

SENATE SUBSTITUTE
FOR
HOUSE BILL NO. 1707

AN ACT

To repeal sections 174.709, 174.712, 178.862, 300.320, 304.154, 610.120, and 610.122, RSMo, and to enact in lieu thereof seven new sections relating to the operation of motor vehicles.

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

1 Section A. Sections 174.709, 174.712, 178.862, 300.230,
2 304.154, 610.120, and 610.122, RSMo, are repealed and seven new
3 sections enacted in lieu thereof, to be known as sections
4 174.709, 174.712, 178.862, 304.154, 389.065, 610.120, and
5 610.122, to read as follows:

6 174.709. 1. For the purpose of promoting public safety,
7 health, and general welfare and to protect life and property, the
8 board of regents or board of governors of any state college or
9 university or the board of trustees of any community college
10 district may establish regulations to control vehicular traffic,
11 including speed regulations, on any thoroughfare owned or
12 maintained by the state college or university or community
13 college district and located within any of its campuses. Such
14 regulations shall be consistent with the provisions of the
15 general motor vehicle laws of this state. Upon adoption of such
16 regulations, the state college or university or community college
17 shall have the authority to place official traffic control
18 signals, as defined in section 300.010, on campus property.

1 2. The regulations established by the board of regents or
2 board of governors of any state college or university or board of
3 trustees of any community college district under subsection 1 of
4 this section shall be codified, printed, and distributed for
5 public use. Adequate signs displaying the speed limit shall be
6 posted along such thoroughfares.

7 3. Violations of any regulation established under this
8 section shall have the same effect as a violation of municipal
9 ordinances adopted under section 304.120, with penalty provisions
10 as provided in section 304.570. Points assessed against any
11 person under section 302.302 for a violation of this section
12 shall be the same as provided for a violation of a county or
13 municipal ordinance.

14 4. The provisions of this section shall apply only to
15 moving violations.

16 174.712. All motor vehicles operated upon any thoroughfare
17 owned or maintained by a state college or university or community
18 college district and located within any of its campuses shall be
19 subject to the provisions of the general motor vehicle laws of
20 this state, including chapters 301, 302, 303, 304, 307, and 577.
21 Violations shall have the same effect as though such had occurred
22 on public roads, streets, or highways of this state.

23 178.862. 1. The trustees of any community college district
24 of this state may appoint and employ as many college police
25 officers as they may deem necessary to protect persons, property,
26 and to preserve peace and good order only in the public
27 buildings, properties, grounds, and other facilities and
28 locations over which they have charge or control.

1 2. The college police officers, before they enter upon
2 their duties, shall take and subscribe an oath of office before
3 some officer authorized to administer oaths, to faithfully and
4 impartially discharge the duties thereof, which oath shall be
5 filed in the office of the college district board of trustees,
6 and the secretary of the board shall give each college police
7 officer so appointed and qualified a certificate of appointment,
8 under the seal of the board of trustees, which certificate shall
9 empower him with the same authority to maintain order, preserve
10 peace and make arrests as is now held by peace officers; the
11 college police officer may in addition expel from the public
12 buildings, campuses, and grounds, persons violating the rules and
13 regulations that may be prescribed by the board of trustees or
14 others under the authority of the board. Such officer or
15 employee of the community college as may be designated by the
16 board of trustees shall have immediate charge, control and
17 supervision of college police officers appointed by authority of
18 this section. Such college police officers shall have
19 satisfactorily completed before appointment[, or within six
20 months after appointment,] a training course for [college police]
21 peace officers [which shall consist of at least three hundred
22 twenty hours] as [prescribed by the superintendent of the
23 Missouri state highway patrol. The community college district
24 shall reimburse all such college police officers appointed by
25 them who complete the training course for all reasonable and
26 necessary expenses incurred in taking the training course, and
27 shall reimburse the highway patrol for any expenses directly
28 relating to the prescribed or holding of a training course which

1 are recommended by the patrol] required under chapter 590 or, by
2 virtue of previous experience or other training, have met the
3 requirements of chapter 590.

4 3. College police officers also shall have authority to
5 establish and enforce regulations to control vehicular traffic
6 and enforce general motor vehicle laws of this state on any
7 thoroughfare owned or maintained by the college district as
8 proscribed under sections 174.709 and 174.712.

9 4. Nothing herein shall be construed as denying the board
10 of trustees the right to appoint guards or watchmen who shall not
11 be given the authority and powers hereby authorized.

12 304.154. 1. Beginning January 1, [2005] 2015, a towing
13 company operating a tow truck pursuant to the authority granted
14 in section 304.155 or 304.157 shall:

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

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

22 (3) Be open for a minimum of eight hours per day between
23 the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, for
24 a customer or his or her authorized agent to view and retrieve a
25 vehicle, with no additional fees charged to view or retrieve a
26 vehicle during these regular business hours;

27 (4) Be available twenty-four hours a day, seven days a
28 week. Availability shall mean that an employee of the towing

1 company or an answering service answered by a person is able to
2 respond to a tow request;

3 (5) Have and maintain an operational telephone with the
4 telephone number published or available through directory
5 assistance;

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

13 [(5)] (7) Provide workers' compensation insurance for all
14 employees of the towing company if required by chapter 287; [and]

15 [(6)] (8) Maintain current motor vehicle registrations on
16 all tow trucks currently operated within the towing company
17 fleet.

18 2. The initial tow performed under sections 304.155 and
19 304.157 shall remain in the state of Missouri unless authorized
20 by the vehicle owner or their agent.

21 3. Tows performed under section 304.155 shall not be
22 dispatched through a third party dispatch system or management
23 company, unless hired by the towing company. The provisions of
24 this subsection shall not apply to any home rule city with more
25 than four hundred thousand inhabitants and located in more than
26 one county.

27 4. Counties may adopt ordinances with respect to towing
28 company standards in addition to the minimum standards contained

1 in this section. A towing company located in a county of the
2 second, third, [and] or fourth classification or located in any
3 county of the first classification with more than one hundred one
4 thousand but fewer than one hundred fifteen thousand inhabitants
5 is exempt from the provisions of this section.

6 389.065. An engineer, conductor, brakeman, or any other
7 member of the crew of a locomotive or train being operated upon
8 rails, including operation on a railroad crossing over a public
9 street, road, or highway, shall not be required to display a
10 driver's license to any law enforcement officer in connection
11 with the operation of a locomotive or train within this state.

12 610.120. 1. Except as otherwise provided under section
13 610.124, records required to be closed shall not be destroyed;
14 they shall be inaccessible to the general public and to all
15 persons other than the defendant except as provided in this
16 section and section 43.507. The closed records shall be
17 available to: criminal justice agencies for the administration
18 of criminal justice pursuant to section 43.500, criminal justice
19 employment, screening persons with access to criminal justice
20 facilities, procedures, and sensitive information; to law
21 enforcement agencies for issuance or renewal of a license,
22 permit, certification, or registration of authority from such
23 agency including but not limited to watchmen, security personnel,
24 private investigators, and persons seeking permits to purchase or
25 possess a firearm; those agencies authorized by section 43.543 to
26 submit and when submitting fingerprints to the central
27 repository; the sentencing advisory commission created in section
28 558.019 for the purpose of studying sentencing practices in

1 accordance with section 43.507; to qualified entities for the
2 purpose of screening providers defined in section 43.540; the
3 department of revenue for driver license administration; the
4 division of workers' compensation for the purposes of determining
5 eligibility for crime victims' compensation pursuant to sections
6 595.010 to 595.075, department of health and senior services for
7 the purpose of licensing and regulating facilities and regulating
8 in-home services provider agencies and federal agencies for
9 purposes of criminal justice administration, criminal justice
10 employment, child, elderly, or disabled care, and for such
11 investigative purposes as authorized by law or presidential
12 executive order.

13 2. These records shall be made available only for the
14 purposes and to the entities listed in this section. A criminal
15 justice agency receiving a request for criminal history
16 information under its control may require positive
17 identification, to include fingerprints of the subject of the
18 record search, prior to releasing closed record information.
19 Dissemination of closed and open records from the Missouri
20 criminal records repository shall be in accordance with section
21 43.509. All records which are closed records shall be removed
22 from the records of the courts, administrative agencies, and law
23 enforcement agencies which are available to the public and shall
24 be kept in separate records which are to be held confidential
25 and, where possible, pages of the public record shall be retyped
26 or rewritten omitting those portions of the record which deal
27 with the defendant's case. If retyping or rewriting is not
28 feasible because of the permanent nature of the record books,

1 such record entries shall be blacked out and recopied in a
2 confidential book.

3 610.122. 1. Notwithstanding other provisions of law to the
4 contrary, any record of arrest recorded pursuant to section
5 43.503 may be expunged if:

6 (1) The court determines that the arrest was based on false
7 information and the following conditions exist:

8 [(1)] (a) There is no probable cause, at the time of the
9 action to expunge, to believe the individual committed the
10 offense;

11 [(2)] (b) No charges will be pursued as a result of the
12 arrest; and

13 [(3) The subject of the arrest has no prior or subsequent
14 misdemeanor or felony convictions;

15 (4)] (c) The subject of the arrest did not receive a
16 suspended imposition of sentence for the offense for which the
17 arrest was made or for any offense related to the arrest; [and

18 (5) No civil action is pending relating to the arrest or
19 the records sought to be expunged] or

20 (2) The court determines the person was arrested for, or
21 was subsequently charged with, a misdemeanor offense of chapter
22 303 or any moving violation as the term "moving violation" is
23 defined under section 302.010, except for any intoxication-
24 related traffic offense as "intoxication-related traffic offense"
25 is defined under section 577.023 and:

26 (a) Each such offense or violation related to the arrest
27 was subsequently nolle prossed or dismissed, or the accused was
28 found not guilty of each offense or violation; and

1 (b) The person is not a commercial driver's license holder
2 and was not operating a commercial motor vehicle at the time of
3 the arrest.

4 2. A record of arrest shall only be eligible for
5 expungement under this section if:

6 (1) The subject of the arrest has no prior or subsequent
7 misdemeanor or felony convictions; and

8 (2) No civil action is pending relating to the arrest or
9 the records sought to be expunged.

10
11 [300.320. A funeral composed of a procession of
12 vehicles shall be identified as such by the display
13 upon the outside of each vehicle of a pennant or other
14 identifying insignia or by such other method as may be
15 determined and designated by the traffic division.]