

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 51

AN ACT

To repeal sections 34.040, 64.196, 135.710, 136.055, 137.010, section 301.140 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute for senate bill no. 568 merged with conference committee substitute for senate bill no. 611, ninety-sixth general assembly, second regular session, section 301.140 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, 301.301, 301.449, 302.132, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.154, 304.180, 304.820, and 307.400, RSMo, and to enact in lieu thereof twenty new sections relating to regulation of motor vehicles, with existing penalty provisions and an emergency clause for a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 34.040, 64.196, 135.710, 136.055,
2 137.010, section 301.140 as enacted by conference committee
3 substitute for senate substitute for senate committee substitute
4 for house committee substitute for house bill no. 1402 merged
5 with conference committee substitute for house committee
6 substitute for senate substitute for senate committee substitute
7 for senate bill no. 470 merged with conference committee
8 substitute for house committee substitute for senate bill no. 568
9 merged with conference committee substitute for senate bill no.
10 611, ninety-sixth general assembly, second regular session,
11 section 301.140 as enacted by conference committee substitute for
12 senate substitute for senate committee substitute for house
13 committee substitute for house bill no. 1402, ninety-sixth
14 general assembly, second regular session, 301.301, 301.449,
15 302.132, 302.700, as enacted by conference committee substitute
16 for senate substitute for senate committee substitute for house
17 committee substitute for house bill no. 1402, merged with
18 conference committee substitute for house committee substitute
19 for senate substitute for senate committee substitute for senate
20 bill no. 470, merged with conference committee substitute for
21 house committee substitute no. 2 for senate committee substitute
22 for senate bill no. 480, merged with conference committee
23 substitute for house committee substitute for senate bill no.
24 568, ninety-sixth general assembly, second regular session,
25 302.720, 302.735, 302.740, 302.755, 304.154, 304.180, 304.820,
26 and 307.400, RSMo, are repealed and twenty new sections enacted
27 in lieu thereof, to be known as sections 34.040, 64.196, 135.710,

1 136.055, 137.010, 301.140, 301.301, 301.449, 302.132, 302.700,
2 302.720, 302.735, 302.740, 302.755, 302.767, 304.154, 304.180,
3 304.820, 307.400, and 1, to read as follows:

4 34.040. 1. All purchases in excess of three thousand
5 dollars shall be based on competitive bids, except as otherwise
6 provided in this chapter.

7 2. On any purchase where the estimated expenditure shall be
8 twenty-five thousand dollars or over, except as provided in
9 subsection 5 of this section, the commissioner of administration
10 shall:

11 (1) Advertise for bids in at least two daily newspapers of
12 general circulation in such places as are most likely to reach
13 prospective bidders and may advertise in at least two weekly
14 minority newspapers and may provide such information through an
15 electronic medium available to the general public at least five
16 days before bids for such purchases are to be opened. Other
17 methods of advertisement, which may include minority business
18 purchase councils, however, may be adopted by the commissioner of
19 administration when such other methods are deemed more
20 advantageous for the supplies to be purchased;

21 (2) Post a notice of the proposed purchase in his or her
22 office; and

23 (3) Solicit bids by mail or other reasonable method
24 generally available to the public from prospective suppliers.
25 All bids for such supplies shall be mailed or delivered to the
26 office of the commissioner of administration so as to reach such
27 office before the time set for opening bids.

28 3. The contract shall be let to the lowest and best bidder.

1 The commissioner of administration shall have the right to reject
2 any or all bids and advertise for new bids, or purchase the
3 required supplies on the open market if they can be so purchased
4 at a better price. When bids received pursuant to this section
5 are unreasonable or unacceptable as to terms and conditions,
6 noncompetitive, or the low bid exceeds available funds and it is
7 determined in writing by the commissioner of administration that
8 time or other circumstances will not permit the delay required to
9 resolicit competitive bids, a contract may be negotiated pursuant
10 to this section, provided that each responsible bidder who
11 submitted such bid under the original solicitation is notified of
12 the determination and is given a reasonable opportunity to modify
13 their bid and submit a best and final bid to the state. In cases
14 where the bids received are noncompetitive or the low bid exceeds
15 available funds, the negotiated price shall be lower than the
16 lowest rejected bid of any responsible bidder under the original
17 solicitation.

18 4. The director of the department of revenue shall follow
19 bidding procedures pursuant to this section and may promulgate
20 rules necessary to establish such procedures. No points shall be
21 awarded on a request for proposal for a contract license office
22 to a bidder for a return-to-the-state provision offer.

23 5. All bids shall be based on standard specifications
24 wherever such specifications have been approved by the
25 commissioner of administration. The commissioner of
26 administration shall make rules governing the delivery,
27 inspection, storage and distribution of all supplies so purchased
28 and governing the manner in which all claims for supplies

1 delivered shall be submitted, examined, approved and paid. The
2 commissioner shall determine the amount of bond or deposit and
3 the character thereof which shall accompany bids or contracts.

4 [5.] 6. The department of natural resources may, without
5 the approval of the commissioner of administration required
6 pursuant to this section, enter into contracts of up to five
7 hundred thousand dollars to abate illegal waste tire sites
8 pursuant to section 260.276 when the director of the department
9 determines that urgent action is needed to protect public health,
10 safety, natural resources or the environment. The department
11 shall follow bidding procedures pursuant to this section and may
12 promulgate rules necessary to establish such procedures. Any
13 rule or portion of a rule, as that term is defined in section
14 536.010, that is created under the authority delegated in this
15 section shall become effective only if it complies with and is
16 subject to all of the provisions of chapter 536 and, if
17 applicable, section 536.028. This section and chapter 536 are
18 nonseverable and if any of the powers vested with the general
19 assembly pursuant to chapter 536 to review, to delay the
20 effective date or to disapprove and annul a rule are subsequently
21 held unconstitutional, then the grant of rulemaking authority and
22 any rule proposed or adopted after August 28, 1999, shall be
23 invalid and void.

24 [6.] 7. The commissioner of administration and other
25 agencies to which the state purchasing law applies shall not
26 contract for goods or services with a vendor if the vendor or an
27 affiliate of the vendor makes sales at retail of tangible
28 personal property or for the purpose of storage, use, or

1 consumption in this state but fails to collect and properly pay
2 the tax as provided in chapter 144. For the purposes of this
3 section, "affiliate of the vendor" shall mean any person or
4 entity that is controlled by or is under common control with the
5 vendor, whether through stock ownership or otherwise.

6 64.196. 1. After August 28, 2001, any county seeking to
7 adopt a building code in a manner set forth in section 64.180
8 shall, in creating or amending such code, adopt a current,
9 calendar year 1999 or later edition, nationally recognized
10 building code, as amended.

11 2. No county building ordinance adopted under this section
12 shall conflict with liquified petroleum gas installations
13 regulations established under section 323.020.

14 135.710. 1. As used in this section, the following terms
15 mean:

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

- 19 (a) Ethanol;
- 20 (b) Natural gas;
- 21 (c) Compressed natural gas, or CNG;
- 22 (d) Liquified natural gas, or LNG;
- 23 (e) Liquified petroleum gas, LP gas, propane, or autogas;
- 24 (f) Any mixture of biodiesel and diesel fuel, without
25 regard to any use of kerosene;

- 26 (g) Hydrogen;
- 27 (2) "Department", the department of natural resources;
- 28 (3) "Eligible applicant", a business entity that is the

1 owner of a qualified alternative fuel vehicle refueling property
2 or makes more than twenty-five qualified conversions in a one-
3 year period;

4 (4) "Motor vehicle", any automobile, truck, truck-tractor,
5 or any motor bus or self propelled vehicle not exclusively
6 operated or driven upon fixed rails or tracks. The term does not
7 include:

8 (a) Farm tractors or machinery including tractors and
9 machinery designed for off-road use but capable of movement on
10 roads at low speeds; or

11 (b) A vehicle solely operated on rails;

12 (5) "Qualified alternative fuel vehicle refueling
13 property", property in this state owned by an eligible applicant
14 and used for storing alternative fuels and for dispensing such
15 alternative fuels into fuel tanks of motor vehicles owned by such
16 eligible applicant or private citizens which, if constructed
17 after August 28, 2008, was constructed with at least fifty-one
18 percent of the costs being paid to qualified Missouri contractors
19 for the:

20 (a) Fabrication of premanufactured equipment or process
21 piping used in the construction of such facility;

22 (b) Construction of such facility; and

23 (c) General maintenance of such facility during the time
24 period in which such facility receives any tax credit under this
25 section.

26
27 If no qualified Missouri contractor is located within seventy-
28 five miles of the property, the requirement that fifty-one

1 percent of the costs shall be paid to qualified Missouri
2 contractors shall not apply;

3 [(5)] (6) "Qualified conversion", the conversion of a motor
4 vehicle fueled solely by petroleum-based fuels to a motor vehicle
5 which incorporates an alternative fuel listed under subdivision
6 (1) of this subsection as either the primary or secondary source.
7 The converted vehicle must operate using an alternative fuel
8 decal under subsection 1 of section 142.869, if applicable.
9 Installations which inject fuel additives are not considered
10 qualified conversions;

11 (7) "Qualified Missouri contractor", a contractor whose
12 principal place of business is located in Missouri and has been
13 located in Missouri for a period of not less than five years.

14 2. For all tax years beginning on or after January 1,
15 [2009] 2014, but before January 1, [2012] 2017, any eligible
16 applicant who installs and operates a qualified alternative fuel
17 vehicle refueling property shall be allowed a credit against the
18 tax otherwise due under chapter 143, excluding withholding tax
19 imposed by sections 143.191 to 143.265, or due under chapter 147
20 or chapter 148 for any tax year in which the applicant is
21 constructing the refueling property. The credit allowed in this
22 [section] subsection per eligible applicant shall not exceed the
23 lesser of twenty thousand dollars or twenty percent of the total
24 costs directly associated with the purchase and installation of
25 any alternative fuel storage and dispensing equipment on any
26 qualified alternative fuel vehicle refueling property, which
27 shall not include the following:

28 (1) Costs associated with the purchase of land upon which

1 to place a qualified alternative fuel vehicle refueling property;

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

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

6 3. Tax credits allowed by this section shall be claimed by
7 the eligible applicant at the time such applicant files a return
8 for the tax year in which the storage and dispensing facilities
9 were placed in service at a qualified alternative fuel vehicle
10 refueling property, and shall be applied against the income tax
11 liability imposed by chapter 143, chapter 147, or chapter 148
12 after all other credits provided by law have been applied. The
13 cumulative amount of tax credits which may be claimed by eligible
14 applicants claiming all credits authorized in this section shall
15 not exceed [the following amounts:

16 (1) In taxable year 2009, three million dollars;

17 (2) In taxable year 2010, two million dollars; and

18 (3) In taxable year 2011,] one million dollars per year.

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

26 5. An alternative fuel vehicle refueling property, for
27 which an eligible applicant receives tax credits under this
28 section, which ceases to sell alternative fuel shall cause the

1 forfeiture of such eligible applicant's tax credits provided
2 under this section for the taxable year in which the alternative
3 fuel vehicle refueling property ceased to sell alternative fuel
4 and for future taxable years with no recapture of tax credits
5 obtained by an eligible applicant with respect to such
6 applicant's tax years which ended before the sale of alternative
7 fuel ceased.

8 6. The director of revenue shall establish the procedure by
9 which the tax credits in this section may be claimed, and shall
10 establish a procedure by which the cumulative amount of tax
11 credits is apportioned equally among all eligible applicants
12 claiming the credit. To the maximum extent possible, the
13 director of revenue shall establish the procedure described in
14 this subsection in such a manner as to ensure that eligible
15 applicants can claim all the tax credits possible up to the
16 cumulative amount of tax credits available for the taxable year.
17 No eligible applicant claiming a tax credit under this section
18 shall be liable for any interest or penalty for filing a tax
19 return after the date fixed for filing such return as a result of
20 the apportionment procedure under this subsection.

21 7. Any eligible applicant desiring to claim a tax credit
22 under this section shall submit the appropriate application for
23 such credit with the department. The application for a tax
24 credit under this section shall include any information required
25 by the department. The department shall review the applications
26 and certify to the department of revenue each eligible applicant
27 that qualifies for the tax credit.

28 8. The department and the department of revenue may

1 promulgate rules to implement the provisions of this section.
2 Any rule or portion of a rule, as that term is defined in section
3 536.010, that is created under the authority delegated in this
4 section shall become effective only if it complies with and is
5 subject to all of the provisions of chapter 536 and, if
6 applicable, section 536.028. This section and chapter 536 are
7 nonseverable and if any of the powers vested with the general
8 assembly pursuant to chapter 536 to review, to delay the
9 effective date, or to disapprove and annul a rule are
10 subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after August 28, 2008,
12 shall be invalid and void.

13 9. Pursuant to section 23.253 of the Missouri sunset act:

14 (1) The provisions of the new program authorized under this
15 section shall automatically sunset six years after August 28,
16 [2008] 2013, unless reauthorized by an act of the general
17 assembly; and

18 (2) If such program is reauthorized, the program authorized
19 under this section shall automatically sunset twelve years after
20 the effective date of the reauthorization of this section; and

21 (3) This section shall terminate on December thirty-first
22 of the calendar year immediately following the calendar year in
23 which the program authorized under this section is sunset.

24 136.055. 1. Any person who is selected or appointed by the
25 state director of revenue as provided in subsection 2 of this
26 section to act as an agent of the department of revenue, whose
27 duties shall be the processing of motor vehicle title and
28 registration transactions and the collection of sales and use

1 taxes when required under sections 144.070 and 144.440, and who
2 receives no salary from the department of revenue, shall be
3 authorized to collect from the party requiring such services
4 additional fees as compensation in full and for all services
5 rendered on the following basis:

6 (1) For each motor vehicle or trailer registration issued,
7 renewed or transferred--~~[three]~~ five dollars ~~[and fifty cents]~~
8 and ~~[seven]~~ ten dollars for those licenses sold or biennially
9 renewed pursuant to section 301.147;

10 (2) For each application or transfer of title--~~[two dollars~~
11 ~~and fifty cents]~~ five dollars;

12 (3) For each address change or instruction permit,
13 nondriver license, chauffeur's, operator's or driver's license
14 issued for a period of three years or less--~~[two]~~ five dollars
15 ~~[and fifty cents]~~ and ~~[five]~~ ten dollars for licenses or
16 instruction permits issued or renewed for a period exceeding
17 three years;

18 (4) For each notice of lien processed--~~[two]~~ five dollars
19 ~~[and fifty cents]~~;

20 (5) No notary fee or other fee or additional charge shall
21 be paid or collected except for electronic [telephone]
22 transmission reception--two dollars.

23 2. The director of revenue shall award fee office contracts
24 under this section through a competitive bidding process. The
25 competitive bidding process shall give priority to organizations
26 and entities that are exempt from taxation under Section
27 501(c) (3) or 501(c) (6) of the Internal Revenue Code of 1986, as
28 amended, and political subdivisions, including but not limited

1 to, municipalities, counties, and fire protection districts. The
2 director of the department of revenue may promulgate rules and
3 regulations necessary to carry out the provisions of this
4 subsection. Any rule or portion of a rule, as that term is
5 defined in section 536.010, that is created under the authority
6 delegated in this subsection shall become effective only if it
7 complies with and is subject to all of the provisions of chapter
8 536 and, if applicable, section 536.028. This section and
9 chapter 536 are nonseverable and if any of the powers vested with
10 the general assembly pursuant to chapter 536 to review, to delay
11 the effective date, or to disapprove and annul a rule are
12 subsequently held unconstitutional, then the grant of rulemaking
13 authority and any rule proposed or adopted after August 28, 2009,
14 shall be invalid and void.

15 3. All fees collected by a tax-exempt organization may be
16 retained and used by the organization.

17 4. All fees charged shall not exceed those in this section.
18 The fees imposed by this section shall be collected by all
19 permanent offices and all full-time or temporary offices
20 maintained by the department of revenue.

21 5. Any person acting as agent of the department of revenue
22 for the sale and issuance of registrations, licenses, and other
23 documents related to motor vehicles shall have an insurable
24 interest in all license plates, licenses, tabs, forms and other
25 documents held on behalf of the department.

26 6. The fees authorized by this section shall not be
27 collected by motor vehicle dealers acting as agents of the
28 department of revenue under section 32.095 or those motor vehicle

1 dealers authorized to collect and remit sales tax under
2 subsection 8 of section 144.070.

3 7. The department shall reimburse reasonable costs incurred
4 associated with the transactions required in a contract license
5 office.

6 8. Notwithstanding any other provision of law to the
7 contrary, the state auditor may audit all records maintained and
8 established by the fee office in the same manner as the auditor
9 may audit any agency of the state, and the department shall
10 ensure that this audit requirement is a necessary condition for
11 the award of all fee office contracts. No confidential records
12 shall be divulged in such a way to reveal personally identifiable
13 information.

14 137.010. The following words, terms and phrases when used
15 in laws governing taxation and revenue in the state of Missouri
16 shall have the meanings ascribed to them in this section, except
17 when the context clearly indicates a different meaning:

18 (1) "Grain and other agricultural crops in an
19 unmanufactured condition" shall mean grains and feeds including,
20 but not limited to, soybeans, cow peas, wheat, corn, oats,
21 barley, kafir, rye, flax, grain sorghums, cotton, and such other
22 products as are usually stored in grain and other elevators and
23 on farms; but excluding such grains and other agricultural crops
24 after being processed into products of such processing, when
25 packaged or sacked. The term "processing" shall not include
26 hulling, cleaning, drying, grating, or polishing;

27 (2) "Hydroelectric power generating equipment", very-low-
28 head turbine generators with a nameplate generating capacity of

1 at least four hundred kilowatts but not more than six hundred
2 kilowatts and machinery and equipment used directly in the
3 production, generation, conversion, storage, or conveyance of
4 hydroelectric power to land-based devices and appurtenances used
5 in the transmission of electrical energy;

6 (3) "Intangible personal property", for the purpose of
7 taxation, shall include all property other than real property and
8 tangible personal property, as defined by this section;

9 (4) "Real property" includes land itself, whether laid out
10 in town lots or otherwise, and all growing crops, buildings,
11 structures, improvements and fixtures of whatever kind thereon,
12 hydroelectric power generating equipment, the installed poles
13 used in the transmission or reception of electrical energy, audio
14 signals, video signals or similar purposes, provided the owner of
15 such installed poles is also an owner of a fee simple interest,
16 possessor of an easement, holder of a license or franchise, or is
17 the beneficiary of a right-of-way dedicated for public utility
18 purposes for the underlying land; attached wires, transformers,
19 amplifiers, substations, and other such devices and appurtenances
20 used in the transmission or reception of electrical energy, audio
21 signals, video signals or similar purposes when owned by the
22 owner of the installed poles, otherwise such items are considered
23 personal property; and stationary property used for generation,
24 transportation or storage of liquid and gaseous products,
25 including, but not limited to, petroleum products, natural gas,
26 propane or LP gas, solar or wind power equipment, water, and
27 sewage;

28 (5) "Tangible personal property" includes every tangible

1 thing being the subject of ownership or part ownership whether
2 animate or inanimate, other than money, and not forming part or
3 parcel of real property as herein defined, but does not include
4 household goods, furniture, wearing apparel and articles of
5 personal use and adornment, as defined by the state tax
6 commission, owned and used by a person in his home or dwelling
7 place.

8 301.140. 1. Upon the transfer of ownership of any motor
9 vehicle or trailer, the certificate of registration and the right
10 to use the number plates shall expire and the number plates shall
11 be removed by the owner at the time of the transfer of
12 possession, and it shall be unlawful for any person other than
13 the person to whom such number plates were originally issued to
14 have the same in his or her possession whether in use or not,
15 unless such possession is solely for charitable purposes; except
16 that the buyer of a motor vehicle or trailer who trades in a
17 motor vehicle or trailer may attach the license plates from the
18 traded-in motor vehicle or trailer to the newly purchased motor
19 vehicle or trailer. The operation of a motor vehicle with such
20 transferred plates shall be lawful for no more than thirty days.
21 As used in this subsection, the term "trade-in motor vehicle or
22 trailer" shall include any single motor vehicle or trailer sold
23 by the buyer of the newly purchased vehicle or trailer, as long
24 as the license plates for the trade-in motor vehicle or trailer
25 are still valid.

26 2. In the case of a transfer of ownership the original
27 owner may register another motor vehicle under the same number,
28 upon the payment of a fee of two dollars, if the motor vehicle is

1 of horsepower, gross weight or (in the case of a passenger-
2 carrying commercial motor vehicle) seating capacity, not in
3 excess of that originally registered. When such motor vehicle is
4 of greater horsepower, gross weight or (in the case of a
5 passenger-carrying commercial motor vehicle) seating capacity,
6 for which a greater fee is prescribed, applicant shall pay a
7 transfer fee of two dollars and a pro rata portion for the
8 difference in fees. When such vehicle is of less horsepower,
9 gross weight or (in case of a passenger-carrying commercial motor
10 vehicle) seating capacity, for which a lesser fee is prescribed,
11 applicant shall not be entitled to a refund.

12 3. License plates may be transferred from a motor vehicle
13 which will no longer be operated to a newly purchased motor
14 vehicle by the owner of such vehicles. The owner shall pay a
15 transfer fee of two dollars if the newly purchased vehicle is of
16 horsepower, gross weight or (in the case of a passenger-carrying
17 commercial motor vehicle) seating capacity, not in excess of that
18 of the vehicle which will no longer be operated. When the newly
19 purchased motor vehicle is of greater horsepower, gross weight or
20 (in the case of a passenger-carrying commercial motor vehicle)
21 seating capacity, for which a greater fee is prescribed, the
22 applicant shall pay a transfer fee of two dollars and a pro rata
23 portion of the difference in fees. When the newly purchased
24 vehicle is of less horsepower, gross weight or (in the case of a
25 passenger-carrying commercial motor vehicle) seating capacity,
26 for which a lesser fee is prescribed, the applicant shall not be
27 entitled to a refund.

28 4. The director of the department of revenue shall have

1 authority to produce or allow others to produce a weather
2 resistant, nontearing temporary permit authorizing the operation
3 of a motor vehicle or trailer by a buyer for not more than thirty
4 days from the date of purchase. The temporary permit authorized
5 under this section may be purchased by the purchaser of a motor
6 vehicle or trailer from the central office of the department of
7 revenue or from an authorized agent of the department of revenue
8 upon proof of purchase of a motor vehicle or trailer for which
9 the buyer has no registration plate available for transfer and
10 upon proof of financial responsibility, or from a motor vehicle
11 dealer upon purchase of a motor vehicle or trailer for which the
12 buyer has no registration plate available for transfer, or from a
13 motor vehicle dealer upon purchase of a motor vehicle or trailer
14 for which the buyer has registered and is awaiting receipt of
15 registration plates. The director of the department of revenue
16 or a producer authorized by the director of the department of
17 revenue may make temporary permits available to registered
18 dealers in this state, authorized agents of the department of
19 revenue or the department of revenue. The price paid by a motor
20 vehicle dealer, an authorized agent of the department of revenue
21 or the department of revenue for a temporary permit shall not
22 exceed five dollars for each permit. The director of the
23 department of revenue shall direct motor vehicle dealers and
24 authorized agents to obtain temporary permits from an authorized
25 producer. Amounts received by the director of the department of
26 revenue for temporary permits shall constitute state revenue;
27 however, amounts received by an authorized producer other than
28 the director of the department of revenue shall not constitute

1 state revenue and any amounts received by motor vehicle dealers
2 or authorized agents for temporary permits purchased from a
3 producer other than the director of the department of revenue
4 shall not constitute state revenue. In no event shall revenues
5 from the general revenue fund or any other state fund be utilized
6 to compensate motor vehicle dealers or other producers for their
7 role in producing temporary permits as authorized under this
8 section. Amounts that do not constitute state revenue under this
9 section shall also not constitute fees for registration or
10 certificates of title to be collected by the director of the
11 department of revenue under section 301.190. No motor vehicle
12 dealer, authorized agent or the department of revenue shall
13 charge more than five dollars for each permit issued. The permit
14 shall be valid for a period of thirty days from the date of
15 purchase of a motor vehicle or trailer, or from the date of sale
16 of the motor vehicle or trailer by a motor vehicle dealer for
17 which the purchaser obtains a permit as set out above. No permit
18 shall be issued for a vehicle under this section unless the buyer
19 shows proof of financial responsibility. Each temporary permit
20 issued shall be securely fastened to the back or rear of the
21 motor vehicle in a manner and place on the motor vehicle
22 consistent with registration plates so that all parts and
23 qualities of the temporary permit thereof shall be plainly and
24 clearly visible, reasonably clean and are not impaired in any
25 way.

26 5. The permit shall be issued on a form prescribed by the
27 director of the department of revenue and issued only for the
28 applicant's temporary operation of the motor vehicle or trailer

1 purchased to enable the applicant to temporarily operate the
2 motor vehicle while proper title and registration plates are
3 being obtained, or while awaiting receipt of registration plates,
4 and shall be displayed on no other motor vehicle. Temporary
5 permits issued pursuant to this section shall not be transferable
6 or renewable and shall not be valid upon issuance of proper
7 registration plates for the motor vehicle or trailer. The
8 director of the department of revenue shall determine the size,
9 material, design, numbering configuration, construction, and
10 color of the permit. The director of the department of revenue,
11 at his or her discretion, shall have the authority to reissue,
12 and thereby extend the use of, a temporary permit previously and
13 legally issued for a motor vehicle or trailer while proper title
14 and registration are being obtained.

15 6. Every motor vehicle dealer that issues temporary permits
16 shall keep, for inspection by proper officers, an accurate record
17 of each permit issued by recording the permit number, the motor
18 vehicle dealer's number, buyer's name and address, the motor
19 vehicle's year, make, and manufacturer's vehicle identification
20 number, and the permit's date of issuance and expiration date.
21 Upon the issuance of a temporary permit by either the central
22 office of the department of revenue, a motor vehicle dealer or an
23 authorized agent of the department of revenue, the director of
24 the department of revenue shall make the information associated
25 with the issued temporary permit immediately available to the law
26 enforcement community of the state of Missouri.

27 7. Upon the transfer of ownership of any currently
28 registered motor vehicle wherein the owner cannot transfer the

1 license plates due to a change of motor vehicle category, the
2 owner may surrender the license plates issued to the motor
3 vehicle and receive credit for any unused portion of the original
4 registration fee against the registration fee of another motor
5 vehicle. Such credit shall be granted based upon the date the
6 license plates are surrendered. No refunds shall be made on the
7 unused portion of any license plates surrendered for such credit.

8 8. The provisions of subsections 4, 5, and 6 of this
9 section shall expire July 1, 2019.

10 9. An additional temporary license plate produced in a
11 manner and of materials determined by the director to be the most
12 cost-effective means of production with a configuration that
13 matches an existing or newly issued plate may be purchased by a
14 motor vehicle owner to be placed in the interior of the vehicle's
15 rear window such that the driver's view out of the rear window is
16 not obstructed and the plate configuration is clearly visible
17 from the outside of the vehicle to serve as the visible plate
18 when a bicycle rack or other item obstructs the view of the
19 actual plate. Such temporary plate is only authorized for use
20 when the matching actual plate is affixed to the vehicle in the
21 manner prescribed in subsection 5 of section 301.130. The fee
22 charged for the temporary plate shall be equal to the fee charged
23 for a temporary permit issued under subsection 4 of this section.
24 Replacement temporary plates authorized in this subsection may be
25 issued as needed upon the payment of a fee equal to the fee
26 charged for a temporary permit under subsection 4 of this
27 section. The newly produced third plate may only be used on the
28 vehicle with the matching plate, and the additional plate shall

1 be clearly recognizable as a third plate and only used for the
2 purpose specified in this subsection.

3 10. Notwithstanding the provisions of section 301.217, the
4 director may issue a temporary permit to an individual who
5 possesses a salvage motor vehicle which requires an inspection
6 under subsection 9 of section 301.190. The operation of a
7 salvage motor vehicle for which the permit has been issued shall
8 be limited to the most direct route from the residence,
9 maintenance, or storage facility of the individual in possession
10 of such motor vehicle to the nearest authorized inspection
11 facility and return to the originating location. Notwithstanding
12 any other requirements for the issuance of a temporary permit
13 under this section, an individual obtaining a temporary permit
14 for the purpose of operating a motor vehicle to and from an
15 examination facility as prescribed in this subsection shall also
16 purchase the required motor vehicle examination form which is
17 required to be completed for an examination under subsection 9 of
18 section 301.190 and provide satisfactory evidence that such
19 vehicle has passed a motor vehicle safety inspection for such
20 vehicle as required in section 307.350.

21 11. The director of the department of revenue may
22 promulgate all necessary rules and regulations for the
23 administration of this section. Any rule or portion of a rule,
24 as that term is defined in section 536.010, that is created under
25 the authority delegated in this section shall become effective
26 only if it complies with and is subject to all of the provisions
27 of chapter 536 and, if applicable, section 536.028. This section
28 and chapter 536 are nonseverable and if any of the powers vested

1 with the general assembly pursuant to chapter 536 to review, to
2 delay the effective date, or to disapprove and annul a rule are
3 subsequently held unconstitutional, then the grant of rulemaking
4 authority and any rule proposed or adopted after August 28, 2012,
5 shall be invalid and void.

6 [11.] 12. The repeal and reenactment of this section shall
7 become effective on the date the department of revenue or a
8 producer authorized by the director of the department of revenue
9 begins producing temporary permits described in subsection 4 of
10 such section, or on July 1, 2013, whichever occurs first. If the
11 director of revenue or a producer authorized by the director of
12 the department of revenue begins producing temporary permits
13 prior to July 1, 2013, the director of the department of revenue
14 shall notify the revisor of statutes of such fact.

15 [301.140. 1. Upon the transfer of ownership of
16 any motor vehicle or trailer, the certificate of
17 registration and the right to use the number plates
18 shall expire and the number plates shall be removed by
19 the owner at the time of the transfer of possession,
20 and it shall be unlawful for any person other than the
21 person to whom such number plates were originally
22 issued to have the same in his or her possession
23 whether in use or not, unless such possession is solely
24 for charitable purposes; except that the buyer of a
25 motor vehicle or trailer who trades in a motor vehicle
26 or trailer may attach the license plates from the
27 traded-in motor vehicle or trailer to the newly
28 purchased motor vehicle or trailer. The operation of a
29 motor vehicle with such transferred plates shall be
30 lawful for no more than thirty days. As used in this
31 subsection, the term "trade-in motor vehicle or
32 trailer" shall include any single motor vehicle or
33 trailer sold by the buyer of the newly purchased
34 vehicle or trailer, as long as the license plates for
35 the trade-in motor vehicle or trailer are still valid.

36 2. In the case of a transfer of ownership the
37 original owner may register another motor vehicle under
38 the same number, upon the payment of a fee of two
39 dollars, if the motor vehicle is of horsepower, gross

1 weight or (in the case of a passenger-carrying
2 commercial motor vehicle) seating capacity, not in
3 excess of that originally registered. When such motor
4 vehicle is of greater horsepower, gross weight or (in
5 the case of a passenger-carrying commercial motor
6 vehicle) seating capacity, for which a greater fee is
7 prescribed, applicant shall pay a transfer fee of two
8 dollars and a pro rata portion for the difference in
9 fees. When such vehicle is of less horsepower, gross
10 weight or (in case of a passenger-carrying commercial
11 motor vehicle) seating capacity, for which a lesser fee
12 is prescribed, applicant shall not be entitled to a
13 refund.

14 3. License plates may be transferred from a motor
15 vehicle which will no longer be operated to a newly
16 purchased motor vehicle by the owner of such vehicles.
17 The owner shall pay a transfer fee of two dollars if
18 the newly purchased vehicle is of horsepower, gross
19 weight or (in the case of a passenger-carrying
20 commercial motor vehicle) seating capacity, not in
21 excess of that of the vehicle which will no longer be
22 operated. When the newly purchased motor vehicle is of
23 greater horsepower, gross weight or (in the case of a
24 passenger-carrying commercial motor vehicle) seating
25 capacity, for which a greater fee is prescribed, the
26 applicant shall pay a transfer fee of two dollars and a
27 pro rata portion of the difference in fees. When the
28 newly purchased vehicle is of less horsepower, gross
29 weight or (in the case of a passenger-carrying
30 commercial motor vehicle) seating capacity, for which a
31 lesser fee is prescribed, the applicant shall not be
32 entitled to a refund.

33 4. Upon the sale of a motor vehicle or trailer by
34 a dealer, a buyer who has made application for
35 registration, by mail or otherwise, may operate the
36 same for a period of thirty days after taking
37 possession thereof, if during such period the motor
38 vehicle or trailer shall have attached thereto, in the
39 manner required by section 301.130, number plates
40 issued to the dealer. Upon application and
41 presentation of proof of financial responsibility as
42 required under subsection 5 of this section and
43 satisfactory evidence that the buyer has applied for
44 registration, a dealer may furnish such number plates
45 to the buyer for such temporary use. In such event,
46 the dealer shall require the buyer to deposit the sum
47 of ten dollars and fifty cents to be returned to the
48 buyer upon return of the number plates as a guarantee
49 that said buyer will return to the dealer such number
50 plates within thirty days. The director shall issue a
51 temporary permit authorizing the operation of a motor

1 vehicle or trailer by a buyer for not more than thirty
2 days of the date of purchase.

3 5. The temporary permit shall be made available
4 by the director of revenue and may be purchased from
5 the department of revenue upon proof of purchase of a
6 motor vehicle or trailer for which the buyer has no
7 registration plate available for transfer and upon
8 proof of financial responsibility, or from a dealer
9 upon purchase of a motor vehicle or trailer for which
10 the buyer has no registration plate available for
11 transfer. The director shall make temporary permits
12 available to registered dealers in this state or
13 authorized agents of the department of revenue in sets
14 of ten permits. The fee for the temporary permit shall
15 be seven dollars and fifty cents for each permit or
16 plate issued. No dealer or authorized agent shall
17 charge more than seven dollars and fifty cents for each
18 permit issued. The permit shall be valid for a period
19 of thirty days from the date of purchase of a motor
20 vehicle or trailer, or from the date of sale of the
21 motor vehicle or trailer by a dealer for which the
22 purchaser obtains a permit as set out above. No permit
23 shall be issued for a vehicle under this section unless
24 the buyer shows proof of financial responsibility.

25 6. The permit shall be issued on a form
26 prescribed by the director and issued only for the
27 applicant's use in the operation of the motor vehicle
28 or trailer purchased to enable the applicant to legally
29 operate the vehicle while proper title and registration
30 plate are being obtained, and shall be displayed on no
31 other vehicle. Temporary permits issued pursuant to
32 this section shall not be transferable or renewable and
33 shall not be valid upon issuance of proper registration
34 plates for the motor vehicle or trailer. The director
35 shall determine the size and numbering configuration,
36 construction, and color of the permit.

37 7. The dealer or authorized agent shall insert
38 the date of issuance and expiration date, year, make,
39 and manufacturer's number of vehicle on the permit when
40 issued to the buyer. The dealer shall also insert such
41 dealer's number on the permit. Every dealer that
42 issues a temporary permit shall keep, for inspection of
43 proper officers, a correct record of each permit issued
44 by recording the permit or plate number, buyer's name
45 and address, year, make, manufacturer's vehicle
46 identification number on which the permit is to be
47 used, and the date of issuance.

48 8. Upon the transfer of ownership of any
49 currently registered motor vehicle wherein the owner
50 cannot transfer the license plates due to a change of
51 vehicle category, the owner may surrender the license

1 plates issued to the motor vehicle and receive credit
2 for any unused portion of the original registration fee
3 against the registration fee of another motor vehicle.
4 Such credit shall be granted based upon the date the
5 license plates are surrendered. No refunds shall be
6 made on the unused portion of any license plates
7 surrendered for such credit.

8 9. An additional temporary license plate produced
9 in a manner and of materials determined by the director
10 to be the most cost-effective means of production with
11 a configuration that matches an existing or newly
12 issued plate may be purchased by a motor vehicle owner
13 to be placed in the interior of the vehicle's rear
14 window such that the driver's view out of the rear
15 window is not obstructed and the plate configuration is
16 clearly visible from the outside of the vehicle to
17 serve as the visible plate when a bicycle rack or other
18 item obstructs the view of the actual plate. Such
19 temporary plate is only authorized for use when the
20 matching actual plate is affixed to the vehicle in the
21 manner prescribed in subsection 5 of section 301.130.
22 The fee charged for the temporary plate shall be equal
23 to the fee charged for a temporary permit issued under
24 subsection 5 of this section. Replacement temporary
25 plates authorized in this subsection may be issued as
26 needed upon the payment of a fee equal to the fee
27 charged for a temporary permit under subsection 5 of
28 this section. The newly produced third plate may only
29 be used on the vehicle with the matching plate, and the
30 additional plate shall be clearly recognizable as a
31 third plate and only used for the purpose specified in
32 this subsection.

33 10. The director may promulgate all necessary
34 rules and regulations for the administration of this
35 section. Any rule or portion of a rule, as that term
36 is defined in section 536.010, that is created under
37 the authority delegated in this section shall become
38 effective only if it complies with and is subject to
39 all of the provisions of chapter 536 and, if
40 applicable, section 536.028. This section and chapter
41 536 are nonseverable and if any of the powers vested
42 with the general assembly pursuant to chapter 536 to
43 review, to delay the effective date, or to disapprove
44 and annul a rule are subsequently held
45 unconstitutional, then the grant of rulemaking
46 authority and any rule proposed or adopted after August
47 28, 2012, shall be invalid and void.]

48 301.301. [1. Any person replacing a stolen license plate
49 tab issued on or after January 1, 2009, may receive at no cost up

1 to two sets of two license plate tabs per year when the
2 application for the replacement tab is accompanied with a police
3 report that is corresponding with the stolen license plate tab.

4 2.] Any person replacing a stolen license plate tab [issued
5 prior to January 1, 2009,] may receive at no cost up to two sets
6 of two license plate tabs per year when the application for the
7 replacement tab is accompanied with a notarized affidavit
8 verifying that such license plate tab or tabs were stolen.

9 301.449. 1. Only a community college or four-year public
10 or private institution of higher education, or a foundation or
11 organization representing the college or institution, located in
12 the state of Missouri may itself authorize or may by the director
13 of revenue be authorized to use the school's official emblem to
14 be affixed on multiyear personalized license plates as provided
15 in this section.

16 2. Any contribution to such institution derived from this
17 section, except reasonable administrative costs, shall be used
18 for scholarship endowment or other academically related purposes.
19 Any vehicle owner may annually apply to the institution for the
20 use of the emblem. Upon annual application and payment of an
21 emblem-use contribution to the institution, which shall be set by
22 the governing body of the institution at an amount of at least
23 twenty-five dollars, the institution shall issue to the vehicle
24 owner, without further charge, an "emblem-use authorization
25 statement", which shall be presented by the vehicle owner to the
26 department of revenue at the time of registration. Upon
27 presentation of the annual statement and payment of the fee
28 required for personalized license plates in section 301.144, and

1 other fees and documents which may be required by law, the
2 department of revenue shall issue a personalized license plate,
3 which shall bear the seal, emblem or logo of the institution, to
4 the vehicle owner.

5 3. The license plate authorized by this section shall use
6 the school colors of the institution, and those colors shall be
7 constructed upon the license plate using a process to ensure that
8 the school emblem shall be displayed upon the license plate in
9 the clearest and most attractive manner possible. Such license
10 plates shall be made with fully reflective material with a common
11 color scheme and design, shall be clearly visible at night, and
12 shall be aesthetically attractive, as prescribed by section
13 301.130. The license plate authorized by this section shall be
14 issued with a design approved by both the institution of higher
15 education and the advisory committee established in section
16 301.129.

17 4. A vehicle owner, who was previously issued a plate with
18 an institutional emblem authorized by this section and does not
19 provide an emblem-use authorization statement at a subsequent
20 time of registration, shall be issued a new plate which does not
21 bear the institutional emblem, as otherwise provided by law.

22 5. Notwithstanding the provisions of subsection 1 of this
23 section or subsection 1 of section 301.3150, any community
24 college or four-year public or private institution of higher
25 education, or any foundation or organization representing the
26 college or institution, located outside of the state of Missouri,
27 which has authorized the use of its official emblem to be affixed
28 on multiyear personalized license plates and has had its

1 application for a specialty license plate approved by the joint
2 committee on transportation oversight under section 301.3150
3 prior to August 28, 2012, may continue to authorize the use of
4 its official emblem on such plates. Nothing in subsection 1 of
5 this section shall be construed to prohibit the manufacture or
6 renewal of multiyear personalized license plates bearing out-of-
7 state university, college, or institution of private learning
8 official emblems if such license plates were approved by the
9 joint committee on transportation oversight under section
10 301.3150 prior to August 28, 2012.

11 6. The director of revenue shall make necessary rules and
12 regulations for the enforcement of this section, and shall design
13 all necessary forms including establishing a minimum number of
14 license plates which can be issued with the authorized emblem of
15 a participating institution.

16 302.132. 1. Any person at least fifteen and one-half years
17 of age who, except for age or lack of instruction in operating a
18 motor vehicle, would otherwise be qualified to obtain a
19 motorcycle or motortricycle license or endorsement pursuant to
20 sections 302.010 to 302.340 may apply, with the written consent
21 of the parent or guardian of such person, for a temporary
22 motorcycle instruction permit to operate a motorcycle or
23 motortricycle.

24 2. The director shall issue a temporary motorcycle
25 instruction permit under this section if the applicant has
26 completed a motorcycle rider training course approved under
27 sections 302.133 to 302.138 and is otherwise eligible for the
28 temporary permit. An applicant issued a temporary motorcycle

1 instruction permit under this section may renew such permit two
2 additional times, for a total maximum permit period of eighteen
3 months.

4 3. A person receiving a temporary motorcycle permit and
5 having it in his or her immediate possession shall be entitled to
6 operate a motorcycle or motortricycle for a period of six months
7 upon the highways of the state, and persons under the age of
8 sixteen shall be subject to the following restrictions:

9 (1) The motorcycle or motortricycle may not have an engine
10 with a displacement of greater than two hundred fifty cubic
11 centimeters;

12 (2) The operator shall not travel at any time from a half-
13 hour after sunset to a half-hour before sunrise;

14 (3) The operator shall not carry any passengers; and

15 (4) The operator shall not travel over fifty miles from the
16 operator's home address.

17 302.700. 1. Sections 302.700 to 302.780 may be cited as
18 the "Uniform Commercial Driver's License Act".

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

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

24 (2) "Alcohol concentration", the number of grams of alcohol
25 per one hundred milliliters of blood or the number of grams of
26 alcohol per two hundred ten liters of breath or the number of
27 grams of alcohol per sixty-seven milliliters of urine;

28 (3) "CDL driver", a person holding or required to hold a

1 commercial driver's license (CDL);

2 (4) "CDLIS driver record", the electronic record of the
3 individual commercial driver's status and history stored by the
4 state of record as part of the Commercial Driver's License
5 Information System (CDLIS) established under 49 U.S.C. Section
6 31309, et seq.;

7 [(4)] (5) "CDLIS motor vehicle record (CDLIS MVR)", a
8 report generated from the CDLIS driver record which meets the
9 requirements for access to CDLIS information and is provided by
10 states to users authorized in 49 CFR [Part] 384, subject to the
11 provisions of the Driver Privacy Protection Act, 18 U.S.C.
12 Sections 2721 to 2725, et seq.;

13 [(5)] (6) "Commercial driver's instruction permit", a
14 commercial learner's permit issued [pursuant to section 302.720]
15 to an individual by a state or other jurisdiction of domicile in
16 accordance with the standards contained in 49 CFR 383, which,
17 when carried with a valid driver's license issued by the same
18 state or jurisdiction, authorizes the individual to operate a
19 class of commercial motor vehicle when accompanied by a holder of
20 a valid commercial driver's license for purposes of behind-the-
21 wheel training. When issued to a commercial driver's license
22 holder, a commercial learner's permit serves as authorization for
23 accompanied behind-the-wheel training in a commercial motor
24 vehicle for which the holder's current commercial driver's
25 license is not valid;

26 [(6)] (7) "Commercial driver's license (CDL)", a license
27 issued by this state or other jurisdiction of domicile in
28 accordance with 49 CFR 383 [to an individual] which authorizes

1 the individual to operate a class of commercial motor vehicle;

2 [(7)] (8) "Commercial driver's license downgrade", occurs
3 when:

4 (a) A driver changes the self-certification to interstate,
5 but operates exclusively in transportation or operation excepted
6 from 49 CFR [Part] 391, as provided in 49 CFR [Part] 390.3(f),
7 391.2, 391.68, or 398.3;

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

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

15 (d) The state removes the commercial driver's license
16 privilege from the driver's license;

17 [(8)] (9) "Commercial driver's license information system
18 (CDLIS)", the information system established pursuant to the
19 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
20 Law 99-570) to serve as a clearinghouse for locating information
21 related to the licensing and identification of commercial motor
22 vehicle drivers;

23 [(9)] (10) "Commercial motor vehicle", a motor vehicle
24 [designed or used to] or combination of motor vehicles used in
25 commerce to transport passengers or property:

26 (a) If the vehicle has a gross combination weight rating or
27 gross combination weight of twenty-six thousand one or more
28 pounds inclusive of a towed unit which has a gross vehicle weight

1 rating [of] or gross vehicle weight of more than ten thousand one
2 pounds or more, whichever is greater;

3 (b) If the vehicle has a gross vehicle weight rating or
4 gross vehicle weight of twenty-six thousand one or more pounds
5 [or such lesser rating as determined by federal regulation],
6 whichever is greater;

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

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

12 [(10)] (11) "Controlled substance", any substance so
13 classified under Section 102(6) of the Controlled Substances Act
14 (21 U.S.C. Section 802(6)), and includes all substances listed in
15 schedules I through V of 21 CFR [Part] 1308, as they may be
16 revised from time to time;

17 [(11)] (12) "Conviction", an unvacated adjudication of
18 guilt, including pleas of guilt and nolo contendere, or a
19 determination that a person has violated or failed to comply with
20 the law in a court of original jurisdiction or an authorized
21 administrative proceeding, an unvacated forfeiture of bail or
22 collateral deposited to secure the person's appearance in court,
23 the payment of a fine or court cost, or violation of a condition
24 of release without bail, regardless of whether the penalty is
25 rebated, suspended or prorated, including an offense for failure
26 to appear or pay;

27 [(12)] (13) "Director", the director of revenue or his
28 authorized representative;

1 [(13)] (14) "Disqualification", any of the following three
2 actions:

3 (a) The suspension, revocation, or cancellation of a
4 commercial driver's license or commercial driver's instruction
5 permit;

6 (b) Any withdrawal of a person's privileges to drive a
7 commercial motor vehicle by a state, Canada, or Mexico as the
8 result of a violation of federal, state, county, municipal, or
9 local law relating to motor vehicle traffic control or violations
10 committed through the operation of motor vehicles, other than
11 parking, vehicle weight, or vehicle defect violations;

12 (c) A determination by the Federal Motor Carrier Safety
13 Administration that a person is not qualified to operate a
14 commercial motor vehicle under 49 CFR [Part] 383.52 or [Part]
15 391;

16 [(14)] (15) "Drive", to drive, operate or be in physical
17 control of a commercial motor vehicle;

18 [(15)] (16) "Driver", any person who drives, operates, or
19 is in physical control of a motor vehicle, or who is required to
20 hold a commercial driver's license;

21 [(16)] (17) "Driver applicant", an individual who applies
22 to obtain, transfer, upgrade, or renew a commercial driver's
23 license or commercial driver's instruction permit in this state;

24 [(17)] (18) "Driving under the influence of alcohol", the
25 commission of any one or more of the following acts:

26 (a) Driving a commercial motor vehicle with the alcohol
27 concentration of four one-hundredths of a percent or more as
28 prescribed by the [secretary] Secretary or such other alcohol

1 concentration as may be later determined by the [secretary]
2 Secretary by regulation;

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

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

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

12 (e) Having any state, county or municipal alcohol-related
13 enforcement contact, as defined in subsection 3 of section
14 302.525; provided that any suspension or revocation pursuant to
15 section 302.505, committed in a noncommercial motor vehicle by an
16 individual twenty-one years of age or older shall have been
17 committed by the person with an alcohol concentration of at least
18 eight-hundredths of one percent or more, or in the case of an
19 individual who is less than twenty-one years of age, shall have
20 been committed by the person with an alcohol concentration of at
21 least two-hundredths of one percent or more, and if committed in
22 a commercial motor vehicle, a concentration of four-hundredths of
23 one percent or more;

24 [(18)] (19) "Driving under the influence of a controlled
25 substance", the commission of any one or more of the following
26 acts in a commercial or noncommercial motor vehicle:

27 (a) Driving a commercial or noncommercial motor vehicle
28 while under the influence of any substance so classified under

1 Section 102(6) of the Controlled Substances Act (21 U.S.C.
2 Section 802(6)), including any substance listed in schedules I
3 through V of 21 CFR [Part] 1308, as they may be revised from time
4 to time;

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

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

11 [(19)] (20) "Electronic device", includes but is not
12 limited to a cellular telephone, personal digital assistant,
13 pager, computer, or any other device used to input, write, send,
14 receive, or read text;

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

19 [(20)] (22) "Endorsement", an authorization on an
20 individual's commercial driver's license [permitting] or
21 commercial learner's permit required to permit the individual to
22 operate certain types of commercial motor vehicles;

23 [(21)] (23) "Farm vehicle", a commercial motor vehicle
24 controlled and operated by a farmer used exclusively for the
25 transportation of agricultural products, farm machinery, farm
26 supplies, or a combination of these, within one hundred fifty
27 miles of the farm, other than one which requires placarding for
28 hazardous materials as defined in this section, or used in the

1 operation of a common or contract motor carrier, except that a
2 farm vehicle shall not be a commercial motor vehicle when the
3 total combined gross weight rating does not exceed twenty-six
4 thousand one pounds when transporting fertilizers as defined in
5 subdivision [(27)] (29) of this subsection;

6 [(22)] (24) "Fatality", the death of a person as a result
7 of a motor vehicle accident;

8 [(23)] (25) "Felony", any offense under state or federal
9 law that is punishable by death or imprisonment for a term
10 exceeding one year;

11 [(24)] (26) "Foreign", outside the fifty states of the
12 United States and the District of Columbia;

13 [(25)] (27) "Gross combination weight rating" or "GCWR",
14 the value specified by the manufacturer as the loaded weight of a
15 combination (articulated) vehicle. In the absence of a value
16 specified by the manufacturer, GCWR will be determined by adding
17 the GVWR of the power unit and the total weight of the towed unit
18 and any load thereon;

19 [(26)] (28) "Gross vehicle weight rating" or "GVWR", the
20 value specified by the manufacturer as the loaded weight of a
21 single vehicle;

22 [(27)] (29) "Hazardous materials", any material that has
23 been designated as hazardous under 49 U.S.C. Section 5103 and is
24 required to be placarded under subpart F of CFR [Part] 172 or any
25 quantity of a material listed as a select agent or toxin in 42
26 CFR [Part] 73. Fertilizers, including but not limited to
27 ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime,
28 potash, motor fuel or special fuel, shall not be considered

1 hazardous materials when transported by a farm vehicle provided
2 all other provisions of this definition are followed;

3 [(28)] (30) "Imminent hazard", the existence of a condition
4 that presents a substantial likelihood that death, serious
5 illness, severe personal injury, or a substantial endangerment to
6 health, property, or the environment may occur before the
7 reasonably foreseeable completion date of a formal proceeding
8 begins to lessen the risk of that death, illness, injury, or
9 endangerment;

10 [(29)] (31) "Issuance", the initial licensure, license
11 transfers, license renewals, and license upgrades;

12 [(30)] (32) "Manual transmission" (also known as a stick
13 shift, stick, straight drive, or standard transmission), a
14 transmission utilizing a driver-operated clutch that is activated
15 by a pedal or lever and a gear-shift mechanism operated by either
16 hand or foot. All other transmissions, whether semi-automatic or
17 automatic, will be considered automatic for the purposes of the
18 standardized restriction code;

19 (33) "Medical examiner", a person who is licensed,
20 certified, or registered, in accordance with applicable state
21 laws and regulations, to perform physical examinations. The term
22 includes, but is not limited to, doctors of medicine, doctors of
23 osteopathy, physician assistants, advanced practice nurses, and
24 doctors of chiropractic;

25 [(31)] (34) "Medical variance", when a driver has received
26 one of the following that allows the driver to be issued a
27 medical certificate:

28 (a) An exemption letter permitting operation of a

1 commercial motor vehicle under 49 CFR [Part] 381, Subpart C or 49
2 CFR [Part] 391.64;

3 (b) A skill performance evaluation certificate permitting
4 operation of a commercial motor vehicle under 49 CFR [Part]
5 391.49;

6 [(32)] (35) "Mobile telephone", a mobile communication
7 device that is classified as or uses any commercial mobile radio
8 service, as defined in the regulations of the Federal
9 Communications Commission, 47 CFR 20.3, but does not include two-
10 way or citizens band radio services;

11 (36) "Motor vehicle", any self-propelled vehicle not
12 operated exclusively upon tracks;

13 [(33)] (37) "Noncommercial motor vehicle", a motor vehicle
14 or combination of motor vehicles not defined by the term
15 "commercial motor vehicle" in this section;

16 [(34)] (38) "Out of service", a temporary prohibition
17 against the operation of a commercial motor vehicle by a
18 particular driver, or the operation of a particular commercial
19 motor vehicle, or the operation of a particular motor carrier;

20 [(35)] (39) "Out-of-service order", a declaration by an
21 authorized enforcement officer of a federal, state, Canadian,
22 Mexican or any local jurisdiction, that a driver, or a commercial
23 motor vehicle, or a motor carrier operation, is out of service
24 under 49 CFR [Part] 386.72, 392.5, 392.9a, 395.13, or 396.9, or
25 comparable laws, or the North American Standard Out-of-Service
26 Criteria;

27 [(36)] (40) "School bus", a commercial motor vehicle used
28 to transport preprimary, primary, or secondary school students

1 from home to school, from school to home, or to and from
2 school-sponsored events. School bus does not include a bus used
3 as a common carrier as defined by the Secretary;

4 [(37)] (41) "Secretary", the Secretary of Transportation of
5 the United States;

6 [(38)] (42) "Serious traffic violation", driving a
7 commercial motor vehicle in such a manner that the driver
8 receives a conviction for the following offenses or driving a
9 noncommercial motor vehicle when the driver receives a conviction
10 for the following offenses and the conviction results in the
11 suspension or revocation of the driver's license or noncommercial
12 motor vehicle driving privilege:

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

15 (b) Careless, reckless or imprudent driving which includes,
16 but shall not be limited to, any violation of section 304.016,
17 any violation of section 304.010, or any other violation of
18 federal or state law, or any county or municipal ordinance while
19 driving a commercial motor vehicle in a willful or wanton
20 disregard for the safety of persons or property, or improper or
21 erratic traffic lane changes, or following the vehicle ahead too
22 closely, but shall not include careless and imprudent driving by
23 excessive speed;

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

28 (d) Driving a commercial motor vehicle without obtaining a

1 commercial driver's license in violation of any federal or state
2 or county or municipal ordinance;

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

10 (f) Driving a commercial motor vehicle without the proper
11 commercial driver's license class or endorsement for the specific
12 vehicle group being operated or for the passengers or type of
13 cargo being transported in violation of any federal or state law
14 or county or municipal ordinance; [or]

15 (g) Violating a state or local law or ordinance on motor
16 vehicle traffic control prohibiting texting while driving a
17 commercial motor vehicle;

18 (h) Violating a state or local law or ordinance on motor
19 vehicle traffic control restricting or prohibiting the use of a
20 hand-held mobile telephone while driving a commercial motor
21 vehicle; or

22 (i) Any other violation of a federal or state law or county
23 or municipal ordinance regulating the operation of motor
24 vehicles, other than a parking violation, as prescribed by the
25 [secretary] Secretary by regulation;

26 [(39)] (43) "State", a state of the United States,
27 including the District of Columbia;

28 [(40)] (44) "Tank vehicle", any commercial motor vehicle

1 that is designed to transport any liquid or gaseous materials
2 within a tank or tanks having an individual rated capacity of
3 more than one hundred nineteen gallons and an aggregate rated
4 capacity of one thousand gallons or more that is either
5 permanently or temporarily attached to the vehicle or the
6 chassis. A commercial motor vehicle transporting an empty
7 storage container tank, not designed for transportation, with a
8 rated capacity of one thousand gallons or more, that is
9 temporarily attached to a flatbed trailer is not considered a
10 tank vehicle;

11 (45) "Texting", manually entering alphanumeric text into,
12 or reading text from, an electronic device. This action includes
13 but is not limited to short message service, e-mailing, instant
14 messaging, commanding or requesting access to a website, pressing
15 more than a single button to initiate or terminate a voice
16 communication using a mobile telephone, or engaging in any other
17 form of electronic text retrieval or entry, for present or future
18 communication. Texting does not include:

19 (a) Inputting, selecting, or reading information on a
20 global positioning system or navigation system;

21 (b) Pressing a single button to initiate or terminate a
22 voice communication using a mobile telephone; or

23 (c) Using a device capable of performing multiple functions
24 (e.g., fleet management systems, dispatching devices, smart
25 phones, citizens band radios, music players) for a purpose that
26 is not otherwise prohibited in this part;

27 (46) "United States", the fifty states and the District of
28 Columbia.

1 302.720. 1. Except when operating under an instruction
2 permit as described in this section, no person may drive a
3 commercial motor vehicle unless the person has been issued a
4 commercial driver's license with applicable endorsements valid
5 for the type of vehicle being operated as specified in sections
6 302.700 to 302.780. A commercial driver's instruction permit
7 shall allow the holder of a valid license to operate a commercial
8 motor vehicle when accompanied by the holder of a commercial
9 driver's license valid for the vehicle being operated and who
10 occupies a seat beside the individual, or reasonably near the
11 individual in the case of buses, for the purpose of giving
12 instruction in driving the commercial motor vehicle. No person
13 may be issued a commercial driver's instruction permit until he
14 or she has passed written tests which comply with the minimum
15 federal standards. A commercial driver's instruction permit
16 shall be valid for the vehicle being operated for a period of not
17 more than six months, and shall not be issued until the permit
18 holder has met all other requirements of sections 302.700 to
19 302.780, except for the driving test. A permit holder, unless
20 otherwise disqualified, may be granted one six-month renewal
21 within a one-year period. The fee for such permit or renewal
22 shall be five dollars. In the alternative, a commercial driver's
23 instruction permit shall be issued for a thirty-day period to
24 allow the holder of a valid driver's license to operate a
25 commercial motor vehicle if the applicant has completed all other
26 requirements except the driving test. The permit may be renewed
27 for one additional thirty-day period and the fee for the permit
28 and for renewal shall be five dollars.

1 2. No person may be issued a commercial driver's license
2 until he has passed written and driving tests for the operation
3 of a commercial motor vehicle which complies with the minimum
4 federal standards established by the Secretary and has satisfied
5 all other requirements of the Commercial Motor Vehicle Safety Act
6 of 1986 (Title XII of Pub. Law 99-570), as well as any other
7 requirements imposed by state law. All applicants for a
8 commercial driver's license shall have maintained the appropriate
9 class of commercial driver's instruction permit issued by this
10 state or any other state for a minimum of fourteen calendar days
11 prior to the date of taking the skills test. Applicants for a
12 hazardous materials endorsement must also meet the requirements
13 of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as
14 specified and required by regulations promulgated by the
15 Secretary. Nothing contained in this subsection shall be
16 construed as prohibiting the director from establishing alternate
17 testing formats for those who are functionally illiterate;
18 provided, however, that any such alternate test must comply with
19 the minimum requirements of the Commercial Motor Vehicle Safety
20 Act of 1986 (Title XII of Pub. Law 99-570) as established by the
21 Secretary.

22 (1) The written and driving tests shall be held at such
23 times and in such places as the superintendent may designate. A
24 twenty-five dollar examination fee shall be paid by the applicant
25 upon completion of any written or driving test, except the
26 examination fee shall be waived for applicants seventy years of
27 age or older renewing a license with a school bus endorsement.
28 The director shall delegate the power to conduct the examinations

1 required under sections 302.700 to 302.780 to any member of the
2 highway patrol or any person employed by the highway patrol
3 qualified to give driving examinations. The written test shall
4 only be administered in the English language. No translators
5 shall be allowed for applicants taking the test.

6 (2) The director shall adopt and promulgate rules and
7 regulations governing the certification of third-party testers by
8 the department of revenue. Such rules and regulations shall
9 substantially comply with the requirements of 49 CFR [Part] 383,
10 Section 383.75. A certification to conduct third-party testing
11 shall be valid for one year, and the department shall charge a
12 fee of one hundred dollars to issue or renew the certification of
13 any third-party tester.

14 (3) Beginning August 28, 2006, the director shall only
15 issue or renew third-party tester certification to community
16 colleges established under chapter 178 or to private companies
17 who own, lease, or maintain their own fleet and administer
18 in-house testing to their employees, or to school districts and
19 their agents that administer in-house testing to the school
20 district's or agent's employees. Any third-party tester who
21 violates any of the rules and regulations adopted and promulgated
22 pursuant to this section shall be subject to having his
23 certification revoked by the department. The department shall
24 provide written notice and an opportunity for the third-party
25 tester to be heard in substantially the same manner as provided
26 in chapter 536. If any applicant submits evidence that he has
27 successfully completed a test administered by a third-party
28 tester, the actual driving test for a commercial driver's license

1 may then be waived.

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

11 (5) The director shall have the authority to waive the
12 driving skills test for any qualified military applicant for a
13 commercial driver's license who is currently licensed at the time
14 of application for a commercial driver's license. The director
15 shall impose conditions and limitations to restrict the
16 applicants from whom the department may accept alternative
17 requirements for the skills test described in federal regulation
18 49 [C.F.R.] CFR 383.77. An applicant must certify that, during
19 the two-year period immediately preceding application for a
20 commercial driver's license, all of the following apply:

21 (a) The applicant has not had more than one license;

22 (b) The applicant has not had any license suspended,
23 revoked, or cancelled;

24 (c) The applicant has not had any convictions for any type
25 of motor vehicle for the disqualifying offenses contained in this
26 chapter or federal rule 49 [C.F.R.] CFR 383.51(b);

27 (d) The applicant has not had more than one conviction for
28 any type of motor vehicle for serious traffic violations;

1 (e) The applicant has not had any conviction for a
2 violation of state or local law relating to motor vehicle traffic
3 control, but not including any parking violation, arising in
4 connection with any traffic accident, and has no record of an
5 accident in which he or she was at fault;

6 (f) The applicant [is] has been regularly employed [in a
7 job] within the last ninety days in a military position requiring
8 operation of a commercial motor vehicle and has operated the
9 vehicle for at least sixty days during the two years immediately
10 preceding application for a commercial driver's license. The
11 vehicle must be representative of the commercial motor vehicle
12 the driver applicant operates or expects to operate;

13 (g) The applicant, if on active duty, must provide a
14 notarized affidavit signed by a commanding officer as proof of
15 driving experience as indicated in paragraph (f) of this
16 subdivision;

17 (h) The applicant, if honorably discharged from military
18 service, must provide a form-DD214 or other proof of military
19 occupational specialty;

20 (i) The applicant must meet all federal and state
21 qualifications to operate a commercial vehicle; and

22 (j) The applicant will be required to complete all
23 applicable knowledge tests.

24 3. A commercial driver's license or commercial driver's
25 instruction permit may not be issued to a person while the person
26 is disqualified from driving a commercial motor vehicle, when a
27 disqualification is pending in any state or while the person's
28 driver's license is suspended, revoked, or [cancelled] canceled

1 in any state; nor may a commercial driver's license be issued
2 unless the person first surrenders in a manner prescribed by the
3 director any commercial driver's license issued by another state,
4 which license shall be returned to the issuing state for
5 cancellation.

6 4. Beginning July 1, 2005, the director shall not issue an
7 instruction permit under this section unless the director
8 verifies that the applicant is lawfully present in the United
9 States before accepting the application. The director may, by
10 rule or regulation, establish procedures to verify the lawful
11 presence of the applicant under this section. No rule or portion
12 of a rule promulgated pursuant to the authority of this section
13 shall become effective unless it has been promulgated pursuant to
14 chapter 536.

15 5. Notwithstanding the provisions of this section or any
16 other law to the contrary, beginning August 28, 2008, the
17 director of the department of revenue shall certify as a
18 third-party tester any municipality that owns, leases, or
19 maintains its own fleet that requires certain employees as a
20 condition of employment to hold a valid commercial driver's
21 license; and that administered in-house testing to such employees
22 prior to August 28, 2006.

23 302.735. 1. An application shall not be taken from a
24 nonresident after September 30, 2005. The application for a
25 commercial driver's license shall include, but not be limited to,
26 the applicant's legal name, mailing and residence address, if
27 different, a physical description of the person, including sex,
28 height, weight and eye color, the person's Social Security

1 number, date of birth and any other information deemed
2 appropriate by the director. The application shall also require,
3 beginning September 30, 2005, the applicant to provide the names
4 of all states where the applicant has been previously licensed to
5 drive any type of motor vehicle during the preceding ten years.

6 2. A commercial driver's license shall expire on the
7 applicant's birthday in the sixth year after issuance, unless the
8 license must be issued for a shorter period due to other
9 requirements of law or for transition or staggering of work as
10 determined by the director, and must be renewed on or before the
11 date of expiration. When a person changes such person's name an
12 application for a duplicate license shall be made to the director
13 of revenue. When a person changes such person's mailing address
14 or residence the applicant shall notify the director of revenue
15 of said change, however, no application for a duplicate license
16 is required. A commercial license issued pursuant to this
17 section to an applicant less than twenty-one years of age and
18 seventy years of age and older shall expire on the applicant's
19 birthday in the third year after issuance, unless the license
20 must be issued for a shorter period as determined by the
21 director.

22 3. A commercial driver's license containing a hazardous
23 materials endorsement issued to an applicant who is between the
24 age of twenty-one and sixty-nine shall not be issued for a period
25 exceeding five years from the approval date of the security
26 threat assessment as determined by the Transportation Security
27 Administration.

28 4. The director shall issue an annual commercial driver's

1 license containing a school bus endorsement to an applicant who
2 is seventy years of age or older. The fee for such license shall
3 be seven dollars and fifty cents.

4 5. A commercial driver's license containing a hazardous
5 materials endorsement issued to an applicant who is seventy years
6 of age or older shall not be issued for a period exceeding three
7 years. The director shall not require such drivers to obtain a
8 security threat assessment more frequently than such assessment
9 is required by the Transportation Security Administration under
10 the Uniting and Strengthening America by Providing Appropriate
11 Tools Required to Intercept and Obstruct Terrorism Act (USA
12 PATRIOT ACT) of 2001.

13 (1) The state shall immediately revoke a hazardous
14 materials endorsement upon receipt of an initial determination of
15 threat assessment and immediate revocation from the
16 Transportation Security Administration as defined by 49 CFR
17 1572.13(a).

18 (2) The state shall revoke or deny a hazardous materials
19 endorsement within fifteen days of receipt of a final
20 determination of threat assessment from the Transportation
21 Security Administration as required by CFR 1572.13(a).

22 6. The fee for a commercial driver's license or renewal
23 commercial driver's license issued for a period greater than
24 three years shall be forty dollars.

25 7. The fee for a commercial driver's license or renewal
26 commercial driver's license issued for a period of three years or
27 less shall be twenty dollars.

28 8. The fee for a duplicate commercial driver's license

1 shall be twenty dollars.

2 9. In order for the director to properly transition
3 driver's license requirements under the Motor Carrier Safety
4 Improvement Act of 1999 and the Uniting and Strengthening America
5 by Providing Appropriate Tools Required to Intercept and Obstruct
6 Terrorism Act (USA PATRIOT ACT) of 2001, the director is
7 authorized to stagger expiration dates and make adjustments for
8 any fees, including driver examination fees that are incurred by
9 the driver as a result of the initial issuance of a transitional
10 license required to comply with such acts.

11 10. Within thirty days after moving to this state, the
12 holder of a commercial driver's license shall apply for a
13 commercial driver's license in this state. The applicant shall
14 meet all other requirements of sections 302.700 to 302.780,
15 except that the director may waive the driving test for a
16 commercial driver's license as required in section 302.720 if the
17 applicant for a commercial driver's license has a valid
18 commercial driver's license from a state which has requirements
19 for issuance of such license comparable to those in this state.

20 11. Any person who falsifies any information in an
21 application or test for a commercial driver's license shall not
22 be licensed to operate a commercial motor vehicle, or the
23 person's commercial driver's license shall be **[cancelled]**
24 canceled, for a period of one year after the director discovers
25 such falsification.

26 12. Beginning July 1, 2005, the director shall not issue a
27 commercial driver's license under this section unless the
28 director verifies that the applicant is lawfully present in the

1 United States before accepting the application. If lawful
2 presence is granted for a temporary period, no commercial
3 driver's license shall be issued. The director may, by rule or
4 regulation, establish procedures to verify the lawful presence of
5 the applicant and establish the duration of any commercial
6 driver's license issued under this section. No rule or portion
7 of a rule promulgated pursuant to the authority of this section
8 shall become effective unless it has been promulgated pursuant to
9 chapter 536.

10 13. (1) Effective December 19, 2005, notwithstanding any
11 provisions of subsections 1 and 5 of this section to the
12 contrary, the director may issue a [nonresident] nondomiciled
13 commercial driver's license or commercial driver's instruction
14 permit to a resident of a foreign jurisdiction if the United
15 States Secretary of Transportation has determined that the
16 commercial motor vehicle testing and licensing standards in the
17 foreign jurisdiction do not meet the testing standards
18 established in 49 [C.F.R. Part] CFR 383.

19 (2) Any applicant for a [nonresident] nondomiciled
20 commercial driver's license or commercial driver's instruction
21 permit must present evidence satisfactory to the director that
22 the applicant currently has employment with an employer in this
23 state. The [nonresident] nondomiciled applicant must meet the
24 same testing, driver record requirements, conditions, and is
25 subject to the same disqualification and conviction reporting
26 requirements applicable to resident commercial drivers.

27 (3) The [nonresident] nondomiciled commercial driver's
28 license will expire on the same date that the documents

1 establishing lawful presence for employment expire. The word
2 ["nonresident"] "nondomiciled" shall appear on the face of the
3 [nonresident] nondomiciled commercial driver's license. Any
4 applicant for a Missouri [nonresident] nondomiciled commercial
5 driver's license or commercial driver's instruction permit must
6 first surrender any [nonresident] nondomiciled commercial
7 driver's license issued by another state.

8 (4) The [nonresident] nondomiciled commercial driver's
9 license applicant must pay the same fees as required for the
10 issuance of a resident commercial driver's license or commercial
11 driver's instruction permit.

12 14. Foreign jurisdiction for purposes of issuing a
13 [nonresident] nondomiciled commercial driver's license or
14 commercial driver's instruction permit under this section shall
15 not include any of the fifty states of the United States or
16 Canada or Mexico.

17 302.740. 1. The commercial driver's license shall be
18 manufactured of materials and processes that will prohibit as
19 nearly as possible the ability to reproduce, alter, counterfeit,
20 forge, or duplicate any license without ready detection. Such
21 license shall include, but not be limited to, the following
22 information: a colored photograph of the person, the legal name
23 and address of the person, a physical description of the person,
24 including sex, height, weight and eye color, the person's [Social
25 Security number] driver's license number or such other number or
26 identifier deemed appropriate by the director or the [secretary]
27 Secretary, the date of birth, class or type of commercial motor
28 vehicle or vehicles which the person is authorized to drive, the

1 name of this state, and the words "COMMERCIAL DRIVER'S LICENSE"
2 or "CDL", the dates of issuance and expiration, the person's
3 signature and such other information as the director prescribes.

4 2. Before issuing a commercial driver's license, the
5 director shall obtain driving record information from sources
6 including, but not limited to, the national driver's register,
7 the commercial driver's license information system, and any state
8 driver's licensing system in which the person has been licensed;
9 except that the director shall only be required to obtain the
10 complete driving record from each state the person has ever been
11 licensed in when such person is issued an initial commercial
12 driver's license or renews his or her commercial driver's license
13 for the first time. The director shall maintain a notation in
14 the driving record system of the date when he or she has obtained
15 the driving records from all other states which the person has
16 been licensed.

17 3. Within ten days after issuing a commercial driver's
18 license, the director shall notify the commercial driver's
19 license information system of such fact, providing all
20 information required to ensure identification of the person. For
21 the purpose of this subsection, the date of issuance shall be the
22 date the commercial driver's license is mailed to the applicant.

23 4. The commercial driver's license shall indicate the class
24 of vehicle the person may drive and any applicable endorsements
25 or restrictions. Commercial driver's license classifications,
26 endorsements and restrictions shall be in compliance with the
27 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
28 Law 99-570) and those prescribed by the director. The commercial

1 driver's license driving record shall contain a complete history
2 of the driver, including information and convictions from
3 previous states of licensure.

4 5. The commercial driver's instruction permit shall include
5 but not be limited to the same data elements as a commercial
6 driver's license and the words "CDL PERMIT" or "COMMERCIAL
7 LEARNER PERMIT" and such other information as the director or
8 Secretary prescribes.

9 302.755. 1. A person is disqualified from driving a
10 commercial motor vehicle for a period of not less than one year
11 if convicted of a first violation of:

12 (1) Driving a motor vehicle under the influence of alcohol
13 or a controlled substance, or of an alcohol-related enforcement
14 contact as defined in subsection 3 of section 302.525;

15 (2) Driving a commercial motor vehicle which causes a
16 fatality through the negligent operation of the commercial motor
17 vehicle, including but not limited to the crimes of vehicular
18 manslaughter, homicide by motor vehicle, and negligent homicide;

19 (3) Driving a commercial motor vehicle while revoked
20 pursuant to section 302.727;

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

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

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

1 3. Any person is disqualified from operating a commercial
2 motor vehicle for life if convicted of two or more violations of
3 any of the offenses specified in subsection 1 of this section, or
4 any combination of those offenses, arising from two or more
5 separate incidents. The director may issue rules and
6 regulations, in accordance with guidelines established by the
7 [secretary] Secretary, under which a disqualification for life
8 under this section may be reduced to a period of not less than
9 ten years.

10 4. Any person is disqualified from driving a commercial
11 motor vehicle for life who uses a commercial or noncommercial
12 motor vehicle in the commission of any felony involving the
13 manufacture, distribution, or dispensing of a controlled
14 substance, or possession with intent to manufacture, distribute,
15 or dispense a controlled substance.

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

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

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

1 8. Any person convicted for the first time of driving while
2 out of service shall be disqualified from driving a commercial
3 motor vehicle in the manner prescribed in 49 CFR [Part] 383, or
4 as amended by the Secretary.

5 9. Any person convicted of driving while out of service on
6 a second occasion during any ten-year period, involving separate
7 incidents, shall be disqualified in the manner prescribed in 49
8 CFR [Part] 383, or as amended by the Secretary.

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

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

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

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

27 14. After suspending, revoking, [~~cancelling~~] canceling or
28 disqualifying a driver, the director shall update records to

1 reflect such action and notify a nonresident's licensing
2 authority and the commercial driver's license information system
3 within ten days in the manner prescribed in 49 CFR [Part] 384, or
4 as amended by the Secretary.

5 15. Any person disqualified from operating a commercial
6 motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section
7 shall have such commercial driver's license [cancelled] canceled,
8 and upon conclusion of the period of disqualification shall take
9 the written and driving tests and meet all other requirements of
10 sections 302.700 to 302.780. Such disqualification and
11 cancellation shall not be withdrawn by the director until such
12 person reapplies for a commercial driver's license in this or any
13 other state after meeting all requirements of sections 302.700 to
14 302.780.

15 16. The director shall disqualify a driver upon receipt of
16 notification that the Secretary has determined a driver to be an
17 imminent hazard pursuant to 49 CFR[, Part] 383.52. Due process
18 of a disqualification determined by the Secretary pursuant to
19 this section shall be held in accordance with regulations
20 promulgated by the Secretary. The period of disqualification
21 determined by the Secretary pursuant to this section shall be
22 served concurrently to any other period of disqualification which
23 may be imposed by the director pursuant to this section. Both
24 disqualifications shall appear on the driving record of the
25 driver.

26 17. The director shall disqualify a commercial license
27 holder or operator of a commercial motor vehicle from operation
28 of any commercial motor vehicle upon receipt of a conviction for

1 an offense of failure to appear or pay, and such disqualification
2 shall remain in effect until the director receives notice that
3 the person has complied with the requirement to appear or pay.

4 18. The disqualification period must be in addition to any
5 other previous periods of disqualification in the manner
6 prescribed in 49 CFR 383, or as amended by the Secretary, except
7 when the major or serious violations are a result of the same
8 incident.

9 302.767. Notwithstanding sections 302.700, 302.720,
10 302.735, 302.740, 302.755 to the contrary, the department of
11 revenue shall have until July 8, 2015, to comply with the
12 provisions of 49 CFR 383, 384, and 385 pertaining to the
13 commercial driver's license testing and commercial learner's
14 permit standards rule issued by the federal motor carrier safety
15 administration.

16 304.154. 1. Beginning January 1, [2005] 2014, a towing
17 company operating a tow truck pursuant to the authority granted
18 in section 304.155 or 304.157 shall:

19 (1) Have and occupy a verifiable business address and
20 display such address in a location visible from the street;

21 (2) Have a fenced, secure, and lighted storage lot or an
22 enclosed, secure building for the storage of motor vehicles, with
23 a total area for storing vehicles, either inside or outside, of
24 at least two thousand square feet and fencing a minimum of seven
25 feet high;

26 (3) Be open for a minimum of eight hours per day between
27 the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, for
28 a customer or his or her authorized agent to view and retrieve a

1 vehicle, with no additional fees charged to view or retrieve a
2 vehicle during these regular business hours;

3 (4) Be available twenty-four hours a day, seven days a
4 week. Availability shall mean that an employee of the towing
5 company or an answering service answered by a person is able to
6 respond to a tow request;

7 (5) Have and maintain an operational telephone with the
8 telephone number published or available through directory
9 assistance;

10 [(4)] (6) Maintain a valid insurance policy issued by an
11 insurer authorized to do business in this state, or a bond or
12 other acceptable surety providing coverage for the death of, or
13 injury to, persons and damage to property for each accident or
14 occurrence in the amount [of at least five hundred thousand
15 dollars per incident] prescribed by the United States Department
16 of Transportation;

17 [(5)] (7) Provide workers' compensation insurance for all
18 employees of the towing company if required by chapter 287; [and]

19 [(6)] (8) Maintain current motor vehicle registrations on
20 all tow trucks currently operated within the towing company
21 fleet.

22 2. Counties may adopt ordinances with respect to towing
23 company standards in addition to the minimum standards contained
24 in this section. A towing company located in a county of the
25 second, third, [and] or fourth classification or located any
26 county of the first classification with more than one hundred one
27 thousand but fewer than one hundred fifteen thousand inhabitants
28 or located in any county of the third classification without a

1 township form of government and with more than twenty-three
2 thousand but fewer than twenty-six thousand inhabitants and with
3 a city of the fourth classification with more than two thousand
4 four hundred but fewer than two thousand seven hundred
5 inhabitants as the county seat is exempt from the provisions of
6 this section.

7 304.180. 1. No vehicle or combination of vehicles shall be
8 moved or operated on any highway in this state having a greater
9 weight than twenty thousand pounds on one axle, no combination of
10 vehicles operated by transporters of general freight over regular
11 routes as defined in section 390.020 shall be moved or operated
12 on any highway of this state having a greater weight than the
13 vehicle manufacturer's rating on a steering axle with the maximum
14 weight not to exceed twelve thousand pounds on a steering axle,
15 and no vehicle shall be moved or operated on any state highway of
16 this state having a greater weight than thirty-four thousand
17 pounds on any tandem axle; the term "tandem axle" shall mean a
18 group of two or more axles, arranged one behind another, the
19 distance between the extremes of which is more than forty inches
20 and not more than ninety-six inches apart.

21 2. An "axle load" is defined as the total load transmitted
22 to the road by all wheels whose centers are included between two
23 parallel transverse vertical planes forty inches apart, extending
24 across the full width of the vehicle.

25 3. Subject to the limit upon the weight imposed upon a
26 highway of this state through any one axle or on any tandem axle,
27 the total gross weight with load imposed by any group of two or
28 more consecutive axles of any vehicle or combination of vehicles

1 shall not exceed the maximum load in pounds as set forth in the
2 following table:

3
4 Distance in feet
5 between the extremes
6 of any group of two or
7 more consecutive axles,
8 measured to the nearest
9 foot, except where
10 indicated otherwise

		Maximum load in pounds				
11	12 feet	2 axles	3 axles	4 axles	5 axles	6 axles
13	4	34,000				
14	5	34,000				
15	6	34,000				
16	7	34,000				
17	8	34,000	34,000			
18	More					
19	than 8	38,000	42,000			
20	9	39,000	42,500			
21	10	40,000	43,500			
22	11	40,000	44,000			
23	12	40,000	45,000	50,000		
24	13	40,000	45,500	50,500		
25	14	40,000	46,500	51,500		
26	15	40,000	47,000	52,000		
27	16	40,000	48,000	52,500	58,000	
28	17	40,000	48,500	53,500	58,500	

1	18	40,000	49,500	54,000	59,000	
2	19	40,000	50,000	54,500	60,000	
3	20	40,000	51,000	55,500	60,500	66,000
4	21	40,000	51,500	56,000	61,000	66,500
5	22	40,000	52,500	56,500	61,500	67,000
6	23	40,000	53,000	57,500	62,500	68,000
7	24	40,000	54,000	58,000	63,000	68,500
8	25	40,000	54,500	58,500	63,500	69,000
9	26	40,000	55,500	59,500	64,000	69,500
10	27	40,000	56,000	60,000	65,000	70,000
11	28	40,000	57,000	60,500	65,500	71,000
12	29	40,000	57,500	61,500	66,000	71,500
13	30	40,000	58,500	62,000	66,500	72,000
14	31	40,000	59,000	62,500	67,500	72,500
15	32	40,000	60,000	63,500	68,000	73,000
16	33	40,000	60,000	64,000	68,500	74,000
17	34	40,000	60,000	64,500	69,000	74,500
18	35	40,000	60,000	65,500	70,000	75,000
19	36		60,000	66,000	70,500	75,500
20	37		60,000	66,500	71,000	76,000
21	38		60,000	67,500	72,000	77,000
22	39		60,000	68,000	72,500	77,500
23	40		60,000	68,500	73,000	78,000
24	41		60,000	69,500	73,500	78,500
25	42		60,000	70,000	74,000	79,000
26	43		60,000	70,500	75,000	80,000
27	44		60,000	71,500	75,500	80,000
28	45		60,000	72,000	76,000	80,000

1	46	60,000	72,500	76,500	80,000
2	47	60,000	73,500	77,500	80,000
3	48	60,000	74,000	78,000	80,000
4	49	60,000	74,500	78,500	80,000
5	50	60,000	75,500	79,000	80,000
6	51	60,000	76,000	80,000	80,000
7	52	60,000	76,500	80,000	80,000
8	53	60,000	77,500	80,000	80,000
9	54	60,000	78,000	80,000	80,000
10	55	60,000	78,500	80,000	80,000
11	56	60,000	79,500	80,000	80,000
12	57	60,000	80,000	80,000	80,000

13 Notwithstanding the above table, two consecutive sets of tandem
14 axles may carry a gross load of thirty-four thousand pounds each
15 if the overall distance between the first and last axles of such
16 consecutive sets of tandem axles is thirty-six feet or more.

17 4. Whenever the state highways and transportation
18 commission finds that any state highway bridge in the state is in
19 such a condition that use of such bridge by vehicles of the
20 weights specified in subsection 3 of this section will endanger
21 the bridge, or the users of the bridge, the commission may
22 establish maximum weight limits and speed limits for vehicles
23 using such bridge. The governing body of any city or county may
24 grant authority by act or ordinance to the state highways and
25 transportation commission to enact the limitations established in
26 this section on those roadways within the purview of such city or
27 county. Notice of the weight limits and speed limits established
28 by the commission shall be given by posting signs at a

1 conspicuous place at each end of any such bridge.

2 5. Nothing in this section shall be construed as permitting
3 lawful axle loads, tandem axle loads or gross loads in excess of
4 those permitted under the provisions of Section 127 of Title 23
5 of the United States Code.

6 6. Notwithstanding the weight limitations contained in this
7 section, any vehicle or combination of vehicles operating on
8 highways other than the interstate highway system may exceed
9 single axle, tandem axle and gross weight limitations in an
10 amount not to exceed two thousand pounds. However, total gross
11 weight shall not exceed eighty thousand pounds, except as
12 provided in subsections 9 and 10 of this section.

13 7. Notwithstanding any provision of this section to the
14 contrary, the department of transportation shall issue a
15 single-use special permit, or upon request of the owner of the
16 truck or equipment, shall issue an annual permit, for the
17 transporting of any concrete pump truck or well-drillers'
18 equipment. The department of transportation shall set fees for
19 the issuance of permits pursuant to this subsection.

20 Notwithstanding the provisions of section 301.133, concrete pump
21 trucks or well-drillers' equipment may be operated on
22 state-maintained roads and highways at any time on any day.

23 8. Notwithstanding the provision of this section to the
24 contrary, the maximum gross vehicle limit and axle weight limit
25 for any vehicle or combination of vehicles equipped with an idle
26 reduction technology may be increased by a quantity necessary to
27 compensate for the additional weight of the idle reduction system
28 as provided for in 23 U.S.C. Section 127, as amended. In no case

1 shall the additional weight increase allowed by this subsection
2 be greater than four hundred pounds. Upon request by an
3 appropriate law enforcement officer, the vehicle operator shall
4 provide proof that the idle reduction technology is fully
5 functional at all times and that the gross weight increase is not
6 used for any purpose other than for the use of idle reduction
7 technology.

8 9. Notwithstanding subsection 3 of this section or any
9 other provision of law to the contrary, the total gross weight of
10 any vehicle or combination of vehicles hauling livestock may be
11 as much as, but shall not exceed, eighty-five thousand five
12 hundred pounds while operating on U.S. Highway 36 from St.
13 Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state
14 line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa
15 state line to U.S. Highway 36, and on U.S. Highway 63 from U.S.
16 Highway 36 to Missouri Route 17. The provisions of this
17 subsection shall not apply to vehicles operated on the Dwight D.
18 Eisenhower System of Interstate and Defense Highways.

19 10. Notwithstanding any provision of this section or any
20 other law to the contrary, the total gross weight of any vehicle
21 or combination of vehicles hauling milk from a farm to a
22 processing facility may be as much as, but shall not exceed,
23 eighty-five thousand five hundred pounds while operating on
24 highways other than the interstate highway system. The
25 provisions of this subsection shall not apply to vehicles
26 operated and operating on the Dwight D. Eisenhower System of
27 Interstate and Defense Highways.

28 11. Notwithstanding any provision of this section or any

1 other law to the contrary, the department of transportation shall
2 issue emergency utility response permits for the transporting of
3 utility wires or cables, poles, and equipment needed for repair
4 work immediately following a disaster where utility service has
5 been disrupted. Under exigent circumstances, verbal approval of
6 such operation may be made either by the motor carrier compliance
7 supervisor or other designated motor carrier services
8 representative. Utility vehicles and equipment used to assist
9 utility companies granted special permits under this subsection
10 may be operated and transported on state-maintained roads and
11 highways at any time on any day. The department of
12 transportation shall promulgate all necessary rules and
13 regulations for the administration of this section. Any rule or
14 portion of a rule, as that term is defined in section 536.010,
15 that is created under the authority delegated in this section
16 shall become effective only if it complies with and is subject to
17 all of the provisions of chapter 536 and, if applicable, section
18 536.028. This section and chapter 536 are nonseverable and if
19 any of the powers vested with the general assembly pursuant to
20 chapter 536 to review, to delay the effective date, or to
21 disapprove and annul a rule are subsequently held
22 unconstitutional, then the grant of rulemaking authority and any
23 rule proposed or adopted after August 28, 2013, shall be invalid
24 and void.

25 304.820. 1. Except as otherwise provided in this section,
26 no person twenty-one years of age or younger operating a moving
27 noncommercial motor vehicle upon the highways of this state
28 shall, by means of a hand-held electronic wireless communications

1 device, send, read, or write a text message or electronic
2 message.

3 2. No person, regardless of age, shall operate a commercial
4 motor vehicle while using a hand-held mobile telephone in a
5 manner proscribed by the federal motor carrier safety
6 regulations, as periodically amended.

7 3. No person, regardless of age, shall engage in texting
8 while operating a commercial motor vehicle in a manner proscribed
9 by the federal motor carrier safety regulations, as periodically
10 amended.

11 4. The provisions of subsection 1 of this section shall not
12 apply to a person operating:

13 (1) An authorized emergency vehicle; or

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

16 (a) Report illegal activity;

17 (b) Summon medical or other emergency help;

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

19 (d) Relay information between a transit or for-hire

20 operator and that operator's dispatcher, in which the device is
21 permanently affixed to the vehicle.

22 [3.] 5. Nothing in this section shall be construed or
23 interpreted as prohibiting a person from making or taking part in
24 a telephone call, by means of a hand-held electronic wireless
25 communications device, while operating a noncommercial motor
26 vehicle upon the highways of this state.

27 [4.] 6. As used in this section, "electronic message" means
28 a self-contained piece of digital communication that is designed

1 or intended to be transmitted between hand-held electronic
2 wireless communication devices. "Electronic message" includes,
3 but is not limited to, electronic mail, a text message, an
4 instant message, or a command or request to access an internet
5 site.

6 [5.] 7. As used in this section, "hand-held electronic
7 wireless communications device" includes any hand-held cellular
8 phone, palm pilot, blackberry, or other mobile electronic device
9 used to communicate verbally or by text or electronic messaging,
10 but shall not apply to any device that is permanently embedded
11 into the architecture and design of the motor vehicle.

12 [6.] 8. As used in this section, "making or taking part in
13 a telephone call" means listening to or engaging in verbal
14 communication through a hand-held electronic wireless
15 communication device.

16 [7.] 9. As used in this section, "send, read, or write a
17 text message or electronic message" means using a hand-held
18 electronic wireless telecommunications device to manually
19 communicate with any person by using an electronic message.
20 Sending, reading, or writing a text message or electronic message
21 does not include reading, selecting, or entering a phone number
22 or name into a hand-held electronic wireless communications
23 device for the purpose of making a telephone call.

24 [8.] 10. As used in subsections 2 and 3 of this section,
25 the terms "texting" and "mobile telephone" shall have the same
26 meaning ascribed to them in section 302.700.

27 11. A violation of this section shall be deemed an
28 infraction and shall be deemed a moving violation for purposes of

1 point assessment under section 302.302.

2 [9.] 12. The state preempts the field of regulating the use
3 of hand-held electronic wireless communications devices in motor
4 vehicles, and the provisions of this section shall supercede any
5 local laws, ordinances, orders, rules, or regulations enacted by
6 a county, municipality, or other political subdivision to
7 regulate the use of hand-held electronic wireless communication
8 devices by the operator of a motor vehicle.

9 [10.] 13. The provisions of subsection 1 of this section
10 shall not apply to:

11 (1) The operator of a vehicle that is lawfully parked or
12 stopped;

13 (2) Any of the following while in the performance of their
14 official duties: a law enforcement officer; a member of a fire
15 department; or the operator of a public or private ambulance;

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

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

20 (5) The use of two-way radio transmitters or receivers by a
21 licensee of the Federal Communications Commission in the Amateur
22 Radio Service.

23 307.400. 1. It is unlawful for any person to operate any
24 commercial motor vehicle as defined in Title 49, Code of Federal
25 Regulations, Part 390.5, either singly or in combination with a
26 trailer, as both vehicles are defined in Title 49, Code of
27 Federal Regulations, Part 390.5, unless such vehicles are
28 equipped and operated as required by Parts 390 through 397, Title

1 49, Code of Federal Regulations, as such regulations have been
2 and may periodically be amended, whether intrastate
3 transportation or interstate transportation. Members of the
4 Missouri state highway patrol are authorized to enter the cargo
5 area of a commercial motor vehicle or trailer to inspect the
6 contents when reasonable grounds exist to cause belief that the
7 vehicle is transporting hazardous materials as defined by Title
8 49 of the Code of Federal Regulations. The director of the
9 department of public safety is hereby authorized to further
10 regulate the safety of commercial motor vehicles and trailers as
11 he deems necessary to govern and control their operation on the
12 public highways of this state by promulgating and publishing
13 rules and regulations consistent with this chapter. Any such
14 rules shall, in addition to any other provisions deemed necessary
15 by the director, require:

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

18 (2) Accidents arising from or in connection with the
19 operation of commercial motor vehicles and trailers to be
20 reported to the department of public safety in such detail and in
21 such manner as the director may require. Except for the
22 provisions of subdivisions (1) and (2) of this subsection, the
23 provisions of this section shall not apply to any commercial
24 motor vehicle operated in intrastate commerce and licensed for a
25 gross weight of sixty thousand pounds or less when used
26 exclusively for the transportation of solid waste or forty-two
27 thousand pounds or less when the license plate has been
28 designated for farm use by the letter "F" as authorized by the

1 Revised Statutes of Missouri, unless such vehicle is transporting
2 hazardous materials as defined in Title 49, Code of Federal
3 Regulations.

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

15 3. Commercial motor vehicles and drivers of such vehicles
16 may be placed out of service if the vehicles are not equipped and
17 operated according to the requirements of this section. Criteria
18 used for placing vehicles and drivers out of service are the
19 North American Uniform Out-of-Service Criteria adopted by the
20 Commercial Vehicle Safety Alliance and the United States
21 Department of Transportation, as such criteria have been and may
22 periodically be amended.

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

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

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

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

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

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

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

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

25 7.] Notwithstanding the provisions of subsection 1 of this
26 section to the contrary, Parts 390 through 397, Title 49, Code of
27 Federal Regulations shall not apply to commercial motor vehicles
28 operated in intrastate commerce to transport property, which have

1 a gross vehicle weight rating or gross combination weight rating
2 of twenty-six thousand pounds or less. The exception provided by
3 this subsection shall not apply to:

4 (1) Vehicles transporting hazardous materials [or to] and
5 which are not covered farm vehicles as provided in subdivision
6 (3) of this subsection;

7 (2) Vehicles designed to transport sixteen or more
8 passengers including the driver as defined by Title 49 of the
9 Code of Federal Regulations; or

10 (3) Vehicles which are defined as covered farm vehicles
11 pursuant to federal laws and regulations and are transporting
12 hazardous materials that require a placard as required by Title
13 49, Code of Federal Regulations, Parts 100-180.

14
15 Nothing in this subsection shall be construed to prohibit persons
16 designated by the department of public safety from inspecting
17 vehicles defined in this subsection.

18 **[8.] 6.** Violation of any provision of this section or any
19 rule promulgated as authorized therein is a class B misdemeanor.

20 **[9.] 7.** Any rule or portion of a rule, as that term is
21 defined in section 536.010, that is created under the authority
22 delegated in this section shall become effective only if it
23 complies with and is subject to all of the provisions of chapter
24 536 and, if applicable, section 536.028. This section and
25 chapter 536 are nonseverable and if any of the powers vested with
26 the general assembly pursuant to chapter 536 to review, to delay
27 the effective date, or to disapprove and annul a rule are
28 subsequently held unconstitutional, then the grant of rulemaking

1 authority and any rule proposed or adopted after August 28, 2009,
2 shall be invalid and void.

3 Section 1. Any quasi-government entity created to provide
4 information management products and services to criminal justice,
5 municipal and county courts and other government agencies whose
6 originating agency identifier was terminated by the federal
7 bureau of investigations shall provide integration access to the
8 contracted data for the political subdivision or its agency in a
9 web service or file transfer protocol format on line in a timely
10 manner upon written request at no additional charge as is
11 required by the political subdivision or its agency.

12 Section B. Because of the need to ensure that motorists who
13 were issued valid special license plates are legally registered
14 within the state of Missouri and because of the need to avoid
15 unnecessary administrative license plate recalls, the repeal and
16 reenactment of section 301.449 of this act is deemed necessary
17 for the immediate preservation of the public health, welfare,
18 peace and safety, and is hereby declared to be an emergency act
19 within the meaning of the constitution, and the repeal and
20 reenactment of section 301.449 of this act shall be in full force
21 and effect upon its passage and approval.

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28 _____
29 Brian Munzlinger

Casey Guernsey