicant", an individual who applies to obtain,**  
86 **transfer, upgrade, or renew a commercial driver's license in this state;**

87        [(13)] (17) "Driving under the influence of alcohol", the commission of  
88 any one or more of the following acts:

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

93        (b) Driving a commercial or noncommercial motor vehicle while

94 intoxicated in violation of any federal or state law, or in violation of a county or  
95 municipal ordinance;

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

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

101 (e) Having any state, county or municipal alcohol-related enforcement  
102 contact, as defined in subsection 3 of section 302.525; provided that any  
103 suspension or revocation pursuant to section 302.505, committed in a  
104 noncommercial motor vehicle by an individual twenty-one years of age or older  
105 shall have been committed by the person with an alcohol concentration of at least  
106 eight-hundredths of one percent or more, or in the case of an individual who is  
107 less than twenty-one years of age, shall have been committed by the person with  
108 an alcohol concentration of at least two-hundredths of one percent or more, and  
109 if committed in a commercial motor vehicle, a concentration of four-hundredths  
110 of one percent or more;

111 [(14)] (18) "Driving under the influence of a controlled substance", the  
112 commission of any one or more of the following acts in a commercial or  
113 noncommercial motor vehicle:

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

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

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

123 [(15)] (19) "Employer", any person, including the United States, a state,  
124 or a political subdivision of a state, who owns or leases a commercial motor  
125 vehicle or assigns a driver to operate such a vehicle;

126 (20) "Endorsement", an authorization on an individual's  
127 commercial driver's license permitting the individual to operate certain  
128 types of commercial motor vehicles;

129 [(16)] (21) "Farm vehicle", a commercial motor vehicle controlled and

130 operated by a farmer used exclusively for the transportation of agricultural  
131 products, farm machinery, farm supplies, or a combination of these, within one  
132 hundred fifty miles of the farm, other than one which requires placarding for  
133 hazardous materials as defined in this section, or used in the operation of a  
134 common or contract motor carrier, except that a farm vehicle shall not be a  
135 commercial motor vehicle when the total combined gross weight rating does not  
136 exceed twenty-six thousand one pounds when transporting fertilizers as defined  
137 in subdivision (21) of this subsection;

138 [(17)] **(22)** "Fatality", the death of a person as a result of a motor vehicle  
139 accident;

140 [(18)] **(23)** "Felony", any offense under state or federal law that is  
141 punishable by death or imprisonment for a term exceeding one year;

142 **(24) "Foreign", outside the United States and the District of**  
143 **Columbia;**

144 [(19)] **(25)** "Gross combination weight rating" or "GCWR", the value  
145 specified by the manufacturer as the loaded weight of a combination (articulated)  
146 vehicle. In the absence of a value specified by the manufacturer, GCWR will be  
147 determined by adding the GVWR of the power unit and the total weight of the  
148 towed unit and any load thereon;

149 [(20)] **(26)** "Gross vehicle weight rating" or "GVWR", the value specified  
150 by the manufacturer as the loaded weight of a single vehicle;

151 [(21)] **(27)** "Hazardous materials", any material that has been designated  
152 as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart  
153 F of CFR Part 172 or any quantity of a material listed as a select agent or toxin  
154 in 42 CFR Part 73. Fertilizers, including but not limited to ammonium nitrate,  
155 phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel,  
156 shall not be considered hazardous materials when transported by a farm vehicle  
157 provided all other provisions of this definition are followed;

158 [(22)] **(28)** "Imminent hazard", the existence of a condition that presents  
159 a substantial likelihood that death, serious illness, severe personal injury, or a  
160 substantial endangerment to health, property, or the environment may occur  
161 before the reasonably foreseeable completion date of a formal proceeding begins  
162 to lessen the risk of that death, illness, injury, or endangerment;

163 [(23)] **(29)** "Issuance", the initial licensure, license transfers, license  
164 renewals, and license upgrades;

165 **(30) "Medical examiner", a person who is licensed, certified, or**

166 registered, in accordance with applicable state laws and regulations,  
167 to perform physical examinations. The term includes, but is not limited  
168 to, doctors of medicine, doctors of osteopathy, physician assistants,  
169 advanced practice nurses, and doctors of chiropractic;

170 (31) "Medical variance", when a driver has received one of the  
171 following that allows the driver to be issued a medical certificate:

172 (a) An exemption letter permitting operation of a commercial  
173 motor vehicle under 49 CFR Part 381, Subpart C or 49 CFR Part 391.64;

174 (b) A skill performance evaluation certificate permitting  
175 operation of a commercial motor vehicle under 49 CFR Part 391.49;

176 [(24)] (32) "Motor vehicle", any self-propelled vehicle not operated  
177 exclusively upon tracks;

178 [(25)] (33) "Noncommercial motor vehicle", a motor vehicle or  
179 combination of motor vehicles not defined by the term "commercial motor vehicle"  
180 in this section;

181 [(26)] (34) "Out of service", a temporary prohibition against the operation  
182 of a commercial motor vehicle by a particular driver, or the operation of a  
183 particular commercial motor vehicle, or the operation of a particular motor  
184 carrier;

185 [(27)] (35) "Out-of-service order", a declaration by [the Federal Highway  
186 Administration, or any] an authorized enforcement officer of a federal, state,  
187 [Commonwealth of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that  
188 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of  
189 service under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or 396.9, or  
190 comparable laws, or the North American Standard Out-of-Service  
191 Criteria;

192 [(28)] (36) "School bus", a commercial motor vehicle used to transport  
193 preprimary, primary, or secondary school students from home to school, from  
194 school to home, or to and from school-sponsored events. School bus does not  
195 include a bus used as a common carrier as defined by the Secretary;

196 [(29)] (37) "Secretary", the Secretary of Transportation of the United  
197 States;

198 [(30)] (38) "Serious traffic violation", driving a commercial motor vehicle  
199 in such a manner that the driver receives a conviction for the following offenses  
200 or driving a noncommercial motor vehicle when the driver receives a conviction  
201 for the following offenses and the conviction results in the suspension or



202 revocation of the driver's license or noncommercial motor vehicle driving  
203 privilege:

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

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

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

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

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

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

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

231 [(31)] (39) "State", a state[, territory or possession] of the United States[,  
232 the District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any  
233 province of Canada];

234 [(32)] (40) "United States", the fifty states and the District of Columbia.

**302.768. 1. Any applicant for a commercial driver's license or  
2 commercial driver's instruction permit shall comply with the Federal  
3 Motor Carrier Safety Administration application requirements of 49**

4 CFR Part 383.71 by certifying to one of the following applicable  
5 statements relating to federal and state driver qualification rules:

6 (1) Nonexcepted interstate: Certifies the applicant is a driver  
7 operating or expecting to operate in interstate or foreign commerce, or  
8 is otherwise subject to and meets requirements of 49 CFR Part 391 and  
9 is required to obtain a medical examiner's certificate as defined in 49  
10 CFR Part 391.45;

11 (2) Excepted interstate: Certifies the applicant is a driver  
12 operating or expecting to operate entirely in interstate commerce that  
13 is not subject to Part 391 and is subject to Missouri driver  
14 qualifications and not required to obtain a medical examiner's  
15 certificate;

16 (3) Nonexcepted intrastate: Certifies the applicant is a driver  
17 operating only in intrastate commerce and is subject to Missouri driver  
18 qualifications;

19 (4) Excepted intrastate: Certifies the applicant operates or  
20 expects to operate only in intrastate commerce, and engaging only in  
21 operations excepted from all parts of the Missouri driver qualification  
22 requirements.

23 2. Any applicant who cannot meet certification requirements  
24 under one of the categories defined in subsection 1 of this section shall  
25 be denied issuance of a commercial driver's license or commercial  
26 driver's instruction permit.

27 3. An applicant certifying to operation in nonexcepted interstate  
28 or nonexcepted intrastate commerce shall provide the state with an  
29 original or copy of a current medical examiners certificate or a medical  
30 examiners certificate accompanied by a medical variance or  
31 waiver. The state shall retain the original or copy of the  
32 documentation of physical qualification for a minimum of three years  
33 beyond the date the certificate was issued.

34 4. Applicants certifying to operation in nonexcepted interstate  
35 commerce or nonexcepted intrastate commerce shall provide an  
36 updated medical certificate or variance documents to maintain a  
37 certified status during the term of the commercial driver's license or  
38 commercial driver's instruction permit in order to retain commercial  
39 privileges.

40 5. The director shall post the medical examiners certificate of

41 information, medical variance if applicable, and certification status to  
42 the Missouri driver record within ten calendar days and such  
43 information will become part of the CDLIS driver record.

44 **6. Applicants certifying to operation in nonexcepted interstate**  
45 **commerce or nonexcepted intrastate commerce who fail to provide or**  
46 **maintain a current medical examiners certificate, or if the state has**  
47 **received notice of a medical variance or waiver expiring or being**  
48 **rescinded, the state shall, within ten calendar days, update the driver's**  
49 **medical certification status to "not certified". The state shall notify the**  
50 **driver of the change in certification status and require the driver to**  
51 **annually comply with requirements for a commercial driver's license**  
52 **downgrade within sixty days of notice.**

53 **7. The department of revenue may, by rule, establish the cost and**  
54 **criteria for submission of updated medical certification status**  
55 **information as required under this section.**

56 **8. Any person who falsifies any information in an application for**  
57 **or update of medical certification status information for a commercial**  
58 **driver's license shall not be licensed to operate a commercial motor**  
59 **vehicle, or the person's commercial driver's license shall be canceled**  
60 **for a period of one year after the director discovers such falsification.**

61 **9. The director may promulgate rules and regulations necessary**  
62 **to administer and enforce this section. Any rule or portion of a rule,**  
63 **as that term is defined in section 536.010, that is created under the**  
64 **authority delegated in this section shall become effective only if it**  
65 **complies with and is subject to all of the provisions of chapter 536 and,**  
66 **if applicable, section 536.028. This section and chapter 536 are**  
67 **nonseverable and if any of the powers vested with the general assembly**  
68 **pursuant to chapter 536 to review, to delay the effective date, or to**  
69 **disapprove and annul a rule are subsequently held unconstitutional,**  
70 **then the grant of rulemaking authority and any rule proposed or**  
71 **adopted after August 28, 2011, shall be invalid and void.**

304.120. 1. Municipalities, by ordinance, may establish reasonable speed  
2 regulations for motor vehicles within the limits of such municipalities. No person  
3 who is not a resident of such municipality and who has not been within the limits  
4 thereof for a continuous period of more than forty-eight hours, shall be convicted  
5 of a violation of such ordinances, unless it is shown by competent evidence that  
6 there was posted at the place where the boundary of such municipality joins or

7 crosses any highway a sign displaying in black letters not less than four inches  
8 high and one inch wide on a white background the speed fixed by such  
9 municipality so that such sign may be clearly seen by operators and drivers from  
10 their vehicles upon entering such municipality.

11 2. Municipalities, by ordinance, may:

12 (1) Make additional rules of the road or traffic regulations to meet their  
13 needs and traffic conditions;

14 (2) Establish one-way streets and provide for the regulation of vehicles  
15 thereon;

16 (3) Require vehicles to stop before crossing certain designated streets and  
17 boulevards;

18 (4) Limit the use of certain designated streets and boulevards to  
19 passenger vehicles, **except that each municipality shall allow at least one**  
20 **street, with lawful traffic movement and access from both directions,**  
21 **to be available for use by commercial vehicles to access any roads in**  
22 **the state highway system. Under no circumstances shall the provisions**  
23 **of this subdivision be construed to authorize municipalities to limit the**  
24 **use of all streets in the municipality;**

25 (5) Prohibit the use of certain designated streets to vehicles with metal  
26 tires, or solid rubber tires;

27 (6) Regulate the parking of vehicles on streets by the installation of  
28 parking meters for limiting the time of parking and exacting a fee therefor or by  
29 the adoption of any other regulatory method that is reasonable and practical, and  
30 prohibit or control left-hand turns of vehicles;

31 (7) Require the use of signaling devices on all motor vehicles; and

32 (8) Prohibit sound producing warning devices, except horns directed  
33 forward.

34 3. No ordinance shall be valid which contains provisions contrary to or in  
35 conflict with this chapter, except as herein provided.

36 4. No ordinance shall impose liability on the owner-lessor of a motor  
37 vehicle when the vehicle is being permissively used by a lessee and is illegally  
38 parked or operated if the registered owner-lessor of such vehicle furnishes the  
39 name, address and operator's license number of the person renting or leasing the  
40 vehicle at the time the violation occurred to the proper municipal authority  
41 within three working days from the time of receipt of written request for such  
42 information. Any registered owner-lessor who fails or refuses to provide such

43 information within the period required by this subsection shall be liable for the  
44 imposition of any fine established by municipal ordinance for the  
45 violation. Provided, however, if a leased motor vehicle is illegally parked due to  
46 a defect in such vehicle, which renders it inoperable, not caused by the fault or  
47 neglect of the lessee, then the lessor shall be liable on any violation for illegal  
48 parking of such vehicle.

49 **5. No ordinance shall deny the use of commercial vehicles on all**  
50 **streets within the municipality.**

304.200. 1. The chief engineer of the state department of transportation,  
2 for good cause shown and when the public safety or public interest so justifies,  
3 shall issue special permits for vehicles or equipment exceeding the limitations on  
4 width, length, height and weight herein specified, or which are unable to  
5 maintain minimum speed limits. Such permits shall be issued only for a single  
6 trip or for a definite period, not beyond the date of expiration of the vehicle  
7 registration, and shall designate the highways and bridges which may be used  
8 pursuant to the authority of such permit.

9 2. The chief engineer of the state department of transportation shall upon  
10 proper application and at no charge issue a special permit to any person allowing  
11 the movement on state and federal highways of farm products between sunset and  
12 sunrise not in excess of fourteen feet in width. Special permits allowing  
13 movement of oversize loads of farm products shall allow for movement between  
14 sunset and sunrise, subject to appropriate requirements for safety lighting on the  
15 load, appropriate limits on load dimensions and appropriate consideration of high  
16 traffic density between sunset and sunrise on the route to be traveled. The chief  
17 engineer may also issue upon proper application a special permit to any person  
18 allowing the movement on the state and federal highways of concrete pump  
19 trucks or well-drillers equipment. For the purposes of this section, "farm  
20 products" shall have the same meaning as provided in section 400.9-109.

21 3. Rules and regulations for the issuance of special permits shall be  
22 prescribed by the state highways and transportation commission and filed with  
23 the secretary of state. No rule or portion of a rule promulgated pursuant to the  
24 authority of section 304.010 and this section shall become effective unless it has  
25 been promulgated pursuant to the provisions of chapter 536.

26 4. The officer in charge of the maintenance of the streets of any  
27 municipality may issue such permits for the use of the streets by such vehicles  
28 within the limits of such municipalities.

29           5. In order to transport manufactured homes, as defined in section  
30 700.010, on the roads, highways, bridges and other thoroughfares within this  
31 state, only the applicable permits required by this section shall be obtained.

32           **6. No manufactured home, as defined in section 700.010 shall be**  
33 **transported under this section unless the owner of such manufactured**  
34 **home has paid property taxes on the manufactured home for the**  
35 **taxable year in which the manufactured home is to be transported and**  
36 **for all prior taxable years. For the purposes of this section, in**  
37 **determining the amount of taxes to be paid in the taxable year in which**  
38 **the manufactured home is to be transported, the tax liability shall be**  
39 **the amount paid or owing for the immediate preceding taxable year. If**  
40 **the amount paid exceeds the actual tax liability for such year, the**  
41 **owner shall be entitled to a refund, and if the amount paid is less than**  
42 **the actual tax liability, the owner shall be liable for the unpaid portion**  
43 **at the time and in the manner as otherwise provided by law. The**  
44 **owner or title holder of the manufactured home shall obtain, prior to**  
45 **transport under this section, a receipt from the county collector or**  
46 **collector-treasurer showing all property taxes on the manufactured**  
47 **home have been paid. Said receipt shall remain in the possession of**  
48 **anyone issued a permit under this section until the manufactured home**  
49 **has been transported.**

          304.820. 1. Except as otherwise provided in this section, no person  
2 [twenty-one years of age or younger] operating a moving motor vehicle upon the  
3 highways of this state shall, by means of a hand-held electronic wireless  
4 communications device, send, read, or write a text message or electronic message.

5           2. The provisions of subsection 1 of this section shall not apply to a person  
6 operating:

7           (1) An authorized emergency vehicle; or

8           (2) A moving motor vehicle while using a hand-held electronic wireless  
9 communications device to:

10           (a) Report illegal activity;

11           (b) Summon medical or other emergency help;

12           (c) Prevent injury to a person or property; or

13           (d) Relay information between a transit or for-hire operator and that  
14 operator's dispatcher, in which the device is permanently affixed to the vehicle.

15           3. Nothing in this section shall be construed or interpreted as prohibiting

16 a person from making or taking part in a telephone call, by means of a hand-held  
17 electronic wireless communications device, while operating a motor vehicle upon  
18 the highways of this state.

19 4. As used in this section, "electronic message" means a self-contained  
20 piece of digital communication that is designed or intended to be transmitted  
21 between hand-held electronic wireless communication devices. "Electronic  
22 message" includes, but is not limited to, electronic mail, a text message, an  
23 instant message, or a command or request to access an Internet site.

24 5. As used in this section, "hand-held electronic wireless communications  
25 device" includes any hand-held cellular phone, palm pilot, blackberry, or other  
26 mobile electronic device used to communicate verbally or by text or electronic  
27 messaging, but shall not apply to any device that is permanently embedded into  
28 the architecture and design of the motor vehicle.

29 6. As used in this section, "making or taking part in a telephone call"  
30 means listening to or engaging in verbal communication through a hand-held  
31 electronic wireless communication device.

32 7. As used in this section, "send, read, or write a text message or  
33 electronic message" means using a hand-held electronic wireless  
34 telecommunications device to manually communicate with any person by using  
35 an electronic message. Sending, reading, or writing a text message or electronic  
36 message does not include reading, selecting, or entering a phone number or name  
37 into a hand-held electronic wireless communications device for the purpose of  
38 making a telephone call.

39 8. A violation of this section shall be deemed an infraction and shall be  
40 deemed a moving violation for purposes of point assessment under section  
41 302.302.

42 9. The state preempts the field of regulating the use of hand-held  
43 electronic wireless communications devices in motor vehicles, and the provisions  
44 of this section shall supercede any local laws, ordinances, orders, rules, or  
45 regulations enacted by a county, municipality, or other political subdivision to  
46 regulate the use of hand-held electronic wireless communication devices by the  
47 operator of a motor vehicle.

48 10. The provisions of this section shall not apply to:

- 49 (1) The operator of a vehicle that is lawfully parked or stopped;  
50 (2) Any of the following while in the performance of their official duties:  
51 a law enforcement officer; a member of a fire department; or the operator of a

52 public or private ambulance;

53 (3) The use of factory-installed or aftermarket global positioning systems  
54 (GPS) or wireless communications devices used to transmit or receive data as part  
55 of a digital dispatch system;

56 (4) The use of voice-operated technology;

57 (5) The use of two-way radio transmitters or receivers by a licensee of the  
58 Federal Communications Commission in the Amateur Radio Service;

59 **(6) A person using a hand-held mobile telephone in conjunction**  
60 **with a voice-operated or hands-free device. The term "voice-operated**  
61 **or hands-free device" shall mean a device that allows the user to write,**  
62 **send, or read a text message without the use of either hand except to**  
63 **activate or deactivate a feature or function.**

323.020. 1. The commission shall make, promulgate and enforce  
2 regulations setting forth general standards covering the design, construction,  
3 location, installation and operation of equipment for storing, handling,  
4 transporting by [tank truck, tank trailer] **trucks designed to carry three**  
5 **thousand five hundred gallons or less**, and utilizing liquefied petroleum  
6 gases and specifying the odorization of such gases and the degree  
7 thereof. **Employees and drivers of transporters operating cargo tank**  
8 **trailers designed to carry more than three thousand five hundred**  
9 **gallons that have been trained as specified in 49 CFR 172.700-704, as**  
10 **may periodically be amended, are exempt from the registration and**  
11 **training regulations when operating in interstate or intrastate**  
12 **commerce. Commission approval of this training and third party**  
13 **testing shall not be required.** The regulations shall be such as are reasonably  
14 necessary for the protection of the health, welfare and safety of the public and  
15 persons using such materials, and shall be in substantial conformity with the  
16 generally accepted standards of safety concerning the same subject matter. Such  
17 regulations shall be adopted by the commission pursuant to chapter 536. Any  
18 rule or portion of a rule, as that term is defined in section 536.010, that is  
19 promulgated under the authority of this chapter, shall become effective only if the  
20 authority has fully complied with all of the requirements of chapter 536 including  
21 but not limited to section 536.028 if applicable, after January 1, 1999. All  
22 rulemaking authority delegated prior to January 1, 1999, is of no force and effect  
23 and repealed as of January 1, 1999, however nothing in this act shall be  
24 interpreted to repeal or affect the validity of any rule adopted and promulgated



25 prior to January 1, 1999. If the provisions of section 536.028 apply, the  
26 provisions of this section are nonseverable and if any of the powers vested with  
27 the general assembly pursuant to section 536.028 to review, to delay the effective  
28 date, or to disapprove and annul a rule or portion of a rule are held  
29 unconstitutional or invalid, the purported grant of rulemaking authority and any  
30 rule so proposed and contained in the order of rulemaking shall be invalid and  
31 void, except that nothing in this act shall affect the validity of any rule adopted  
32 and promulgated prior to January 1, 1999.

33         2. Except as specifically provided in subsection 1 of section 323.060,  
34 regulations in substantial conformity with the published standards of the  
35 National Board of Fire Underwriters for the design, installation and construction  
36 of containers and pertinent equipment for the storage and handling of liquefied  
37 petroleum gases as recommended by the National Fire Protection Association  
38 shall be deemed to be in substantial conformity with the generally accepted  
39 standards of safety concerning the same subject matter.

387.040. 1. No motor carrier subject to the provisions of this chapter shall  
2 engage or participate in the transportation of passengers [or household goods],  
3 between points within this state, until its schedules of rates, fares and charges  
4 shall have been filed **with the state highways and transportation**  
5 **commission** and published in accordance with the provisions of this  
6 chapter. Any motor carrier, which shall undertake to perform any service or  
7 furnish any product or commodity unless or until the rates, tolls, fares, charges,  
8 classifications and rules and regulations relating thereto, applicable to such  
9 service, product or commodity, have been filed with the highways and  
10 transportation commission and published in accordance with the provisions of  
11 this chapter, shall be subject to forfeiture to the state pursuant to the provisions  
12 of sections 390.156 to 390.176.

13         2. [Notwithstanding subsection 1 of this section, a motor carrier shall not  
14 be required to file its schedules of rates, fares, and charges for shipments of  
15 household goods that are transported wholly or exclusively within a commercial  
16 zone as defined in 390.020 or within a commercial zone established by the  
17 highways and transportation commission pursuant to the provisions of  
18 subdivision (4) of section 390.041.] **Notwithstanding any provision of this**  
19 **chapter or chapter 390 to the contrary, a motor carrier transporting**  
20 **household goods in intrastate commerce shall not be required to file its**  
21 **schedule of rates, fares, and charges with the state highways and**

22 **transportation commission. In lieu of filing its schedules of rates, fares,**  
23 **charges, rules, or tolls with the state highways and transportation**  
24 **commission, a motor carrier transporting household goods in intrastate**  
25 **commerce shall maintain and publish its schedules of rates, fares,**  
26 **charges, rules, and tolls in every station or office as described in**  
27 **subsection 3 of section 387.050 and such rates shall be available for**  
28 **inspection by the state highways and transportation commission,**  
29 **shippers, and the public upon request. Any motor carrier transporting**  
30 **household goods in intrastate commerce that fails to comply with the**  
31 **provisions of this subsection shall be subject to forfeiture to the state**  
32 **pursuant to the provisions of sections 390.156 to 390.176.**

387.050. 1. Every motor carrier shall file with the [division of motor  
2 carrier and railroad safety] **state highways and transportation commission**  
3 and shall print and keep open to public inspection schedules showing the rates,  
4 fares and charges for the transportation of passengers and household goods  
5 within this state between each point upon its route and all other points thereon  
6 and between each point upon its route and all points upon every route leased,  
7 operated or controlled by it and between each point on its route or upon any route  
8 leased, operated or controlled by it and all points upon the route of any other  
9 motor carrier, whenever a through route and joint rate shall have been  
10 established or ordered between any two such points. If no joint rate over a  
11 through route has been established, the several carriers in such through route  
12 shall file, print and keep open to public inspection, as aforesaid, the separately  
13 established rates, fares and charges applied to the through  
14 transportation. **Beginning August 28, 2011, motor carriers shall not be**  
15 **required to file their schedules showing the rates, fares, rules, and**  
16 **charges for the transportation of household goods within this state but**  
17 **shall print and keep open for public inspection such schedules in**  
18 **accordance with this section and section 387.040.**

19 2. The schedules printed as aforesaid shall plainly state the places  
20 between which household goods and passengers will be carried, and shall also  
21 contain the classification of passengers or household goods in force, and shall also  
22 state separately all terminal charges, storage charges, icing charges and all other  
23 charges which the [division] **state highways and transportation commission**  
24 may require to be stated, all privileges or facilities granted or allowed, and any  
25 rules or regulations which may in any way change, affect or determine any part

26 or the aggregate of such aforesaid rates, fares and charges, or the value of the  
27 service rendered to the passenger, shipper or consignee.

28 3. Such schedules shall be plainly printed in large type, and a copy  
29 thereof shall be kept by every such carrier readily accessible to and for convenient  
30 inspection by the public in every station or office of such carrier where passengers  
31 or household goods are respectively received for transportation, when such station  
32 or office is in charge of an agent, and in every station or office of such carrier  
33 where passenger tickets for transportation or tickets covering bills of lading or  
34 receipts for household goods are issued. All or any of such schedules kept as  
35 aforesaid shall be immediately produced by such carrier for inspection upon the  
36 demand of any person.

37 4. A notice printed in bold type and stating that such schedules are on file  
38 with the agent and open to inspection by any person and that the agent will  
39 assist any such person to determine from such schedules any transportation rates  
40 or fares or rules or regulations which are in force shall be kept posted by the  
41 carrier in two public and conspicuous places in every such station or office.

42 5. The form of every such schedule shall be prescribed by the [division]  
43 **state highways and transportation commission.**

44 6. The [division] **state highways and transportation commission**  
45 shall have power, from time to time, in its discretion, to determine and prescribe  
46 by order such changes in the form of such schedules as may be found expedient,  
47 and to modify the requirements of this section in respect to publishing, posting  
48 and filing of schedules either in particular instances or by general order  
49 applicable to special or peculiar circumstances or conditions.

387.080. 1. The names of the several carriers which are parties to any  
2 joint tariff shall be specified therein, and each of the parties thereto, other than  
3 the one filing the same, shall file with the [division of motor carrier and railroad  
4 safety] **state highways and transportation commission** such evidence of  
5 concurrence therein or acceptance thereof as may be required or approved by the  
6 [division] **state highways and transportation commission**; and where such  
7 evidence of concurrence or acceptance is filed, it shall not be necessary for the  
8 carriers filing the same also to file copies of the tariffs in which they are named  
9 as parties. **The provisions of this subsection shall not apply to motor**  
10 **carriers of household goods. Carriers of household goods participating**  
11 **in through routes or interline service shall publish joint tariffs and**  
12 **evidence of concurrence or acceptance thereof or individual tariffs for**

13 **each participating carrier in accordance with sections 387.040 and**  
14 **387.050.**

15           2. Every motor carrier shall file with the [division] **state highways and**  
16 **transportation commission** sworn copies of every contract, agreement or  
17 arrangement with any other motor carrier or motor carriers relating in any way  
18 to the transportation of passengers [or property].

19           3. **Motor carriers of household goods are prohibited from**  
20 **participation in any joint tariff pursuant to the provisions of this**  
21 **chapter, except that this subsection shall not prohibit joint tariffs**  
22 **relating to joint rates for household goods transportation over any**  
23 **through routes or by interline service performed by two or more**  
24 **separate motor carriers.**

          387.110. [1.] No motor carrier shall make or give any undue or  
2 unreasonable preference or advantage to any person or corporation or to any  
3 locality or to any particular description of traffic in any respect whatsoever, or  
4 subject any particular person or corporation or locality or any particular  
5 description of traffic, to any undue or unreasonable prejudice or disadvantage in  
6 any respect whatsoever.

7           [2. Notwithstanding any other provision of law to the contrary, no  
8 common carrier of household goods shall use any schedule of rates or charges, or  
9 both, for the transportation of household goods within this state which divides  
10 this state into territorial rate areas. Any schedule of rates or charges, or both,  
11 which divides, or attempts to divide, this state into territorial rate areas is  
12 unjust, unreasonable, and invalid.]

**387.137. The state highways and transportation commission shall**  
2 **establish consumer protection requirements for motor carriers**  
3 **transporting household goods in intrastate commerce and establish a**  
4 **system for filing, logging, and responding to consumer complaints.**

**387.139. 1. The division of motor carrier services shall keep an**  
2 **information file about each complaint filed with it regarding the**  
3 **movement of household goods in intrastate commerce. The division of**  
4 **motor carrier service's information file shall be kept current and**  
5 **contain a record for each complaint of:**

- 6           **(1) All persons contacted in relation to the complaint;**  
7           **(2) A summary of findings in response to the complaint;**  
8           **(3) An explanation of the reason for a complaint that is**

9 **dismissed; and**

10 **(4) Any other relevant information.**

11 **2. If a written complaint is filed with the division that is within**  
12 **the division's jurisdiction, the division, at least as frequently as**  
13 **quarterly and until final disposition of the complaint, shall notify the**  
14 **complainant of the status of the complaint unless the notice would**  
15 **jeopardize an ongoing investigation.**

16 **3. The highways and transportation commission shall adopt by**  
17 **rule a form to standardize information concerning complaints made to**  
18 **the division of motor carriers regarding the transportation of**  
19 **household goods. The commission shall prescribe by rule information**  
20 **to be provided to a person when the person files a complaint with the**  
21 **division of motor carrier services.**

22 **4. The state highways and transportation commission shall**  
23 **promulgate rules and regulations for the implementation and**  
24 **administration of this section. Any rule or portion of a rule, as that**  
25 **term is defined in section 536.010 that is created under the authority**  
26 **delegated in this section shall become effective only if it complies with**  
27 **and is subject to all of the provisions of chapter 536, and, if applicable,**  
28 **section 536.028. This section and chapter 536 are nonseverable and if**  
29 **any of the powers vested with the general assembly pursuant to chapter**  
30 **536, to review, to delay the effective date, or to disapprove and annul**  
31 **a rule are subsequently held unconstitutional, then the grant of**  
32 **rulemaking authority and any rule proposed or adopted after August**  
33 **28, 2011, shall be invalid and void.**

387.207. 1. All rates, tolls, charges, schedules and joint rates fixed by the  
2 **[division] highways and transportation commission** with reference to the  
3 transportation of passengers **[or household goods]** by motor carrier shall be in  
4 force and shall be prima facie lawful, and all regulations, practices and services  
5 prescribed by the **[division] commission** shall be in force and shall be prima  
6 facie lawful and reasonable until found otherwise in a suit brought for that  
7 purpose pursuant to the provisions of this chapter.

8 **2. All rates, tolls, charges, schedules, and joint rates published**  
9 **in accordance with subsection 3 of section 387.050 with reference to the**  
10 **transportation of household goods by motor carrier shall be in force**  
11 **and shall be prima facie lawful, and all regulations, practices and**  
12 **services prescribed by the highways and transportation commission**

13 shall be in force and shall be prima facie lawful and reasonable until  
14 found otherwise in a suit brought for that purpose pursuant to the  
15 provisions of this chapter.

387.355. On August 28, 2011, all rate orders issued by the state  
2 highways and transportation commission or its predecessors affecting  
3 the transportation of household goods by common carriers in intrastate  
4 commerce, pursuant to the authority of any of the provisions in this  
5 chapter or chapter 390, shall be vacated and set aside, but only to the  
6 extent that those rate orders require or prescribe any minimum rates,  
7 maximum rates, or minimum-and-maximum rates for the transportation  
8 of household goods by common carriers in intrastate commerce. This  
9 section shall not vacate or set aside any other requirements or  
10 provisions contained in those rate orders.

390.051. 1. Except as otherwise provided in section 390.030, no person  
2 shall engage in the business of a common carrier of household goods or  
3 passengers in intrastate commerce on any public highway in this state unless  
4 there is in force with respect to such carrier a certificate issued by the [division]  
5 state highways and transportation commission authorizing such operations.  
6 2. Application for a certificate shall be made in writing to the [division]  
7 state highways and transportation commission and shall contain such  
8 information as the [division] state highways and transportation  
9 commission shall, by rule, require and shall include:

10 (1) Full information concerning the ownership, financial [condition]  
11 status of applicant through the submission of documentation describing  
12 assets, liabilities, and capital, equipment to be used and a statement listing  
13 the physical equipment of applicant and the reasonable value thereof;

14 (2) The complete route or routes over which the applicant desires to  
15 operate, or territory to be served; except that the state highways and  
16 transportation commission shall not restrict any certificate or permit  
17 authorizing the transportation of household goods or passengers with  
18 reference to any route or routes; except that the state highways and  
19 transportation commission shall restrict the applicant's registration  
20 against the transportation of any hazardous material as designated in  
21 Title 49, Code of Federal Regulations, if the state highways and  
22 transportation commission finds that the applicant has not shown it is  
23 qualified to safely transport that hazardous material in compliance

24 **with all registration, liability insurance, and safety requirements**  
25 **applicable to the transportation of that hazardous material pursuant**  
26 **to Title 49, Code of Federal Regulations;**

27 (3) The proposed rates, schedule or schedules, or timetable of the  
28 applicant.

29 3. [Except as provided for in subsection 4 of this section, if the division]  
30 **If the state highways and transportation commission** finds that an  
31 applicant seeking to transport [general and specialized commodities in truckload  
32 lots, agricultural commodities in bulk in dump trucks] **household goods**, or  
33 passengers [in charter service] is fit, willing and able to properly perform the  
34 service proposed and to conform to the provisions of this chapter and the  
35 requirements, rules and regulations of the [division] **state highways and**  
36 **transportation commission** established thereunder, a certificate therefor shall  
37 be issued.

38 4. [If the division finds that an applicant seeking to transport:

39 (1) General and specialized commodities in less-than-truckload lots;

40 (2) Commodities in bulk in dump trucks, other than agricultural  
41 commodities in bulk in dump trucks, as defined in section 390.020;

42 (3) Mobile homes;

43 (4) Household goods;

44 (5) Passengers other than in charter service;

45 (6) Gasoline, fuel oil or liquefied petroleum gas;

46 (7) Boats; is fit, willing and able to properly perform the service proposed,  
47 and to conform to the provisions of this chapter and the requirement, rules and  
48 regulations of the division, and that the service proposed will serve a useful  
49 present or future public purpose, a certificate therefor specifying the service  
50 authorized shall be issued, unless the division finds on the basis of evidence  
51 presented by persons objecting to the issuance of a certificate that the  
52 transportation to be authorized by the certificate will be inconsistent with the  
53 public convenience and necessity.

54 5. In making findings under subsection 4 of this section, the division shall  
55 consider the testimony of the applicant, the proposed users of the service  
56 contemplated by the applicant, and any other relevant testimony or evidence, and  
57 the division shall consider, and to the extent applicable, make findings on at least  
58 the following:

59 (1) The transportation policy of section 390.011; and

60 (2) The criteria set forth in this subsection. In cases where persons object  
61 to the issuance of a certificate, the diversion of revenue or traffic from existing  
62 carriers shall be considered.

63 6.] The [division] **state highways and transportation commission**  
64 shall streamline and simplify to the maximum extent practicable the process for  
65 issuance of certificates to which the provisions of this section apply.

66 [7.] 5. The [division] **state highways and transportation**  
67 **commission** shall dismiss on its motion any application for substantially the  
68 same common [or contract] authority that has been previously denied within six  
69 months of filing the subsequent application.

**390.054. Beginning August 28, 2011, and continuing thereafter, no**  
2 **certificate or permit to transport household goods in intrastate**  
3 **commerce shall be issued or renewed unless the applicant demonstrates**  
4 **that the applicant has workers' compensation insurance coverage that**  
5 **complies with chapter 287, for all employees. If any household goods**  
6 **carrier subject to the provisions of this chapter or chapter 387 is found**  
7 **by the division of workers' compensation to be out of compliance with**  
8 **chapter 287, the division shall report such fact to the state highways**  
9 **and transportation commission. The commission shall suspend the**  
10 **household goods carrier's certificate or permit pursuant to section**  
11 **390.106 until such time the carrier demonstrates that it has procured**  
12 **workers' compensation insurance coverage that complies with chapter**  
13 **287.**

390.061. 1. Except as otherwise provided in section 390.030, no person  
2 shall engage in the business of a contract carrier **of household goods or**  
3 **passengers** in intrastate commerce on any public highway in this state unless  
4 there is in force with respect to such carrier a permit issued by the [division of  
5 motor carrier and railroad safety] **state highways and transportation**  
6 **commission** authorizing such operations.

7 2. Applications for such permits shall be made to the [division] **state**  
8 **highways and transportation commission** in writing and shall contain such  
9 information as the [division] **state highways and transportation**  
10 **commission** shall, by rule, require and shall include:

11 (1) Full information concerning the ownership, financial [condition]  
12 **status** of applicant **through the submission of documentation describing**  
13 **assets, liabilities, and capital**, equipment to be used and a statement listing



14 the physical equipment of applicant and the reasonable value thereof;

15 (2) The complete route or routes over which the applicant desires to  
16 operate, or territory to be served; **except that the state highways and**  
17 **transportation commission shall not restrict any certificate or permit**  
18 **authorizing the transportation of household goods or passengers with**  
19 **reference to any route or routes; except that the state highways and**  
20 **transportation commission shall restrict the applicant's registration**  
21 **against the transportation of any hazardous material as designated in**  
22 **Title 49, Code of Federal Regulations, if the state highways and**  
23 **transportation commission finds that the applicant has not shown it is**  
24 **qualified to safely transport that hazardous material in compliance**  
25 **with all registration, liability insurance, and safety requirements**  
26 **applicable to the transportation of that hazardous material pursuant**  
27 **to Title 49, Code of Federal Regulations.**

28 3. If the [division] **state highways and transportation commission**  
29 shall find that the applicant is seeking to transport [general and specialized  
30 commodities in truckload lots, agricultural commodities in bulk,] **household**  
31 **goods**, or passengers [in charter service], and is fit, willing and able to properly  
32 perform the service proposed and to conform to the provisions of this chapter and  
33 the requirements, rules and regulations of the [division] **state highways and**  
34 **transportation commission** thereunder, a permit therefor shall be issued.

35 4. [If the division finds that an applicant seeking to transport  
36 commodities or passengers as described in subsection 4 of section 390.051 is fit,  
37 willing and able to properly perform the service proposed, and to conform to the  
38 provisions of this chapter and the requirements, rules and regulations of the  
39 division, and that the service proposed will serve a useful present or future  
40 purpose, a permit therefor specifying the service authorized shall be issued,  
41 unless the division finds on the basis of evidence presented by persons objecting  
42 to the issuance of a permit that the transportation to be authorized by the permit  
43 will be inconsistent with the public convenience and necessity.

44 5.] Any permit issued under this section shall specify the service to be  
45 rendered, the contracting parties, and the [points or] area to be served.

46 [6.] 5. The [division] **state highways and transportation**  
47 **commission** will not have jurisdiction over contract rates. A copy of the original  
48 contract must be filed with the [division] **state highways and transportation**  
49 **commission** prior to issuance of a permit. In the event the applicant chooses not

50 to disclose contract rates in the application, the contract shall contain in lieu of  
51 rates a specific provision which incorporates by reference a schedule of rates, in  
52 writing, to be effective between carrier and shipper. Current contracts and rate  
53 schedules must be maintained by the carrier and contracting shippers. A contract  
54 permit, authorizing the transportation of [commodities] **household goods** or  
55 passengers [other than as described in subsection 4 of section 390.051], may be  
56 amended to include additional contracting parties by the filing of said contracts  
57 with the [division] **state highways and transportation commission** and  
58 acknowledgment by the [division] **state highways and transportation**  
59 **commission**.

390.116. 1. Common carriers of [property] **household goods** may  
2 establish reasonable through routes **or interline service** and joint rates,  
3 charges and classifications with other such carriers or with common carriers by  
4 railroad or express; and common carriers of passengers may establish reasonable  
5 through routes and joint rates, fares or charges with other such carriers or with  
6 common carriers by railroad. In case of such joint rates, fares, charges or  
7 classifications, it shall be the duty of the **participating** carriers[, parties  
8 thereto,] to establish just and reasonable regulations and practices in connection  
9 therewith, and just, reasonable and equitable divisions thereof as between the  
10 carriers participating therein which shall not unduly prefer or prejudice any of  
11 such participating carriers **and shall not result in any rate, fare, charge,**  
12 **classification, regulation, or practice that is unjust or unreasonable to**  
13 **the shipper or receiver of the household goods. Carriers of household**  
14 **goods participating in through routes or interline service shall publish**  
15 **joint tariffs and evidence of concurrence or acceptance thereof, in**  
16 **accordance with section 387.080, or individual tariffs for each**  
17 **participating carrier, which shall set forth the joint or individual rates,**  
18 **fares, charges, classifications, regulations, practices, and division of**  
19 **rates applicable to such through routes or interline service, all in**  
20 **accordance with the applicable provisions in chapter 387.**

21 2. The [division] **state highways and transportation commission**  
22 may, whenever deemed by it to be necessary or desirable in the public interest,  
23 after hearing, upon complaint or upon its own motion, order the establishment  
24 of just and reasonable through routes and joint rates, fares, charges, regulations  
25 or practices, applicable to the transportation of passengers [or property] by  
26 common carriers.

390.280. 1. Certificates or permits, or both, which were issued before  
2 January 1, 1995, and which authorized a person to transport any property in  
3 intrastate commerce by motor vehicle as a common carrier or contract carrier, or  
4 both, are void, except that to the extent such certificates or permits, or portions  
5 thereof, authorized a person to transport household goods over irregular routes  
6 or passengers in intrastate commerce, or any property or passengers in interstate  
7 commerce, those certificates or permits, or portions thereof, are exempt from the  
8 provisions of this subsection.

9       2. Persons who owned certificates or permits, or both, that were in active  
10 status with the division on December 31, 1994, and persons to whom the division  
11 issued certificates and permits after December 31, 1994, pursuant to emergency  
12 rules adopted by the division, are deemed to be qualified as registered property  
13 carriers, unless the person's certificate or permit has been suspended, revoked or  
14 transferred to another person as provided by law. A person deemed qualified  
15 pursuant to this subsection is not required to file an application pursuant to  
16 section 390.290 to continue providing intrastate transportation as a registered  
17 property carrier, but rather, upon such person's compliance with the licensing and  
18 insurance requirements of the division the person is deemed to have a property  
19 carrier registration in force as required pursuant to section 390.270, authorizing  
20 the person to transport property except household goods in intrastate commerce  
21 on the public highways, unless the person's property carrier registration is  
22 suspended, revoked or transferred to another person as provided by law. Within  
23 a reasonable time after August 28, 1996, the division shall issue property carrier  
24 registrations to all persons who are deemed to be qualified as registered property  
25 carriers and deemed to have property carrier registrations in force pursuant to  
26 this subsection.

27       3. Notwithstanding any provision of this section to the contrary, this  
28 section shall not be construed as authorizing any person to transport any  
29 hazardous material as designated in Title 49, Code of Federal Regulations, except  
30 hazardous materials which that person was expressly authorized to transport in  
31 intrastate commerce within this state on August 28, 1996. A person may file an  
32 application for property carrier registration pursuant to section 390.290 to  
33 transport additional hazardous materials. Nothing in this section shall be  
34 construed to conflict with chapter 260, or of relieving an applicant of any duty to  
35 obtain a license pursuant to chapter 260.

36       4. **Notwithstanding any provision of the law to the contrary, any**

37 geographic restriction or provision limiting the carrier's scope of  
38 authority to particular routes within this state contained in a  
39 certificate or permit, or both, authorizing the transportation of  
40 household goods in intrastate commerce, which was issued prior to  
41 August 28, 2011, and any similar provision contained in a carrier's tariff  
42 schedule filed prior to such date, shall be deemed void. In lieu of the  
43 geographic restrictions expressed in such certificates, permits, or tariff  
44 schedules, a motor carrier shall be authorized to provide intrastate  
45 transportation of household goods between all points and destinations  
46 within the state until such time the certificates, permits, and tariff  
47 schedules are reissued or amended to reflect the motor carrier's  
48 statewide operating authority. Nothing contained in the provisions of  
49 sections 390.051 to 390.116 shall be construed to exempt or to alter the  
50 obligation of compliance by carriers transporting passengers point-to-  
51 point within the jurisdiction described in 67.1802 from the provisions  
52 of sections 67.1800 to 67.1822.

537.293. 1. Notwithstanding any other provision of law, the use  
2 of vehicles on a public street or highway in a manner which is legal  
3 under state and local law shall not constitute a public or private  
4 nuisance, and shall not be the basis of a civil action for public or  
5 private nuisance.

6 2. No individual or business entity shall be subject to any civil  
7 action in law or equity for a public or private nuisance on the basis of  
8 such individual or business entity legally using vehicles on a public  
9 street or highway. Any actions by a court in this state to enjoin the use  
10 of a public street or highway in violation of this section and any  
11 damages awarded or imposed by a court, or assessed by a jury, against  
12 an individual or business entity for public or private nuisance in  
13 violation of this section shall be null and void.

14 3. Notwithstanding any other provision of law, nothing in this  
15 section shall be construed to limit civil liability for compensatory  
16 damages arising from physical injury to another human being.

558.021. 1. The court shall find the defendant to be a prior offender,  
2 persistent offender, dangerous offender, persistent sexual offender or predatory  
3 sexual offender if:

4 (1) The indictment or information, original or amended, or the information  
5 in lieu of an indictment pleads all essential facts warranting a finding that the

6 defendant is a prior offender, persistent offender, dangerous offender, persistent  
7 sexual offender or predatory sexual offender; and

8 (2) Evidence is introduced that establishes sufficient facts pleaded to  
9 warrant a finding beyond a reasonable doubt that the defendant is a prior  
10 offender, persistent offender, dangerous offender, persistent sexual offender or  
11 predatory sexual offender; and

12 (3) The court makes findings of fact that warrant a finding beyond a  
13 reasonable doubt by the court that the defendant is a prior offender, persistent  
14 offender, dangerous offender, persistent sexual offender or predatory sexual  
15 offender.

16 2. In a jury trial, the facts shall be pleaded, established and found prior  
17 to submission to the jury outside of its hearing, except the facts required by  
18 subdivision (1) of subsection 4 of section 558.016 may be established and found  
19 at a later time, but prior to sentencing, and may be established by judicial notice  
20 of prior testimony before the jury; **provided that any error or omission in**  
21 **pleading or proving the facts required to comply with this section may**  
22 **be corrected by amending the pleadings or supplementing the record,**  
23 **on notice and hearing, prior to sentencing; provided further that any**  
24 **error in pleading or proving the facts required to comply with this**  
25 **section shall not require vacation or reversal of sentence on appeal**  
26 **unless such error results in substantial prejudice to the rights of the**  
27 **defendant or a miscarriage of justice, and nothing herein shall be**  
28 **construed to preclude a remand to permit correction of such error after**  
29 **notice and hearing.**

30 3. In a trial without a jury or upon a plea of guilty, the court may defer  
31 the proof and findings of such facts to a later time, but prior to sentencing. The  
32 facts required by subdivision (1) of subsection 4 of section 558.016 may be  
33 established by judicial notice of prior testimony or the plea of guilty.

34 4. The defendant shall be accorded full rights of confrontation and  
35 cross-examination, with the opportunity to present evidence, at such hearings.

36 5. The defendant may waive proof of the facts alleged.

37 6. Nothing in this section shall prevent the use of presentence  
38 investigations or commitments under sections 557.026 and 557.031.

39 7. At the sentencing hearing both the state and the defendant shall be  
40 permitted to present additional information bearing on the issue of sentence.

571.101. 1. All applicants for concealed carry endorsements issued

2 pursuant to subsection 7 of this section must satisfy the requirements of sections  
3 571.101 to 571.121. If the said applicant can show qualification as provided by  
4 sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of  
5 qualification for a concealed carry endorsement. Upon receipt of such certificate,  
6 the certificate holder shall apply for a driver's license or nondriver's license with  
7 the director of revenue in order to obtain a concealed carry endorsement. Any  
8 person who has been issued a concealed carry endorsement on a driver's license  
9 or nondriver's license and such endorsement or license has not been suspended,  
10 revoked, canceled, or denied may carry concealed firearms on or about his or her  
11 person or within a vehicle. A concealed carry endorsement shall be valid for a  
12 period of three years from the date of issuance or renewal. The concealed carry  
13 endorsement is valid throughout this state.

14 2. A certificate of qualification for a concealed carry endorsement issued  
15 pursuant to subsection 7 of this section shall be issued by the sheriff or his or her  
16 designee of the county or city in which the applicant resides, if the applicant:

17 (1) Is at least twenty-three years of age, is a citizen of the United States  
18 and either:

19 (a) Has assumed residency in this state; or

20 (b) Is a member of the armed forces stationed in Missouri, or the spouse  
21 of such member of the military;

22 (2) Has not pled guilty to or entered a plea of nolo contendere or been  
23 convicted of a crime punishable by imprisonment for a term exceeding one year  
24 under the laws of any state or of the United States other than a crime classified  
25 as a misdemeanor under the laws of any state and punishable by a term of  
26 imprisonment of one year or less that does not involve an explosive weapon,  
27 firearm, firearm silencer or gas gun;

28 (3) Has not been convicted of, pled guilty to or entered a plea of nolo  
29 contendere to one or more misdemeanor offenses involving crimes of violence  
30 within a five-year period immediately preceding application for a certificate of  
31 qualification for a concealed carry endorsement or if the applicant has not been  
32 convicted of two or more misdemeanor offenses involving driving while under the  
33 influence of intoxicating liquor or drugs or the possession or abuse of a controlled  
34 substance within a five-year period immediately preceding application for a  
35 certificate of qualification for a concealed carry endorsement;

36 (4) Is not a fugitive from justice or currently charged in an information  
37 or indictment with the commission of a crime punishable by imprisonment for a

38 term exceeding one year under the laws of any state of the United States other  
39 than a crime classified as a misdemeanor under the laws of any state and  
40 punishable by a term of imprisonment of two years or less that does not involve  
41 an explosive weapon, firearm, firearm silencer, or gas gun;

42 (5) Has not been discharged under dishonorable conditions from the  
43 United States armed forces;

44 (6) Has not engaged in a pattern of behavior, documented in public  
45 records, that causes the sheriff to have a reasonable belief that the applicant  
46 presents a danger to himself or others;

47 (7) Is not adjudged mentally incompetent at the time of application or for  
48 five years prior to application, or has not been committed to a mental health  
49 facility, as defined in section 632.005, or a similar institution located in another  
50 state following a hearing at which the defendant was represented by counsel or  
51 a representative;

52 (8) Submits a completed application for a certificate of qualification as  
53 defined in subsection 3 of this section;

54 (9) Submits an affidavit attesting that the applicant complies with the  
55 concealed carry safety training requirement pursuant to subsections 1 and 2 of  
56 section 571.111;

57 (10) Is not the respondent of a valid full order of protection which is still  
58 in effect.

59 3. The application for a certificate of qualification for a concealed carry  
60 endorsement issued by the sheriff of the county of the applicant's residence shall  
61 contain only the following information:

62 (1) The applicant's name, address, telephone number, gender, and date  
63 and place of birth;

64 (2) An affirmation that the applicant has assumed residency in Missouri  
65 or is a member of the armed forces stationed in Missouri or the spouse of such a  
66 member of the armed forces and is a citizen of the United States;

67 (3) An affirmation that the applicant is at least twenty-three years of age;

68 (4) An affirmation that the applicant has not pled guilty to or been  
69 convicted of a crime punishable by imprisonment for a term exceeding one year  
70 under the laws of any state or of the United States other than a crime classified  
71 as a misdemeanor under the laws of any state and punishable by a term of  
72 imprisonment of one year or less that does not involve an explosive weapon,  
73 firearm, firearm silencer, or gas gun;

74 (5) An affirmation that the applicant has not been convicted of, pled guilty  
75 to, or entered a plea of nolo contendere to one or more misdemeanor offenses  
76 involving crimes of violence within a five-year period immediately preceding  
77 application for a certificate of qualification to obtain a concealed carry  
78 endorsement or if the applicant has not been convicted of two or more  
79 misdemeanor offenses involving driving while under the influence of intoxicating  
80 liquor or drugs or the possession or abuse of a controlled substance within a  
81 five-year period immediately preceding application for a certificate of qualification  
82 to obtain a concealed carry endorsement;

83 (6) An affirmation that the applicant is not a fugitive from justice or  
84 currently charged in an information or indictment with the commission of a crime  
85 punishable by imprisonment for a term exceeding one year under the laws of any  
86 state or of the United States other than a crime classified as a misdemeanor  
87 under the laws of any state and punishable by a term of imprisonment of two  
88 years or less that does not involve an explosive weapon, firearm, firearm silencer  
89 or gas gun;

90 (7) An affirmation that the applicant has not been discharged under  
91 dishonorable conditions from the United States armed forces;

92 (8) An affirmation that the applicant is not adjudged mentally  
93 incompetent at the time of application or for five years prior to application, or has  
94 not been committed to a mental health facility, as defined in section 632.005, or  
95 a similar institution located in another state, except that a person whose release  
96 or discharge from a facility in this state pursuant to chapter 632, or a similar  
97 discharge from a facility in another state, occurred more than five years ago  
98 without subsequent recommitment may apply;

99 (9) An affirmation that the applicant has received firearms safety training  
100 that meets the standards of applicant firearms safety training defined in  
101 subsection 1 or 2 of section 571.111;

102 (10) An affirmation that the applicant, to the applicant's best knowledge  
103 and belief, is not the respondent of a valid full order of protection which is still  
104 in effect; and

105 (11) A conspicuous warning that false statements made by the applicant  
106 will result in prosecution for perjury pursuant to the laws of the state of  
107 Missouri.

108 4. An application for a certificate of qualification for a concealed carry  
109 endorsement shall be made to the sheriff of the county or any city not within a



110 county in which the applicant resides. An application shall be filed in writing,  
111 signed under oath and under the penalties of perjury, and shall state whether the  
112 applicant complies with each of the requirements specified in subsection 2 of this  
113 section. In addition to the completed application, the applicant for a certificate  
114 of qualification for a concealed carry endorsement must also submit the following:

115 (1) A photocopy of a firearms safety training certificate of completion or  
116 other evidence of completion of a firearms safety training course that meets the  
117 standards established in subsection 1 or 2 of section 571.111; and

118 (2) A nonrefundable certificate of qualification fee as provided by  
119 subsection 10 or 11 of this section.

120 5. Before an application for a certificate of qualification for a concealed  
121 carry endorsement is approved, the sheriff shall make only such inquiries as he  
122 or she deems necessary into the accuracy of the statements made in the  
123 application. The sheriff may require that the applicant display a Missouri  
124 driver's license or nondriver's license or military identification and orders  
125 showing the person being stationed in Missouri. In order to determine the  
126 applicant's suitability for a certificate of qualification for a concealed carry  
127 endorsement, the applicant shall be fingerprinted. The sheriff shall request a  
128 criminal background check through the appropriate law enforcement agency  
129 within three working days after submission of the properly completed application  
130 for a certificate of qualification for a concealed carry endorsement. If no  
131 disqualifying record is identified by the fingerprint check at the state level, the  
132 fingerprints shall be forwarded to the Federal Bureau of Investigation for a  
133 national criminal history record check. Upon receipt of the completed background  
134 check, the sheriff shall issue a certificate of qualification for a concealed carry  
135 endorsement within three working days. The sheriff shall issue the certificate  
136 within forty-five calendar days if the criminal background check has not been  
137 received, provided that the sheriff shall revoke any such certificate and  
138 endorsement within twenty-four hours of receipt of any background check that  
139 results in a disqualifying record, and shall notify the department of revenue.

140 6. The sheriff may refuse to approve an application for a certificate of  
141 qualification for a concealed carry endorsement if he or she determines that any  
142 of the requirements specified in subsection 2 of this section have not been met,  
143 or if he or she has a substantial and demonstrable reason to believe that the  
144 applicant has rendered a false statement regarding any of the provisions of  
145 sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff

146 is required to deny the application, and notify the applicant in writing, stating  
147 the grounds for denial and informing the applicant of the right to submit, within  
148 thirty days, any additional documentation relating to the grounds of the  
149 denial. Upon receiving any additional documentation, the sheriff shall reconsider  
150 his or her decision and inform the applicant within thirty days of the result of the  
151 reconsideration. The applicant shall further be informed in writing of the right  
152 to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section  
153 571.114. After two additional reviews and denials by the sheriff, the person  
154 submitting the application shall appeal the denial pursuant to subsections 2, 3,  
155 4, and 5 of section 571.114.

156           7. If the application is approved, the sheriff shall issue a certificate of  
157 qualification for a concealed carry endorsement to the applicant within a period  
158 not to exceed three working days after his or her approval of the application. The  
159 applicant shall sign the certificate of qualification in the presence of the sheriff  
160 or his or her designee and shall within seven days of receipt of the certificate of  
161 qualification take the certificate of qualification to the department of  
162 revenue. Upon verification of the certificate of qualification and completion of a  
163 driver's license or nondriver's license application pursuant to chapter 302, the  
164 director of revenue shall issue a new driver's license or nondriver's license with  
165 an endorsement which identifies that the applicant has received a certificate of  
166 qualification to carry concealed weapons issued pursuant to sections 571.101 to  
167 571.121 if the applicant is otherwise qualified to receive such driver's license or  
168 nondriver's license. **Notwithstanding any other provision of chapter 302,**  
169 **a nondriver's license with a concealed carry endorsement shall expire**  
170 **three years from the date the certificate of qualification was issued**  
171 **pursuant to this section.** The requirements for the director of revenue to issue  
172 a concealed carry endorsement pursuant to this subsection shall not be effective  
173 until July 1, 2004, and the certificate of qualification issued by a county sheriff  
174 pursuant to subsection 1 of this section shall allow the person issued such  
175 certificate to carry a concealed weapon pursuant to the requirements of  
176 subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued  
177 by the director of revenue from October 11, 2003, until the concealed carry  
178 endorsement is issued by the director of revenue on or after July 1, 2004, unless  
179 such certificate of qualification has been suspended or revoked for cause.

180           8. The sheriff shall keep a record of all applications for a certificate of  
181 qualification for a concealed carry endorsement and his or her action

182 thereon. The sheriff shall report the issuance of a certificate of qualification to  
183 the Missouri uniform law enforcement system. All information on any such  
184 certificate that is protected information on any driver's or nondriver's license  
185 shall have the same personal protection for purposes of sections 571.101 to  
186 571.121. An applicant's status as a holder of a certificate of qualification or a  
187 concealed carry endorsement shall not be public information and shall be  
188 considered personal protected information. Any person who violates the  
189 provisions of this subsection by disclosing protected information shall be guilty  
190 of a class A misdemeanor.

191 9. Information regarding any holder of a certificate of qualification or a  
192 concealed carry endorsement is a closed record.

193 10. For processing an application for a certificate of qualification for a  
194 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff  
195 in each county shall charge a nonrefundable fee not to exceed one hundred dollars  
196 which shall be paid to the treasury of the county to the credit of the sheriff's  
197 revolving fund.

198 11. For processing a renewal for a certificate of qualification for a  
199 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff  
200 in each county shall charge a nonrefundable fee not to exceed fifty dollars which  
201 shall be paid to the treasury of the county to the credit of the sheriff's revolving  
202 fund.

203 12. For the purposes of sections 571.101 to 571.121, the term "sheriff"  
204 shall include the sheriff of any county or city not within a county or his or her  
205 designee and in counties of the first classification the sheriff may designate the  
206 chief of police of any city, town, or municipality within such county.

577.023. 1. For purposes of this section, unless the context clearly  
2 indicates otherwise:

3 (1) An "aggravated offender" is a person who:

4 (a) Has pleaded guilty to or has been found guilty of three or more  
5 intoxication-related traffic offenses; or

6 (b) Has pleaded guilty to or has been found guilty of one or more  
7 intoxication-related traffic offense and, in addition, any of the following:  
8 involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section  
9 565.024; murder in the second degree under section 565.021, where the  
10 underlying felony is an intoxication-related traffic offense; or assault in the  
11 second degree under subdivision (4) of subsection 1 of section 565.060; or assault

12 of a law enforcement officer in the second degree under subdivision (4) of  
13 subsection 1 of section 565.082;

14 (2) A "chronic offender" is:

15 (a) A person who has pleaded guilty to or has been found guilty of four or  
16 more intoxication-related traffic offenses; or

17 (b) A person who has pleaded guilty to or has been found guilty of, on two  
18 or more separate occasions, any combination of the following: involuntary  
19 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024;  
20 murder in the second degree under section 565.021, where the underlying felony  
21 is an intoxication-related traffic offense; assault in the second degree under  
22 subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement  
23 officer in the second degree under subdivision (4) of subsection 1 of section  
24 565.082; or

25 (c) A person who has pleaded guilty to or has been found guilty of two or  
26 more intoxication-related traffic offenses and, in addition, any of the following:  
27 involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section  
28 565.024; murder in the second degree under section 565.021, where the  
29 underlying felony is an intoxication-related traffic offense; assault in the second  
30 degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law  
31 enforcement officer in the second degree under subdivision (4) of subsection 1 of  
32 section 565.082;

33 (3) "Continuous alcohol monitoring", automatically testing breath, blood,  
34 or transdermal alcohol concentration levels and tampering attempts at least once  
35 every hour, regardless of the location of the person who is being monitored, and  
36 regularly transmitting the data. Continuous alcohol monitoring shall be  
37 considered an electronic monitoring service under subsection 3 of section 217.690;

38 (4) An "intoxication-related traffic offense" is driving while intoxicated,  
39 driving with excessive blood alcohol content, involuntary manslaughter pursuant  
40 to subdivision (2) or (3) of subsection 1 of section 565.024, murder in the second  
41 degree under section 565.021, where the underlying felony is an  
42 intoxication-related traffic offense, assault in the second degree pursuant to  
43 subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement  
44 officer in the second degree pursuant to subdivision (4) of subsection 1 of section  
45 565.082, or driving under the influence of alcohol or drugs in violation of state  
46 law or a county or municipal ordinance;

47 (5) A "persistent offender" is one of the following:

48 (a) A person who has pleaded guilty to or has been found guilty of two or  
49 more intoxication-related traffic offenses;

50 (b) A person who has pleaded guilty to or has been found guilty of  
51 involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of  
52 section 565.024, assault in the second degree pursuant to subdivision (4) of  
53 subsection 1 of section 565.060, assault of a law enforcement officer in the second  
54 degree pursuant to subdivision (4) of subsection 1 of section 565.082; and

55 (6) A "prior offender" is a person who has pleaded guilty to or has been  
56 found guilty of one intoxication-related traffic offense, where such prior offense  
57 occurred within five years of the occurrence of the intoxication-related traffic  
58 offense for which the person is charged.

59 2. Any person who pleads guilty to or is found guilty of a violation of  
60 section 577.010 or 577.012 who is alleged and proved to be a prior offender shall  
61 be guilty of a class A misdemeanor.

62 3. Any person who pleads guilty to or is found guilty of a violation of  
63 section 577.010 or 577.012 who is alleged and proved to be a persistent offender  
64 shall be guilty of a class D felony.

65 4. Any person who pleads guilty to or is found guilty of a violation of  
66 section 577.010 or section 577.012 who is alleged and proved to be an aggravated  
67 offender shall be guilty of a class C felony.

68 5. Any person who pleads guilty to or is found guilty of a violation of  
69 section 577.010 or section 577.012 who is alleged and proved to be a chronic  
70 offender shall be guilty of a class B felony.

71 6. No state, county, or municipal court shall suspend the imposition of  
72 sentence as to a prior offender, persistent offender, aggravated offender, or  
73 chronic offender under this section nor sentence such person to pay a fine in lieu  
74 of a term of imprisonment, section 557.011 to the contrary notwithstanding.

75 (1) No prior offender shall be eligible for parole or probation until he or  
76 she has served a minimum of ten days imprisonment:

77 (a) Unless as a condition of such parole or probation such person performs  
78 at least thirty days **involving at least two hundred forty hours** of  
79 community service under the supervision of the court in those jurisdictions which  
80 have a recognized program for community service; or

81 (b) The offender participates in and successfully completes a program  
82 established pursuant to section 478.007 or other court-ordered treatment  
83 program, if available, **and as part of either program, the offender**

84 **performs at least thirty days of community service under the**  
85 **supervision of the court.**

86 (2) No persistent offender shall be eligible for parole or probation until he  
87 or she has served a minimum of thirty days imprisonment:

88 (a) Unless as a condition of such parole or probation such person performs  
89 at least sixty days **involving at least four hundred eighty hours of**  
90 community service under the supervision of the court; or

91 (b) The offender participates in and successfully completes a program  
92 established pursuant to section 478.007 or other court-ordered treatment  
93 program, if available, **and as part of either program, the offender**  
94 **performs at least sixty days of community service under the**  
95 **supervision of the court.**

96 (3) No aggravated offender shall be eligible for parole or probation until  
97 he or she has served a minimum of sixty days imprisonment.

98 (4) No chronic offender shall be eligible for parole or probation until he  
99 or she has served a minimum of two years imprisonment. In addition to any  
100 other terms or conditions of probation, the court shall consider, as a condition of  
101 probation for any person who pleads guilty to or is found guilty of an  
102 intoxication-related traffic offense, requiring the offender to abstain from  
103 consuming or using alcohol or any products containing alcohol as demonstrated  
104 by continuous alcohol monitoring or by verifiable breath alcohol testing performed  
105 a minimum of four times per day as scheduled by the court for such duration as  
106 determined by the court, but not less than ninety days. The court may, in  
107 addition to imposing any other fine, costs, or assessments provided by law,  
108 require the offender to bear any costs associated with continuous alcohol  
109 monitoring or verifiable breath alcohol testing.

110 7. The state, county, or municipal shall find the defendant to be a  
111 prior offender, persistent offender, aggravated offender, or chronic offender if:

112 (1) The indictment or information, original or amended, or the information  
113 in lieu of an indictment pleads all essential facts warranting a finding that the  
114 defendant is a prior offender or persistent offender; and

115 (2) Evidence is introduced that establishes sufficient facts pleaded to  
116 warrant a finding beyond a reasonable doubt the defendant is a prior offender,  
117 persistent offender, aggravated offender, or chronic offender; and

118 (3) The court makes findings of fact that warrant a finding beyond a  
119 reasonable doubt by the court that the defendant is a prior offender, persistent

120 offender, aggravated offender, or chronic offender.

121           8. In a jury trial, the facts shall be pleaded, established and found prior  
122 to submission to the jury outside of its hearing; **provided that any error or**  
123 **omission in pleading or proving the facts required to comply with this**  
124 **section may be corrected by amending the pleadings or supplementing**  
125 **the record, on notice and hearing, prior to sentencing; provided further**  
126 **that any error in pleading or proving the facts required to comply with**  
127 **this section shall not require vacation or reversal of sentence on appeal**  
128 **unless such error results in substantial prejudice to the rights of the**  
129 **defendant or a miscarriage of justice, and nothing herein shall be**  
130 **construed to preclude a remand to permit correction of such error after**  
131 **notice and hearing.**

132           9. In a trial without a jury or upon a plea of guilty, the court may defer  
133 the proof in findings of such facts to a later time, but prior to sentencing.

134           10. The defendant shall be accorded full rights of confrontation and  
135 cross-examination, with the opportunity to present evidence, at such hearings.

136           11. The defendant may waive proof of the facts alleged.

137           12. Nothing in this section shall prevent the use of presentence  
138 investigations or commitments.

139           13. At the sentencing hearing both the state, county, or municipality and  
140 the defendant shall be permitted to present additional information bearing on the  
141 issue of sentence.

142           14. The pleas or findings of guilt shall be prior to the date of commission  
143 of the present offense.

144           15. The court shall not instruct the jury as to the range of punishment or  
145 allow the jury, upon a finding of guilt, to assess and declare the punishment as  
146 part of its verdict in cases of prior offenders, persistent offenders, aggravated  
147 offenders, or chronic offenders.

148           16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an  
149 intoxication-related traffic offense shall be heard and determined by the trial  
150 court out of the hearing of the jury prior to the submission of the case to the jury,  
151 and shall include but not be limited to evidence received by a search of the  
152 records of the Missouri uniform law enforcement system, including criminal  
153 history records from the central repository or records from the driving while  
154 intoxicated tracking system (DWITS) maintained by the Missouri state highway  
155 patrol, or the certified driving record maintained by the Missouri department of

156 revenue. After hearing the evidence, the court shall enter its findings thereon.  
157 A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended  
158 imposition of sentence, suspended execution of sentence, probation or parole or  
159 any combination thereof in any intoxication-related traffic offense in a state,  
160 county or municipal court or any combination thereof, shall be treated as a prior  
161 plea of guilty or finding of guilt for purposes of this section.

**Section 1. 1. Any member of the National Rifle Association, after  
2 an annual payment of an emblem-use authorization fee to the National  
3 Rifle Association, may receive special license plates for any vehicle the  
4 member owns, either solely or jointly, other than an apportioned motor  
5 vehicle or a commercial motor vehicle licensed in excess of eighteen  
6 thousand pounds gross weight. The National Rifle Association hereby  
7 authorizes the use of its official emblem to be affixed on multi-year  
8 personalized license plates within the plate area prescribed by the  
9 director of revenue and as provided in this section. Any contribution  
10 to the National Rifle Association derived from this section, except  
11 reasonable administrative costs, shall be used solely for the purposes  
12 of the National Rifle Association. Any member of the National Rifle  
13 Association may annually apply for the use of the emblem.**

14 **2. Upon annual application and payment of a twenty-five dollar  
15 emblem-use contribution to the National Rifle Association, that  
16 organization shall issue to the vehicle owner, without further charge,  
17 an emblem-use authorization statement, which shall be presented by  
18 the vehicle owner to the director of revenue at the time of  
19 registration. Upon presentation of the annual statement and payment  
20 of a fifteen dollar fee in addition to the regular registration fees, and  
21 presentation of any documents which may be required by law, the  
22 director of revenue shall issue to the vehicle owner a special license  
23 plate which shall bear the emblem of the National Rifle Association and  
24 the words "National Rifle Association" in place of the words "SHOW-ME  
25 STATE". Such license plates shall be made with fully reflective  
26 material with a common color scheme and design of the standard  
27 license plate, shall be clearly visible at night, shall have a reflective  
28 white background in the area of the plate configuration, and shall be  
29 aesthetically attractive, as prescribed by section  
30 301.130. Notwithstanding the provisions of section 301.144, no  
31 additional fee shall be charged for the personalization of license plates**



32 pursuant to this section.

33           **3. A vehicle owner who was previously issued a plate with the**  
34 **National Rifle Association emblem authorized by this section, but who**  
35 **does not provide an emblem-use authorization statement at a**  
36 **subsequent time of registration, shall be issued a new plate which does**  
37 **not bear the organization's emblem, as otherwise provided by law. The**  
38 **director of revenue shall make necessary rules and regulations for the**  
39 **enforcement of this section, and shall design all necessary forms**  
40 **required by this section.**

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

                  Section B. The repeal and reenactment of section 302.700 and the  
2 enactment of section 302.768 of this act shall become effective on the date the  
3 director of the department of revenue begins accepting commercial driver license  
4 medical certifications under sections 302.700 and 302.768, or on May 1, 2013,  
5 whichever occurs first. If the director of revenue begins accepting commercial  
6 driver license medical certifications under sections 302.700 and 302.768 prior to  
7 May 1, 2013, the director of the department of revenue shall notify the revisor of  
8 statutes of such fact.

                  Section C. The repeal and reenactment of sections 302.181 and 571.101  
2 shall become effective on the date the director of the department of revenue  
3 begins to issue nondriver licenses with conceal carry endorsements that expire  
4 three years from the dates the certificates of qualification were issued, or on  
5 January 1, 2013, whichever occurs first. If the director of revenue begins issuing  
6 nondriver licenses with conceal carry endorsements that expire three years from  
7 the dates the certificates of qualification were issued under the authority granted  
8 under sections 302.181 and 571.101 prior to January 1, 2013, the director of the  
9 department of revenue shall notify the revisor of statutes of such fact.

✓