

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1050

AN ACT

To repeal sections 108.120, 137.555, 227.240, 292.606, 301.010, 301.020, 301.055, 301.130, 301.350, 302.170, 302.173, 302.174, 302.720, 304.001, 304.005, 304.044, 306.126, 307.175, 414.032, RSMo, and to enact in lieu thereof twenty-two new sections relating to transportation, 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 108.120, 137.555, 227.240, 292.606,
2 301.010, 301.020, 301.055, 301.130, 301.350, 302.170, 302.173,
3 302.174, 302.720, 304.001, 304.005, 304.044, 306.126, 307.175,
4 414.032, RSMo, are repealed and twenty-two new sections enacted
5 in lieu thereof, to be known as sections 108.120, 137.555,
6 227.240, 227.541, 227.542, 227.544, 292.606, 301.010, 301.020,
7 301.055, 301.130, 301.350, 302.170, 302.173, 302.174, 302.720,
8 304.001, 304.005, 304.044, 306.126, 307.175, 414.032, to read as
9 follows:

10 108.120. 1. The county commissions of the counties of this
11 state are hereby authorized to issue bonds for and on behalf of
12 their respective counties for the construction, reconstruction,
13 improvement, maintenance and repair of any and all public roads,
14 highways, bridges [and], culverts, streets, avenues, or alleys

1 within such county, including the payment of any cost, judgment
2 and expense for property, or rights in property, acquired by
3 purchase or eminent domain, as may be provided by law, in such
4 amount and such manner as may be provided by the general law
5 authorizing the issuance of bonds by counties.

6 2. The proceeds of all bonds issued under the provisions of
7 this section shall be paid into the county treasury where they
8 shall be kept as a separate fund to be known as "The Road Bond
9 Construction Fund" and such proceeds shall be used only for the
10 purpose mentioned herein. [Such funds may be used in the
11 construction, reconstruction, improvement, maintenance and repair
12 of any street, avenue, road or alley in any incorporated city,
13 town or village if such street, avenue, road or alley or any part
14 thereof shall form a part of a continuous road, highway, bridge
15 or culvert of said county leading into or through such city, town
16 or village.] The county may contract with any other political
17 subdivision to share the proceeds of such bonds to be used for
18 the purposes authorized.

19 137.555. In addition to other levies authorized by law, the
20 county commission in counties not adopting an alternative form of
21 government and the proper administrative body in counties
22 adopting an alternative form of government, in their discretion
23 may levy an additional tax, not exceeding thirty-five cents on
24 each one hundred dollars assessed valuation, all of such tax to
25 be collected and turned into the county treasury, where it shall
26 be known and designated as "The Special Road and Bridge Fund" to
27 be used for road and bridge purposes and for no other purpose
28 whatever; except that the term "road and bridge purposes" may

1 include certain storm water control projects off rights of way
2 that are directly related to the construction of roads and
3 bridges, in any county of the first classification without a
4 charter form of government with a population of at least ninety
5 thousand inhabitants but not more than one hundred thousand
6 inhabitants, in any county of the first classification without a
7 charter form of government with a population of at least two
8 hundred thousand inhabitants, in any county of the first
9 classification without a charter form of government and bordered
10 by one county of the first classification and one county of the
11 second classification or in any county of the first
12 classification with a charter form of government and containing
13 part of a city with a population of three hundred thousand or
14 more inhabitants; provided, however, that all that part or
15 portion of such tax which shall arise from and be collected and
16 paid upon any property lying and being within any special road
17 district shall be paid into the county treasury and four-fifths
18 of such part or portion of such tax so arising from and collected
19 and paid upon any property lying and being within any such
20 special road district shall be placed to the credit of such
21 special road district from which it arose and shall be paid out
22 to such special road district upon warrants of the county
23 commission, in favor of the commissioners or treasurer of the
24 district as the case may be; provided further, that the part of
25 such special road and bridge tax arising from and paid upon
26 property not situated in any special road district and the
27 one-fifth part retained in the county treasury may, in the
28 discretion of the county commission and pursuant to a written

1 contract, be shared with any other political subdivision to be
2 used [in] for road and bridge purposes within the county,
3 including but not limited to constructing, improving or repairing
4 [any street in any incorporated city or village in the county, if
5 such street shall form a part of a continuous highway of such
6 county leading through such city or village] streets, avenues, or
7 alleys of such political subdivision.

8 227.240. 1. The location and removal of all telephone,
9 cable television, and electric light and power transmission
10 lines, poles, wires, and conduits and all pipelines and tramways,
11 erected or constructed, or hereafter to be erected or constructed
12 by any corporation, municipality, public water supply district,
13 sewer district, association or persons, within the right-of-way
14 of any state highway, insofar as the public travel and traffic is
15 concerned, and insofar as the same may interfere with the
16 construction or maintenance of any such highway, shall be under
17 the control and supervision of the state highways and
18 transportation commission.

19 2. A cable television corporation or company shall be
20 permitted to place its lines within the right-of-way of any state
21 highway, consistent with the rules and regulations of the state
22 highways and transportation commission. The state highways and
23 transportation commission shall establish a system for receiving
24 and resolving complaints with respect to cable television lines
25 placed in, or removed from, the right-of-way of a state highway.

26 3. The department of transportation utility corridor
27 established for the placement of utility facilities on the right-
28 of-way of highways in the state highway system shall be up to

1 twelve feet in width when space is reasonably available, with the
2 location of the utility corridor to be determined by the state
3 highways and transportation commission. The location,
4 construction, maintenance, removal, and relocation of any utility
5 facility within the utility corridor or the right-of-way of any
6 highway in the state highway system due to the implementation of
7 this subsection shall be in accordance with subsections 1 and 4
8 of this section. The commission shall promulgate rules setting
9 forth a standardized statewide system for requesting and issuing
10 variances to requirements set forth in this section.

11 4. The commission or some officer selected by the
12 commission shall serve a written notice upon the entity, person
13 or corporation owning or maintaining any such lines, poles,
14 wires, conduits, pipelines, or tramways, which notice shall
15 contain a plan or chart indicating the places on the right-of-way
16 at which such lines, poles, wires, conduits, pipelines or
17 tramways may be maintained. The notice shall also state the time
18 when the work of hard surfacing said roads is proposed to
19 commence, and shall further state that a hearing shall be had
20 upon the proposed plan of location and matters incidental
21 thereto, giving the place and date of such hearing. Immediately
22 after such hearing the said owner shall be given a notice of the
23 findings and orders of the commission and shall be given a
24 reasonable time thereafter to comply therewith; provided,
25 however, that the effect of any change ordered by the commission
26 shall not be to remove all or any part of such lines, poles,
27 wires, conduits, pipelines or tramways from the right-of-way of
28 the highway. The removal of the same shall be made at the cost

1 and expense of the owners thereof unless otherwise provided by
2 said commission, and in the event of the failure of such owners
3 to remove the same at the time so determined they may be removed
4 by the state highways and transportation commission, or under its
5 direction, and the cost thereof collected from such owners, and
6 such owners shall not be liable in any way to any person for the
7 placing and maintaining of such lines, poles, wires, conduits,
8 pipelines and tramways at the places prescribed by the
9 commission.

10 [4.] 5. The commission is authorized in the name of the
11 state of Missouri to institute and maintain, through the attorney
12 general, such suits and actions as may be necessary to enforce
13 the provisions of this section. Any corporation, association or
14 the officers or agents of such corporations or associations, or
15 any other person who shall erect or maintain any such lines,
16 poles, wires, conduits, pipelines or tramways, within the
17 right-of-way of such roads which are hard-surfaced, which are not
18 in accordance with such orders of the commission, shall be deemed
19 guilty of a misdemeanor.

20 227.541. The portion of Interstate 70 from Rangeline Street
21 continuing west to Business Loop 70 in Boone County shall be
22 designated as "Highway Patrol Sgt. Benjamin Booth Memorial
23 Highway". The department of transportation shall erect and
24 maintain appropriate signs designating such highway, with the
25 costs to be paid by private donations.

26 227.542. The portion of Interstate Highway 70 from the
27 eastern edge of the intersection of U.S. Highway 63 and
28 Interstate 70 continuing west to Rangeline Street in Boone County

1 shall be designated as "Sheriff Roger I. Wilson Memorial
2 Highway". The department of transportation shall erect and
3 maintain appropriate signs designating such highway, with the
4 costs to be paid by private donations.

5 227.544. The portion of State Highway 42 within Maries
6 County that is located within the city limits of Vienna shall be
7 designated as "PFC Ralph A. Branson, Jr. Memorial Highway". The
8 department of transportation shall erect and maintain appropriate
9 signs designating such highway, with the costs to be paid by
10 private donations.

11 292.606. 1. Fees shall be collected for a period of six
12 years from August 28, [2012] 2018.

13 2. (1) Any employer required to report under subsection 1
14 of section 292.605, except local governments and family-owned
15 farm operations, shall submit an annual fee to the commission of
16 one hundred dollars along with the Tier II form. Owners or
17 operators of petroleum retail facilities shall pay a fee of no
18 more than fifty dollars for each such facility. Any person, firm
19 or corporation selling, delivering or transporting petroleum or
20 petroleum products and whose primary business deals with
21 petroleum products or who is covered by the provisions of chapter
22 323, if such person, firm or corporation is paying fees under the
23 provisions of the federal hazardous materials transportation
24 registration and fee assessment program, shall deduct such
25 federal fees from those fees owed to the state under the
26 provisions of this subsection. If the federal fees exceed or are
27 equal to what would otherwise be owed under this subsection, such
28 employer shall not be liable for state fees under this

1 subsection. In relation to petroleum products "primary business"
2 shall mean that the person, firm or corporation shall earn more
3 than fifty percent of hazardous chemical revenues from the sale,
4 delivery or transport of petroleum products. For the purpose of
5 calculating fees, all grades of gasoline are considered to be one
6 product, all grades of heating oils, diesel fuels, kerosenes,
7 naphthas, aviation turbine fuel, and all other heavy distillate
8 products except for grades of gasoline are considered to be one
9 product, and all varieties of motor lubricating oil are
10 considered to be one product. For the purposes of this section
11 "facility" shall mean all buildings, equipment, structures and
12 other stationary items that are located on a single site or on
13 contiguous or adjacent sites and which are owned or operated by
14 the same person. If more than three hazardous substances or
15 mixtures are reported on the Tier II form, the employer shall
16 submit an additional twenty dollar fee for each hazardous
17 substance or mixture. Fees collected under this subdivision
18 shall be for each hazardous chemical on hand at any one time in
19 excess of ten thousand pounds or for extremely hazardous
20 substances on hand at any one time in excess of five hundred
21 pounds or the threshold planning quantity, whichever is less, or
22 for explosives or blasting agents on hand at any one time in
23 excess of one hundred pounds. However, no employer shall pay
24 more than ten thousand dollars per year in fees. Moneys acquired
25 through litigation and any administrative fees paid pursuant to
26 subsection 3 of this section shall not be applied toward this
27 cap.

28 (2) Employers engaged in transporting hazardous materials

1 by pipeline except local gas distribution companies regulated by
2 the Missouri public service commission shall pay to the
3 commission a fee of two hundred fifty dollars for each county in
4 which they operate.

5 (3) Payment of fees is due each year by March first. A
6 late fee of ten percent of the total owed, plus one percent per
7 month of the total, may be assessed by the commission.

8 (4) If, on March first of each year, fees collected under
9 this section and natural resources damages made available
10 pursuant to section 640.235 exceed one million dollars, any
11 excess over one million dollars shall be proportionately credited
12 to fees payable in the succeeding year by each employer who was
13 required to pay a fee and who did pay a fee in the year in which
14 the excess occurred. The limit of one million dollars contained
15 herein shall be reviewed by the commission concurrent with the
16 review of fees as required in subsection 1 of this section.

17 3. Beginning January 1, 2013, any employer filing its Tier
18 II form pursuant to subsection 1 of section 292.605 may request
19 that the commission distribute that employer's Tier II report to
20 the local emergency planning committees and fire departments
21 listed in its Tier II report. Any employer opting to have the
22 commission distribute its Tier II report shall pay an additional
23 fee of ten dollars for each facility listed in the report at the
24 time of filing to recoup the commission's distribution costs.
25 Fees shall be deposited in the chemical emergency preparedness
26 fund established under section 292.607. An employer who pays the
27 additional fee and whose Tier II report includes all local
28 emergency planning committees and fire departments required to be

1 notified under subsection 1 of section 292.605 shall satisfy the
2 reporting requirements of subsection 1 of section 292.605. The
3 commission shall develop a mechanism for an employer to exercise
4 its option to have the commission distribute its Tier II report.

5 4. Local emergency planning committees receiving funds
6 under section 292.604 shall coordinate with the commission and
7 the department in chemical emergency planning, training,
8 preparedness, and response activities. Local emergency planning
9 committees receiving funds under this section, section 260.394,
10 sections 292.602, 292.604, 292.605, 292.615 and section 640.235
11 shall provide to the commission an annual report of expenditures
12 and activities.

13 5. Fees collected by the department and all funds provided
14 to local emergency planning committees shall be used for chemical
15 emergency preparedness purposes as outlined in sections 292.600
16 to 292.625 and the federal act, including contingency planning
17 for chemical releases; exercising, evaluating, and distributing
18 plans, providing training related to chemical emergency
19 preparedness and prevention of chemical accidents; identifying
20 facilities required to report; processing the information
21 submitted by facilities and making it available to the public;
22 receiving and handling emergency notifications of chemical
23 releases; operating a local emergency planning committee; and
24 providing public notice of chemical preparedness activities.
25 Local emergency planning committees receiving funds under this
26 section may combine such funds with other local emergency
27 planning committees to further the purposes of sections 292.600
28 to 292.625, or the federal act.

1 6. The commission shall establish criteria and guidance on
2 how funds received by local emergency planning committees may be
3 used.

4 301.010. As used in this chapter and sections 304.010 to
5 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the
6 following terms mean:

7 (1) "All-terrain vehicle", any motorized vehicle
8 manufactured and used exclusively for off-highway use which is
9 fifty inches or less in width, with an unladen dry weight of one
10 thousand five hundred pounds or less, traveling on three, four or
11 more nonhighway tires;

12 (2) "Autocycle", a three-wheeled motor vehicle which the
13 drivers and passengers ride in a partially or completely enclosed
14 nonstraddle seating area, that is designed to be controlled with
15 a steering wheel and pedals, and that has met applicable
16 Department of Transportation National Highway Traffic Safety
17 Administration requirements or Federal Motorcycle Safety
18 Standards;

19 (3) "Automobile transporter", any vehicle combination
20 capable of carrying cargo on the power unit and designed and used
21 for the transport of assembled motor vehicles, including truck
22 camper units;

23 [(3)] (4) "Axle load", the total load transmitted to the
24 road by all wheels whose centers are included between two
25 parallel transverse vertical planes forty inches apart, extending
26 across the full width of the vehicle;

27 [(4)] (5) "Backhaul", the return trip of a vehicle
28 transporting cargo or general freight, especially when carrying

1 goods back over all or part of the same route;

2 [(5)] (6) "Boat transporter", any vehicle combination
3 capable of carrying cargo on the power unit and designed and used
4 specifically to transport assembled boats and boat hulls. Boats
5 may be partially disassembled to facilitate transporting;

6 [(6)] (7) "Body shop", a business that repairs physical
7 damage on motor vehicles that are not owned by the shop or its
8 officers or employees by mending, straightening, replacing body
9 parts, or painting;

10 [(7)] (8) "Bus", a motor vehicle primarily for the
11 transportation of a driver and eight or more passengers but not
12 including shuttle buses;

13 [(8)] (9) "Commercial motor vehicle", a motor vehicle
14 designed or regularly used for carrying freight and merchandise,
15 or more than eight passengers but not including vanpools or
16 shuttle buses;

17 [(9)] (10) "Cotton trailer", a trailer designed and used
18 exclusively for transporting cotton at speeds less than forty
19 miles per hour from field to field or from field to market and
20 return;

21 [(10)] (11) "Dealer", any person, firm, corporation,
22 association, agent or subagent engaged in the sale or exchange of
23 new, used or reconstructed motor vehicles or trailers;

24 [(11)] (12) "Director" or "director of revenue", the
25 director of the department of revenue;

26 [(12)] (13) "Driveaway operation":

27 (a) The movement of a motor vehicle or trailer by any
28 person or motor carrier other than a dealer over any public

1 highway, under its own power singly, or in a fixed combination of
2 two or more vehicles, for the purpose of delivery for sale or for
3 delivery either before or after sale;

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

9 (c) The movement of a motor vehicle by any person who is
10 lawfully engaged in the business of transporting or delivering
11 vehicles that are not the person's own and vehicles of a type
12 otherwise required to be registered, by the driveaway or towaway
13 methods, from a point of manufacture, assembly or distribution or
14 from the owner of the vehicles to a dealer or sales agent of a
15 manufacturer or to any consignee designated by the shipper or
16 consignor;

17 [(13)] (14) "Dromedary", a box, deck, or plate mounted
18 behind the cab and forward of the fifth wheel on the frame of the
19 power unit of a truck tractor-semitrailer combination. A truck
20 tractor equipped with a dromedary may carry part of a load when
21 operating independently or in a combination with a semitrailer;

22 [(14)] (15) "Farm tractor", a tractor used exclusively for
23 agricultural purposes;

24 [(15)] (16) "Fleet", any group of ten or more motor
25 vehicles owned by the same owner;

26 [(16)] (17) "Fleet vehicle", a motor vehicle which is
27 included as part of a fleet;

28 [(17)] (18) "Fullmount", a vehicle mounted completely on

1 the frame of either the first or last vehicle in a saddlemount
2 combination;

3 [(18)] (19) "Gross weight", the weight of vehicle and/or
4 vehicle combination without load, plus the weight of any load
5 thereon;

6 [(19)] (20) "Hail-damaged vehicle", any vehicle, the body
7 of which has become dented as the result of the impact of hail;

8 [(20)] (21) "Highway", any public thoroughfare for
9 vehicles, including state roads, county roads and public streets,
10 avenues, boulevards, parkways or alleys in any municipality;

11 [(21)] (22) "Improved highway", a highway which has been
12 paved with gravel, macadam, concrete, brick or asphalt, or
13 surfaced in such a manner that it shall have a hard, smooth
14 surface;

15 [(22)] (23) "Intersecting highway", any highway which joins
16 another, whether or not it crosses the same;

17 [(23)] (24) "Junk vehicle", a vehicle which:

18 (a) Is incapable of operation or use upon the highways and
19 has no resale value except as a source of parts or scrap; or

20 (b) Has been designated as junk or a substantially
21 equivalent designation by this state or any other state;

22 [(24)] (25) "Kit vehicle", a motor vehicle assembled by a
23 person other than a generally recognized manufacturer of motor
24 vehicles by the use of a glider kit or replica purchased from an
25 authorized manufacturer and accompanied by a manufacturer's
26 statement of origin;

27 [(25)] (26) "Land improvement contractors' commercial motor
28 vehicle", any not-for-hire commercial motor vehicle the operation

1 of which is confined to:

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

8 (b) An area that extends not more than a radius of fifty
9 miles from its home base of operations when transporting its
10 owner's machinery, equipment, or auxiliary supplies to or from
11 projects not involving soil and water conservation.

12

13 Nothing in this subdivision shall be construed to prevent any
14 motor vehicle from being registered as a commercial motor vehicle
15 or local commercial motor vehicle;

16 [(26)] (27) "Local commercial motor vehicle", a commercial
17 motor vehicle whose operations are confined to a municipality and
18 that area extending not more than fifty miles therefrom, or a
19 commercial motor vehicle whose property-carrying operations are
20 confined solely to the transportation of property owned by any
21 person who is the owner or operator of such vehicle to or from a
22 farm owned by such person or under the person's control by virtue
23 of a landlord and tenant lease; provided that any such property
24 transported to any such farm is for use in the operation of such
25 farm;

26 [(27)] (28) "Local log truck", a commercial motor vehicle
27 which is registered pursuant to this chapter to operate as a
28 motor vehicle on the public highways of this state, used

1 exclusively in this state, used to transport harvested forest
2 products, operated solely at a forested site and in an area
3 extending not more than a one hundred mile radius from such site,
4 carries a load with dimensions not in excess of twenty-five cubic
5 yards per two axles with dual wheels, and when operated on the
6 national system of interstate and defense highways described in
7 23 U.S.C. Section 103, as amended, or outside the one hundred
8 mile radius from such site with an extended distance local log
9 truck permit, such vehicle shall not exceed the weight limits of
10 section 304.180, does not have more than four axles, and does not
11 pull a trailer which has more than two axles. Harvesting
12 equipment which is used specifically for cutting, felling,
13 trimming, delimiting, debarking, chipping, skidding, loading,
14 unloading, and stacking may be transported on a local log truck.
15 A local log truck may not exceed the limits required by law,
16 however, if the truck does exceed such limits as determined by
17 the inspecting officer, then notwithstanding any other provisions
18 of law to the contrary, such truck shall be subject to the weight
19 limits required by such sections as licensed for eighty thousand
20 pounds;

21 [(28)] (29) "Local log truck tractor", a commercial motor
22 vehicle which is registered under this chapter to operate as a
23 motor vehicle on the public highways of this state, used
24 exclusively in this state, used to transport harvested forest
25 products, operated at a forested site and in an area extending
26 not more than a one hundred mile radius from such site, operates
27 with a weight not exceeding twenty-two thousand four hundred
28 pounds on one axle or with a weight not exceeding forty-four

1 thousand eight hundred pounds on any tandem axle, and when
2 operated on the national system of interstate and defense
3 highways described in 23 U.S.C. Section 103, as amended, or
4 outside the one hundred mile radius from such site with an
5 extended distance local log truck permit, such vehicle does not
6 exceed the weight limits contained in section 304.180, and does
7 not have more than three axles and does not pull a trailer which
8 has more than two axles. Violations of axle weight limitations
9 shall be subject to the load limit penalty as described for in
10 sections 304.180 to 304.220;

11 [(29)] (30) "Local transit bus", a bus whose operations are
12 confined wholly within a municipal corporation, or wholly within
13 a municipal corporation and a commercial zone, as defined in
14 section 390.020, adjacent thereto, forming a part of a public
15 transportation system within such municipal corporation and such
16 municipal corporation and adjacent commercial zone;

17 [(30)] (31) "Log truck", a vehicle which is not a local log
18 truck or local log truck tractor and is used exclusively to
19 transport harvested forest products to and from forested sites
20 which is registered pursuant to this chapter to operate as a
21 motor vehicle on the public highways of this state for the
22 transportation of harvested forest products;

23 [(31)] (32) "Major component parts", the rear clip, cowl,
24 frame, body, cab, front-end assembly, and front clip, as those
25 terms are defined by the director of revenue pursuant to rules
26 and regulations or by illustrations;

27 [(32)] (33) "Manufacturer", any person, firm, corporation
28 or association engaged in the business of manufacturing or

1 assembling motor vehicles, trailers or vessels for sale;

2 [(33)] (34) "Motor change vehicle", a vehicle manufactured
3 prior to August, 1957, which receives a new, rebuilt or used
4 engine, and which used the number stamped on the original engine
5 as the vehicle identification number;

6 [(34)] (35) "Motor vehicle", any self-propelled vehicle not
7 operated exclusively upon tracks, except farm tractors;

8 [(35)] (36) "Motor vehicle primarily for business use", any
9 vehicle other than a recreational motor vehicle, motorcycle,
10 motortricycle, autocycle, or any commercial motor vehicle
11 licensed for over twelve thousand pounds:

12 (a) Offered for hire or lease; or

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

15 [(36)] (37) "Motorcycle", a motor vehicle operated on two
16 wheels;

17 [(37)] (38) "Motorized bicycle", any two-wheeled or three-
18 wheeled device having an automatic transmission and a motor with
19 a cylinder capacity of not more than fifty cubic centimeters,
20 which produces less than three gross brake horsepower, and is
21 capable of propelling the device at a maximum speed of not more
22 than thirty miles per hour on level ground;

23 [(38)] (39) "Motortricycle", a motor vehicle upon which the
24 operator straddles or sits astride that is designed to be
25 controlled by handle bars and is operated on three wheels,
26 including a motorcycle while operated with any conveyance,
27 temporary or otherwise, requiring the use of a third wheel. A
28 motortricycle shall not be included in the definition of all-

1 terrain vehicle;

2 [(39)] (40) "Municipality", any city, town or village,
3 whether incorporated or not;

4 [(40)] (41) "Nonresident", a resident of a state or country
5 other than the state of Missouri;

6 [(41)] (42) "Non-USA-std motor vehicle", a motor vehicle
7 not originally manufactured in compliance with United States
8 emissions or safety standards;

9 [(42)] (43) "Operator", any person who operates or drives a
10 motor vehicle;

11 [(43)] (44) "Owner", any person, firm, corporation or
12 association, who holds the legal title to a vehicle or in the
13 event a vehicle is the subject of an agreement for the
14 conditional sale or lease thereof with the right of purchase upon
15 performance of the conditions stated in the agreement and with an
16 immediate right of possession vested in the conditional vendee or
17 lessee, or in the event a mortgagor of a vehicle is entitled to
18 possession, then such conditional vendee or lessee or mortgagor
19 shall be deemed the owner;

20 [(44)] (45) "Public garage", a place of business where
21 motor vehicles are housed, stored, repaired, reconstructed or
22 repainted for persons other than the owners or operators of such
23 place of business;

24 [(45)] (46) "Rebuilder", a business that repairs or
25 rebuilds motor vehicles owned by the rebuilder, but does not
26 include certificated common or contract carriers of persons or
27 property;

28 [(46)] (47) "Reconstructed motor vehicle", a vehicle that

1 is altered from its original construction by the addition or
2 substitution of two or more new or used major component parts,
3 excluding motor vehicles made from all new parts, and new
4 multistage manufactured vehicles;

5 [(47)] (48) "Recreational motor vehicle", any motor vehicle
6 designed, constructed or substantially modified so that it may be
7 used and is used for the purposes of temporary housing quarters,
8 including therein sleeping and eating facilities which are either
9 permanently attached to the motor vehicle or attached to a unit
10 which is securely attached to the motor vehicle. Nothing herein
11 shall prevent any motor vehicle from being registered as a
12 commercial motor vehicle if the motor vehicle could otherwise be
13 so registered;

14 [(48)] (49) "Recreational off-highway vehicle", any
15 motorized vehicle manufactured and used exclusively for off-
16 highway use which is more than fifty inches but no more than
17 sixty-seven inches in width, with an unladen dry weight of two
18 thousand pounds or less, traveling on four or more nonhighway
19 tires and which may have access to ATV trails;

20 [(49)] (50) "Rollback or car carrier", any vehicle
21 specifically designed to transport wrecked, disabled or otherwise
22 inoperable vehicles, when the transportation is directly
23 connected to a wrecker or towing service;

24 [(50)] (51) "Saddlemount combination", a combination of
25 vehicles in which a truck or truck tractor tows one or more
26 trucks or truck tractors, each connected by a saddle to the frame
27 or fifth wheel of the vehicle in front of it. The "saddle" is a
28 mechanism that connects the front axle of the towed vehicle to

1 the frame or fifth wheel of the vehicle in front and functions
2 like a fifth wheel kingpin connection. When two vehicles are
3 towed in this manner the combination is called a "double
4 saddlemount combination". When three vehicles are towed in this
5 manner, the combination is called a "triple saddlemount
6 combination";

7 [(51)] (52) "Salvage dealer and dismantler", a business
8 that dismantles used motor vehicles for the sale of the parts
9 thereof, and buys and sells used motor vehicle parts and
10 accessories;

11 [(52)] (53) "Salvage vehicle", a motor vehicle,
12 semitrailer, or house trailer which:

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

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

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

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

27 (e) Is abandoned property which is titled pursuant to
28 section 304.155 or section 304.157 and designated with the words

1 "salvage/abandoned property". The total cost of repairs to
2 rebuild or reconstruct the vehicle shall not include the cost of
3 repairing, replacing, or reinstalling inflatable safety
4 restraints, tires, sound systems, or damage as a result of hail,
5 or any sales tax on parts or materials to rebuild or reconstruct
6 the vehicle. For purposes of this definition, "fair market
7 value" means the retail value of a motor vehicle as:

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

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

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

18 [(53)] (54) "School bus", any motor vehicle used solely to
19 transport students to or from school or to transport students to
20 or from any place for educational purposes;

21 [(54)] (55) "Scrap processor", a business that, through the
22 use of fixed or mobile equipment, flattens, crushes, or otherwise
23 accepts motor vehicles and vehicle parts for processing or
24 transportation to a shredder or scrap metal operator for
25 recycling;

26 [(55)] (56) "Shuttle bus", a motor vehicle used or
27 maintained by any person, firm, or corporation as an incidental
28 service to transport patrons or customers of the regular business

1 of such person, firm, or corporation to and from the place of
2 business of the person, firm, or corporation providing the
3 service at no fee or charge. Shuttle buses shall not be
4 registered as buses or as commercial motor vehicles;

5 [(56)] (57) "Special mobile equipment", every self-
6 propelled vehicle not designed or used primarily for the
7 transportation of persons or property and incidentally operated
8 or moved over the highways, including farm equipment, implements
9 of husbandry, road construction or maintenance machinery, ditch-
10 digging apparatus, stone crushers, air compressors, power
11 shovels, cranes, graders, rollers, well-drillers and wood-sawing
12 equipment used for hire, asphalt spreaders, bituminous mixers,
13 bucket loaders, ditchers, leveling graders, finished machines,
14 motor graders, road rollers, scarifiers, earth-moving carryalls,
15 scrapers, drag lines, concrete pump trucks, rock-drilling and
16 earth-moving equipment. This enumeration shall be deemed partial
17 and shall not operate to exclude other such vehicles which are
18 within the general terms of this section;

19 [(57)] (58) "Specially constructed motor vehicle", a motor
20 vehicle which shall not have been originally constructed under a
21 distinctive name, make, model or type by a manufacturer of motor
22 vehicles. The term specially constructed motor vehicle includes
23 kit vehicles;

24 [(58)] (59) "Stinger-steered combination", a truck tractor-
25 semitrailer wherein the fifth wheel is located on a drop frame
26 located behind and below the rearmost axle of the power unit;

27 [(59)] (60) "Tandem axle", a group of two or more axles,
28 arranged one behind another, the distance between the extremes of

1 which is more than forty inches and not more than ninety-six
2 inches apart;

3 [(60)] (61) "Towaway trailer transporter combination", a
4 combination of vehicles consisting of a trailer transporter
5 towing unit and two trailers or semitrailers, with a total weight
6 that does not exceed twenty-six thousand pounds; and in which the
7 trailers or semitrailers carry no property and constitute
8 inventory property of a manufacturer, distributor, or dealer of
9 such trailers or semitrailers;

10 [(61)] (62) "Tractor", "truck tractor" or "truck-tractor",
11 a self-propelled motor vehicle designed for drawing other
12 vehicles, but not for the carriage of any load when operating
13 independently. When attached to a semitrailer, it supports a
14 part of the weight thereof;

15 [(62)] (63) "Trailer", any vehicle without motive power
16 designed for carrying property or passengers on its own structure
17 and for being drawn by a self-propelled vehicle, except those
18 running exclusively on tracks, including a semitrailer or vehicle
19 of the trailer type so designed and used in conjunction with a
20 self-propelled vehicle that a considerable part of its own weight
21 rests upon and is carried by the towing vehicle. The term
22 trailer shall not include cotton trailers as defined in this
23 section and shall not include manufactured homes as defined in
24 section 700.010;

25 [(63)] (64) "Trailer transporter towing unit", a power unit
26 that is not used to carry property when operating in a towaway
27 trailer transporter combination;

28 [(64)] (65) "Truck", a motor vehicle designed, used, or

1 maintained for the transportation of property;

2 [(65)] (66) "Truck-tractor semitrailer-semitrailer", a
3 combination vehicle in which the two trailing units are connected
4 with a B-train assembly which is a rigid frame extension attached
5 to the rear frame of a first semitrailer which allows for a
6 fifth-wheel connection point for the second semitrailer and has
7 one less articulation point than the conventional A-dolly
8 connected truck-tractor semitrailer-trailer combination;

9 [(66)] (67) "Truck-trailer boat transporter combination", a
10 boat transporter combination consisting of a straight truck
11 towing a trailer using typically a ball and socket connection
12 with the trailer axle located substantially at the trailer center
13 of gravity rather than the rear of the trailer but so as to
14 maintain a downward force on the trailer tongue;

15 [(67)] (68) "Used parts dealer", a business that buys and
16 sells used motor vehicle parts or accessories, but not including
17 a business that sells only new, remanufactured or rebuilt parts.
18 Business does not include isolated sales at a swap meet of less
19 than three days;

20 [(68)] (69) "Utility vehicle", any motorized vehicle
21 manufactured and used exclusively for off-highway use which is
22 more than fifty inches but no more than sixty-seven inches in
23 width, with an unladen dry weight of two thousand pounds or less,
24 traveling on four or six wheels, to be used primarily for
25 landscaping, lawn care, or maintenance purposes;

26 [(69)] (70) "Vanpool", any van or other motor vehicle used
27 or maintained by any person, group, firm, corporation,
28 association, city, county or state agency, or any member thereof,

1 for the transportation of not less than eight nor more than
2 forty-eight employees, per motor vehicle, to and from their place
3 of employment; however, a vanpool shall not be included in the
4 definition of the term bus or commercial motor vehicle as defined
5 in this section, nor shall a vanpool driver be deemed a chauffeur
6 as that term is defined by section 303.020; nor shall use of a
7 vanpool vehicle for ride-sharing arrangements, recreational,
8 personal, or maintenance uses constitute an unlicensed use of the
9 motor vehicle, unless used for monetary profit other than for use
10 in a ride-sharing arrangement;

11 [(70)] (71) "Vehicle", any mechanical device on wheels,
12 designed primarily for use, or used, on highways, except
13 motorized bicycles, vehicles propelled or drawn by horses or
14 human power, or vehicles used exclusively on fixed rails or
15 tracks, or cotton trailers or motorized wheelchairs operated by
16 handicapped persons;

17 [(71)] (72) "Wrecker" or "tow truck", any emergency
18 commercial vehicle equipped, designed and used to assist or
19 render aid and transport or tow disabled or wrecked vehicles from
20 a highway, road, street or highway rights-of-way to a point of
21 storage or repair, including towing a replacement vehicle to
22 replace a disabled or wrecked vehicle;

23 [(72)] (73) "Wrecker or towing service", the act of
24 transporting, towing or recovering with a wrecker, tow truck,
25 rollback or car carrier any vehicle not owned by the operator of
26 the wrecker, tow truck, rollback or car carrier for which the
27 operator directly or indirectly receives compensation or other
28 personal gain.

1 301.020. 1. Every owner of a motor vehicle or trailer,
2 which shall be operated or driven upon the highways of this
3 state, except as herein otherwise expressly provided, shall
4 annually file, by mail or otherwise, in the office of the
5 director of revenue, an application for registration on a blank
6 to be furnished by the director of revenue for that purpose
7 containing:

8 (1) A brief description of the motor vehicle or trailer to
9 be registered, including the name of the manufacturer, the
10 vehicle identification number, the amount of motive power of the
11 motor vehicle, stated in figures of horsepower and whether the
12 motor vehicle is to be registered as a motor vehicle primarily
13 for business use as defined in section 301.010;

14 (2) The name, the applicant's identification number and
15 address of the owner of such motor vehicle or trailer;

16 (3) The gross weight of the vehicle and the desired load in
17 pounds if the vehicle is a commercial motor vehicle or trailer.

18 2. If the vehicle is a motor vehicle primarily for business
19 use as defined in section 301.010 and if such vehicle is five
20 years of age or less, the director of revenue shall retain the
21 odometer information provided in the vehicle inspection report,
22 and provide for prompt access to such information, together with
23 the vehicle identification number for the motor vehicle to which
24 such information pertains, for a period of five years after the
25 receipt of such information. This section shall not apply
26 unless:

27 (1) The application for the vehicle's certificate of
28 ownership was submitted after July 1, 1989; and

1 (2) The certificate was issued pursuant to a manufacturer's
2 statement of origin.

3 3. If the vehicle is any motor vehicle other than a motor
4 vehicle primarily for business use, a recreational motor vehicle,
5 motorcycle, motortricycle, autocycle, bus, or any commercial
6 motor vehicle licensed for over twelve thousand pounds and if
7 such motor vehicle is five years of age or less, the director of
8 revenue shall retain the odometer information provided in the
9 vehicle inspection report, and provide for prompt access to such
10 information, together with the vehicle identification number for
11 the motor vehicle to which such information pertains, for a
12 period of five years after the receipt of such information. This
13 subsection shall not apply unless:

14 (1) The application for the vehicle's certificate of
15 ownership was submitted after July 1, 1990; and

16 (2) The certificate was issued pursuant to a manufacturer's
17 statement of origin.

18 4. If the vehicle qualifies as a reconstructed motor
19 vehicle, motor change vehicle, specially constructed motor
20 vehicle, non-USA-std motor vehicle, as defined in section
21 301.010, or prior salvage as referenced in section 301.573, the
22 owner or lienholder shall surrender the certificate of ownership.
23 The owner shall make an application for a new certificate of
24 ownership, pay the required title fee, and obtain the vehicle
25 examination certificate required pursuant to subsection 9 of
26 section 301.190. If an insurance company pays a claim on a
27 salvage vehicle as defined in section 301.010 and the owner
28 retains the vehicle, as prior salvage, the vehicle shall only be

1 required to meet the examination requirements under subsection 10
2 of section 301.190. Notarized bills of sale along with a copy of
3 the front and back of the certificate of ownership for all major
4 component parts installed on the vehicle and invoices for all
5 essential parts which are not defined as major component parts
6 shall accompany the application for a new certificate of
7 ownership. If the vehicle is a specially constructed motor
8 vehicle, as defined in section 301.010, two pictures of the
9 vehicle shall be submitted with the application. If the vehicle
10 is a kit vehicle, the applicant shall submit the invoice and the
11 manufacturer's statement of origin on the kit. If the vehicle
12 requires the issuance of a special number by the director of
13 revenue or a replacement vehicle identification number, the
14 applicant shall submit the required application and application
15 fee. All applications required under this subsection shall be
16 submitted with any applicable taxes which may be due on the
17 purchase of the vehicle or parts. The director of revenue shall
18 appropriately designate "Reconstructed Motor Vehicle", "Motor
19 Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially
20 Constructed Motor Vehicle" on the current and all subsequent
21 issues of the certificate of ownership of such vehicle.

22 5. Every insurance company that pays a claim for repair of
23 a motor vehicle which as the result of such repairs becomes a
24 reconstructed motor vehicle as defined in section 301.010 or that
25 pays a claim on a salvage vehicle as defined in section 301.010
26 and the owner is retaining the vehicle shall in writing notify
27 the owner of the vehicle, and in a first party claim, the
28 lienholder if a lien is in effect, that he is required to

1 surrender the certificate of ownership, and the documents and
2 fees required pursuant to subsection 4 of this section to obtain
3 a prior salvage motor vehicle certificate of ownership or
4 documents and fees as otherwise required by law to obtain a
5 salvage certificate of ownership, from the director of revenue.
6 The insurance company shall within thirty days of the payment of
7 such claims report to the director of revenue the name and
8 address of such owner, the year, make, model, vehicle
9 identification number, and license plate number of the vehicle,
10 and the date of loss and payment.

11 6. Anyone who fails to comply with the requirements of this
12 section shall be guilty of a class B misdemeanor.

13 7. An applicant for registration may make a donation of one
14 dollar to promote a blindness education, screening and treatment
15 program. The director of revenue shall collect the donations and
16 deposit all such donations in the state treasury to the credit of
17 the blindness education, screening and treatment program fund
18 established in section 209.015. Moneys in the blindness
19 education, screening and treatment program fund shall be used
20 solely for the purposes established in section 209.015; except
21 that the department of revenue shall retain no more than one
22 percent for its administrative costs. The donation prescribed in
23 this subsection is voluntary and may be refused by the applicant
24 for registration at the time of issuance or renewal. The
25 director shall inquire of each applicant at the time the
26 applicant presents the completed application to the director
27 whether the applicant is interested in making the one dollar
28 donation prescribed in this subsection.

1 8. An applicant for registration may make a donation of one
2 dollar to promote an organ donor program. The director of
3 revenue shall collect the donations and deposit all such
4 donations in the state treasury to the credit of the organ donor
5 program fund as established in sections 194.297 to 194.304.
6 Moneys in the organ donor fund shall be used solely for the
7 purposes established in sections 194.297 to 194.304, except that
8 the department of revenue shall retain no more than one percent
9 for its administrative costs. The donation prescribed in this
10 subsection is voluntary and may be refused by the applicant for
11 registration at the time of issuance or renewal. The director
12 shall inquire of each applicant at the time the applicant
13 presents the completed application to the director whether the
14 applicant is interested in making the one dollar donation
15 prescribed in this subsection.

16 301.055. 1. The annual registration fee for motor vehicles
17 other than commercial motor vehicles is:

18	Less than 12 horsepower	\$18.00
19	12 horsepower and less than 24 horsepower	21.00
20	24 horsepower and less than 36 horsepower	24.00
21	36 horsepower and less than 48 horsepower	33.00
22	48 horsepower and less than 60 horsepower	39.00
23	60 horsepower and less than 72 horsepower	45.00
24	72 horsepower and more	51.00
25	Motorcycles	8.50
26	Motortricycles	10.00
27	<u>Autocycles</u>	<u>10.25</u>

28 2. Notwithstanding any other provision of law, the

1 registration of any autocyple registered as a motorcycle or
2 motortricycle prior to August 28, 2018, shall remain in effect
3 until the expiration of the registration period for such vehicle
4 at which time the owner shall be required to renew the motor
5 vehicle's registration under the autocyple classification and pay
6 the appropriate registration fee.

7 301.130. 1. The director of revenue, upon receipt of a
8 proper application for registration, required fees and any other
9 information which may be required by law, shall issue to the
10 applicant a certificate of registration in such manner and form
11 as the director of revenue may prescribe and a set of license
12 plates, or other evidence of registration, as provided by this
13 section. Each set of license plates shall bear the name or
14 abbreviated name of this state, the words "SHOW-ME STATE", the
15 month and year in which the registration shall expire, and an
16 arrangement of numbers or letters, or both, as shall be assigned
17 from year to year by the director of revenue. The plates shall
18 also contain fully reflective material with a common color scheme
19 and design for each type of license plate issued pursuant to this
20 chapter. The plates shall be clearly visible at night, and shall
21 be aesthetically attractive. Special plates for qualified
22 disabled veterans will have the "DISABLED VETERAN" wording on the
23 license plates in preference to the words "SHOW-ME STATE" and
24 special plates for members of the National Guard will have the
25 "NATIONAL GUARD" wording in preference to the words "SHOW-ME
26 STATE".

27 2. The arrangement of letters and numbers of license plates
28 shall be uniform throughout each classification of registration.

1 The director may provide for the arrangement of the numbers in
2 groups or otherwise, and for other distinguishing marks on the
3 plates.

4 3. All property-carrying commercial motor vehicles to be
5 registered at a gross weight in excess of twelve thousand pounds,
6 all passenger-carrying commercial motor vehicles, local transit
7 buses, school buses, trailers, semitrailers, motorcycles,
8 motortricycles, autocycles, motorscooters, and driveaway vehicles
9 shall be registered with the director of revenue as provided for
10 in subsection 3 of section 301.030, or with the state highways
11 and transportation commission as otherwise provided in this
12 chapter, but only one license plate shall be issued for each such
13 vehicle, except as provided in this subsection. The applicant
14 for registration of any property-carrying commercial vehicle
15 registered at a gross weight in excess of twelve thousand pounds
16 may request and be issued two license plates for such vehicle,
17 and if such plates are issued, the director of revenue shall
18 provide for distinguishing marks on the plates indicating one
19 plate is for the front and the other is for the rear of such
20 vehicle. The director may assess and collect an additional
21 charge from the applicant in an amount not to exceed the fee
22 prescribed for personalized license plates in subsection 1 of
23 section 301.144.

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

1 5. No motor vehicle or trailer shall be operated on any
2 highway of this state unless it shall have displayed thereon the
3 license plate or set of license plates issued by the director of
4 revenue or the state highways and transportation commission and
5 authorized by section 301.140. Each such plate shall be securely
6 fastened to the motor vehicle or trailer in a manner so that all
7 parts thereof shall be plainly visible and reasonably clean so
8 that the reflective qualities thereof are not impaired. Each
9 such plate may be encased in a transparent cover so long as the
10 plate is plainly visible and its reflective qualities are not
11 impaired. License plates shall be fastened to all motor vehicles
12 except trucks, tractors, truck tractors or truck-tractors
13 licensed in excess of twelve thousand pounds on the front and
14 rear of such vehicles not less than eight nor more than forty-
15 eight inches above the ground, with the letters and numbers
16 thereon right side up. The license plates on trailers,
17 motorcycles, motortricycles, autocycles, and motorscooters shall
18 be displayed on the rear of such vehicles either horizontally or
19 vertically, with the letters and numbers plainly visible. The
20 license plate on buses, other than school buses, and on trucks,
21 tractors, truck tractors or truck-tractors licensed in excess of
22 twelve thousand pounds shall be displayed on the front of such
23 vehicles not less than eight nor more than forty-eight inches
24 above the ground, with the letters and numbers thereon right side
25 up or if two plates are issued for the vehicle pursuant to
26 subsection 3 of this section, displayed in the same manner on the
27 front and rear of such vehicles. The license plate or plates
28 authorized by section 301.140, when properly attached, shall be

1 prima facie evidence that the required fees have been paid.

2 6. (1) The director of revenue shall issue annually or
3 biennially a tab or set of tabs as provided by law as evidence of
4 the annual payment of registration fees and the current
5 registration of a vehicle in lieu of the set of plates.
6 Beginning January 1, 2010, the director may prescribe any
7 additional information recorded on the tab or tabs to ensure that
8 the tab or tabs positively correlate with the license plate or
9 plates issued by the department of revenue for such vehicle.
10 Such tabs shall be produced in each license bureau office.

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

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

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

21 (5) For those commercial motor vehicles and trailers
22 registered pursuant to section 301.041, the plate issued by the
23 highways and transportation commission shall be a permanent
24 nonexpiring license plate for which no tabs shall be issued.
25 Nothing in this section shall relieve the owner of any vehicle
26 permanently registered pursuant to this section from the
27 obligation to pay the annual registration fee due for the
28 vehicle. The permanent nonexpiring license plate shall be

1 returned to the highways and transportation commission upon the
2 sale or disposal of the vehicle by the owner to whom the
3 permanent nonexpiring license plate is issued, or the plate may
4 be transferred to a replacement commercial motor vehicle when the
5 owner files a supplemental application with the Missouri highways
6 and transportation commission for the registration of such
7 replacement commercial motor vehicle. Upon payment of the annual
8 registration fee, the highways and transportation commission
9 shall issue a certificate of registration or other suitable
10 evidence of payment of the annual fee, and such evidence of
11 payment shall be carried at all times in the vehicle for which it
12 is issued.

13 (6) Upon the sale or disposal of any vehicle permanently
14 registered under this section, or upon the termination of a lease
15 of any such vehicle, the permanent nonexpiring plate issued for
16 such vehicle shall be returned to the highways and transportation
17 commission and shall not be valid for operation of such vehicle,
18 or the plate may be transferred to a replacement vehicle when the
19 owner files a supplemental application with the Missouri highways
20 and transportation commission for the registration of such
21 replacement vehicle. If a vehicle which is permanently
22 registered under this section is sold, wrecked or otherwise
23 disposed of, or the lease terminated, the registrant shall be
24 given credit for any unused portion of the annual registration
25 fee when the vehicle is replaced by the purchase or lease of
26 another vehicle during the registration year.

27 7. The director of revenue and the highways and
28 transportation commission may prescribe rules and regulations for

1 the effective administration of this section. No rule or portion
2 of a rule promulgated under the authority of this section shall
3 become effective unless it has been promulgated pursuant to the
4 provisions of section 536.024.

5 8. Notwithstanding the provisions of any other law to the
6 contrary, owners of motor vehicles other than apportioned motor
7 vehicles or commercial motor vehicles licensed in excess of
8 twenty-four thousand pounds gross weight may apply for special
9 personalized license plates. Vehicles licensed for twenty-four
10 thousand pounds that display special personalized license plates
11 shall be subject to the provisions of subsections 1 and 2 of
12 section 301.030. On and after August 28, 2016, owners of motor
13 vehicles, other than apportioned motor vehicles or commercial
14 motor vehicles licensed in excess of twenty-four thousand pounds
15 gross weight, may apply for any preexisting or hereafter
16 statutorily created special personalized license plates.

17 9. No later than January 1, 2019, the director of revenue
18 shall commence the reissuance of new license plates of such
19 design as approved by the advisory committee under section
20 301.125 consistent with the terms, conditions, and provisions of
21 section 301.125 and this chapter. Except as otherwise provided
22 in this section, in addition to all other fees required by law,
23 applicants for registration of vehicles with license plates that
24 expire during the period of reissuance, applicants for
25 registration of trailers or semitrailers with license plates that
26 expire during the period of reissuance and applicants for
27 registration of vehicles that are to be issued new license plates
28 during the period of reissuance shall pay the cost of the plates

1 required by this subsection. The additional cost prescribed in
2 this subsection shall not be charged to persons receiving special
3 license plates issued under section 301.073 or 301.443. Historic
4 motor vehicle license plates registered pursuant to section
5 301.131 and specialized license plates are exempt from the
6 provisions of this subsection. Except for new, replacement, and
7 transfer applications, permanent nonexpiring license plates
8 issued to commercial motor vehicles and trailers registered under
9 section 301.041 are exempt from the provisions of this
10 subsection.

11 301.350. 1. Upon receipt of an application for
12 registration of a motor vehicle, trailer, manufacturer or dealer,
13 as provided in this chapter, the director of revenue shall file
14 such application and register such motor vehicle, trailer,
15 manufacturer or dealer, together with the facts stated in the
16 application, under a distinctive number assigned to such motor
17 vehicle, trailer, manufacturer or dealer. Separate records shall
18 be kept as follows:

- 19 (1) Motor vehicles registered by owners;
- 20 (2) Commercial motor vehicles;
- 21 (3) Trailers;
- 22 (4) Motorcycles and motor tricycles;
- 23 (5) Autocycles;
- 24 (6) Manufacturers and dealers.

25 2. The director of revenue may keep such other
26 classifications and records as he may deem necessary and may
27 enter contracts or agreements or otherwise make arrangements for
28 computerized access to odometer and title information.

1 3. All of such books and records shall be kept open to
2 public inspection during reasonable business hours.

3 4. The governor may cause the records of the department of
4 revenue to be audited by the state auditor at any time.

5 302.170. 1. As used in this section, the following terms
6 shall mean:

7 (1) "Biometric data", shall include, but not be limited to,
8 the following:

9 (a) Facial feature pattern characteristics;

10 (b) Voice data used for comparing live speech with a
11 previously created speech model of a person's voice;

12 (c) Iris recognition data containing color or texture
13 patterns or codes;

14 (d) Retinal scans, reading through the pupil to measure
15 blood vessels lining the retina;

16 (e) Fingerprint, palm prints, hand geometry, measure of any
17 and all characteristics of biometric information, including shape
18 and length of fingertips, or recording ridge pattern or fingertip
19 characteristics;

20 (f) Eye spacing;

21 (g) Characteristic gait or walk;

22 (h) DNA;

23 (i) Keystroke dynamic, measuring pressure applied to key
24 pads or other digital receiving devices;

25 (2) "Commercial purposes", shall not include data used or
26 compiled solely to be used for, or obtained or compiled solely
27 for purposes expressly allowed under Missouri law or the federal
28 Drivers Privacy Protection Act;

1 (3) "Source documents", original or certified copies, where
2 applicable, of documents presented by an applicant as required
3 under 6 CFR Part 37 to the department of revenue to apply for a
4 driver's license or nondriver's license. Source documents shall
5 also include any documents required for the issuance of driver's
6 licenses or nondriver's licenses by the department of revenue
7 under the provisions of this chapter or accompanying regulations.

8 2. Except as provided in subsection 3 of this section and
9 as required to carry out the provisions of subsection 4 of this
10 section, the department of revenue shall not retain copies, in
11 any format, of source documents presented by individuals applying
12 for or holding driver's licenses or nondriver's licenses or use
13 technology to capture digital images of source documents so that
14 the images are capable of being retained in electronic storage in
15 a transferable format. Documents retained as provided or
16 required by subsections 3 and 4 of this section shall be stored
17 solely on a system not connected to the internet nor to a wide
18 area network that connects to the internet. Once stored on such
19 system, the documents and data shall be purged from any systems
20 on which they were previously stored so as to make them
21 irretrievable.

22 3. The provisions of this section shall not apply to:

23 (1) Original application forms, which may be retained but
24 not scanned except as provided in this section;

25 (2) Test score documents issued by state highway patrol
26 driver examiners;

27 (3) Documents demonstrating lawful presence of any
28 applicant who is not a citizen of the United States, including

1 documents demonstrating duration of the person's lawful presence
2 in the United States;

3 (4) Any document required to be retained under federal
4 motor carrier regulations in Title 49, Code of Federal
5 Regulations, including but not limited to documents required by
6 federal law for the issuance of a commercial driver's license and
7 a commercial driver instruction permit; [and]

8 (5) Documents submitted by a commercial driver's license
9 applicant who is a Missouri resident and is active duty military
10 or a veteran, as "veteran" is defined in 38 U.S.C. 101, which
11 allow for waiver of the commercial driver's license knowledge
12 test, skills test, or both; and

13 (6) Any other document at the request of and for the
14 convenience of the applicant where the applicant requests the
15 department of revenue review alternative documents as proof
16 required for issuance of a driver's license, nondriver's license,
17 or instruction permit.

18 4. (1) To the extent not prohibited under subsection 13 of
19 this section, the department of revenue shall amend procedures
20 for applying for a driver's license or identification card in
21 order to comply with the goals or standards of the federal REAL
22 ID Act of 2005, any rules or regulations promulgated under the
23 authority granted in such Act, or any requirements adopted by the
24 American Association of Motor Vehicle Administrators for
25 furtherance of the Act, unless such action conflicts with
26 Missouri law.

27 (2) The department of revenue shall issue driver's licenses
28 or identification cards that are compliant with the federal REAL

1 ID Act of 2005, as amended, to all applicants for driver's
2 licenses or identification cards unless an applicant requests a
3 driver's license or identification card that is not REAL ID
4 compliant. Except as provided in subsection 3 of this section
5 and as required to carry out the provisions of this subsection,
6 the department of revenue shall not retain the source documents
7 of individuals applying for driver's licenses or identification
8 cards not compliant with REAL ID. Upon initial application for a
9 driver's license or identification card, the department shall
10 inform applicants of the option of being issued a REAL ID
11 compliant driver's license or identification card or a driver's
12 license or identification card that is not compliant with REAL
13 ID. The department shall inform all applicants:

14 (a) With regard to the REAL ID compliant driver's license
15 or identification card:

16 a. Such card is valid for official state purposes and for
17 official federal purposes as outlined in the federal REAL ID Act
18 of 2005, as amended, such as domestic air travel and seeking
19 access to military bases and most federal facilities;

20 b. Electronic copies of source documents will be retained
21 by the department and destroyed after the minimum time required
22 for retention by the federal REAL ID Act of 2005, as amended;

23 c. The facial image capture will only be retained by the
24 department if the application is finished and submitted to the
25 department; and

26 d. Any other information the department deems necessary to
27 inform the applicant about the REAL ID compliant driver's license
28 or identification card under the federal REAL ID Act;

1 (b) With regard to a driver's license or identification
2 card that is not compliant with the federal REAL ID Act:

3 a. Such card is valid for official state purposes, but it
4 is not valid for official federal purposes as outlined in the
5 federal REAL ID Act of 2005, as amended, such as domestic air
6 travel and seeking access to military bases and most federal
7 facilities;

8 b. Source documents will be verified but no copies of such
9 documents will be retained by the department unless permitted
10 under subsection 3 of this section, except as necessary to
11 process a request by a license or card holder or applicant;

12 c. Any other information the department deems necessary to
13 inform the applicant about the driver's license or identification
14 card.

15 5. The department of revenue shall not use, collect,
16 obtain, share, or retain biometric data nor shall the department
17 use biometric technology to produce a driver's license or
18 nondriver's license or to uniquely identify licensees or license
19 applicants. This subsection shall not apply to digital images
20 nor licensee signatures required for the issuance of driver's
21 licenses and nondriver's licenses or to biometric data collected
22 from employees of the department of revenue, employees of the
23 office of administration who provide information technology
24 support to the department of revenue, contracted license offices,
25 and contracted manufacturers engaged in the production,
26 processing, or manufacture of driver's licenses or identification
27 cards in positions which require a background check in order to
28 be compliant with the federal REAL ID Act or any rules or

1 regulations promulgated under the authority of such Act. Except
2 as otherwise provided by law, applicants' source documents and
3 Social Security numbers shall not be stored in any database
4 accessible by any other state or the federal government. Such
5 database shall contain only the data fields included on driver's
6 licenses and nondriver identification cards compliant with the
7 federal REAL ID Act, and the driving records of the individuals
8 holding such driver's licenses and nondriver identification
9 cards.

10 6. Notwithstanding any provision of this chapter that
11 requires an applicant to provide reasonable proof of lawful
12 presence for issuance or renewal of a noncommercial driver's
13 license, noncommercial instruction permit, or a nondriver's
14 license, an applicant shall not have his or her privacy rights
15 violated in order to obtain or renew a Missouri noncommercial
16 driver's license, noncommercial instruction permit, or a
17 nondriver's license.

18 7. No citizen of this state shall have his or her privacy
19 compromised by the state or agents of the state. The state shall
20 within reason protect the sovereignty of the citizens the state
21 is entrusted to protect. Any data derived from a person's
22 application shall not be sold for commercial purposes to any
23 other organization or any other state without the express
24 permission of the applicant without a court order; except such
25 information may be shared with a law enforcement agency, judge,
26 prosecuting attorney, or officer of the court, or with another
27 state for the limited purposes set out in section 302.600, or for
28 the purposes set forth in section 32.091, or for conducting

1 driver history checks in compliance with the Motor Carrier Safety
2 Improvement Act, 49 U.S.C. Section 31309. The state of Missouri
3 shall protect the privacy of its citizens when handling any
4 written, digital, or electronic data, and shall not participate
5 in any standardized identification system using driver's and
6 nondriver's license records except as provided in this section.

7 8. Other than to process a request by a license or card
8 holder or applicant, no person shall access, distribute, or allow
9 access to or distribution of any written, digital, or electronic
10 data collected or retained under this section without the express
11 permission of the applicant or a court order, except that such
12 information may be shared with a law enforcement agency, judge,
13 prosecuting attorney, or officer of the court, or with another
14 state for the limited purposes set out in section 302.600 or for
15 conducting driver history checks in compliance with the Motor
16 Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first
17 violation of this subsection shall be a class A misdemeanor. A
18 second violation of this subsection shall be a class E felony. A
19 third or subsequent violation of this subsection shall be a class
20 D felony.

21 9. Any person harmed or damaged by any violation of this
22 section may bring a civil action for damages, including
23 noneconomic and punitive damages, as well as injunctive relief,
24 in the circuit court where that person resided at the time of the
25 violation or in the circuit court of Cole County to recover such
26 damages from the department of revenue and any persons
27 participating in such violation. Sovereign immunity shall not be
28 available as a defense for the department of revenue in such an

1 action. In the event the plaintiff prevails on any count of his
2 or her claim, the plaintiff shall be entitled to recover
3 reasonable attorney fees from the defendants.

4 10. The department of revenue may promulgate rules
5 necessary to implement the provisions of this section. Any rule
6 or portion of a rule, as that term is defined in section 536.010,
7 that is created under the authority delegated in this section
8 shall become effective only if it complies with and is subject to
9 all of the provisions of chapter 536 and, if applicable, section
10 536.028. This section and chapter 536 are nonseverable and if
11 any of the powers vested with the general assembly pursuant to
12 chapter 536 to review, to delay the effective date, or to
13 disapprove and annul a rule are subsequently held
14 unconstitutional, then the grant of rulemaking authority and any
15 rule proposed or adopted after August 28, 2017, shall be invalid
16 and void.

17 11. Biometric data, digital images, source documents, and
18 licensee signatures, or any copies of the same, required to be
19 collected or retained to comply with the requirements of the
20 federal REAL ID Act of 2005 shall be retained for no longer than
21 the minimum duration required to maintain compliance, and
22 immediately thereafter shall be securely destroyed so as to make
23 them irretrievable.

24 12. No agency, department, or official of this state or of
25 any political subdivision thereof shall use, collect, obtain,
26 share, or retain radio frequency identification data from a REAL
27 ID compliant driver's license or identification card issued by a
28 state, nor use the same to uniquely identify any individual.

1 13. Notwithstanding any provision of law to the contrary,
2 the department of revenue shall not amend procedures for applying
3 for a driver's license or identification card, nor promulgate any
4 rule or regulation, for purposes of complying with modifications
5 made to the federal REAL ID Act of 2005 after August 28, 2017,
6 imposing additional requirements on applications, document
7 retention, or issuance of compliant licenses or cards, including
8 any rules or regulations promulgated under the authority granted
9 under the federal REAL ID Act of 2005, as amended, or any
10 requirements adopted by the American Association of Motor Vehicle
11 Administrators for furtherance thereof.

12 14. If the federal REAL ID Act of 2005 is modified or
13 repealed such that driver's licenses and identification cards
14 issued by this state that are not compliant with the federal REAL
15 ID Act of 2005 are once again sufficient for federal
16 identification purposes, the department shall not issue a
17 driver's license or identification card that complies with the
18 federal REAL ID Act of 2005 and shall securely destroy, within
19 thirty days, any source documents retained by the department for
20 the purpose of compliance with such Act.

21 15. The provisions of this section shall expire five years
22 after August 28, 2017.

23 302.173. 1. Any applicant for a license, who does not
24 possess a valid license issued pursuant to the laws of this
25 state, another state, or a country which has a reciprocal
26 agreement with the state of Missouri regarding the exchange of
27 licenses pursuant to section 302.172 shall be examined as herein
28 provided. Any person who has failed to renew such person's

1 license on or before the date of its expiration or within six
2 months thereafter must take the complete examination. Any active
3 member of the Armed Forces, their adult dependents or any active
4 member of the Peace Corps may apply for a renewal license without
5 examination of any kind, unless otherwise required by sections
6 302.700 to 302.780, provided the renewal application shows that
7 the previous license had not been suspended or revoked. Any
8 person honorably discharged from the Armed Forces of the United
9 States who held a valid license prior to being inducted may apply
10 for a renewal license within sixty days after such person's
11 honorable discharge without submitting to any examination of such
12 person's ability to safely operate a motor vehicle over the
13 highways of this state unless otherwise required by sections
14 302.700 to 302.780, other than the vision test provided in
15 section 302.175, unless the facts set out in the renewal
16 application or record of convictions on the expiring license, or
17 the records of the director show that there is good cause to
18 authorize the director to require the applicant to submit to the
19 complete examination. No applicant for a renewal license shall
20 be required to submit to any examination of his or her ability to
21 safely operate a motor vehicle over the highways of this state
22 unless otherwise required by sections 302.700 to 302.780 or
23 regulations promulgated thereunder, other than a test of the
24 applicant's ability to understand highway signs regulating,
25 warning or directing traffic and the vision test provided in
26 section 302.175, unless the facts set out in the renewal
27 application or record of convictions on the expiring license, or
28 the records of the director show that there is good cause to

1 authorize the director to require the applicant to submit to the
2 complete examination. The examination shall be made available in
3 each county. Reasonable notice of the time and place of the
4 examination shall be given the applicant by the person or officer
5 designated to conduct it. The complete examination shall include
6 a test of the applicant's natural or corrected vision as
7 prescribed in section 302.175, the applicant's ability to
8 understand highway signs regulating, warning or directing
9 traffic, the applicant's practical knowledge of the traffic laws
10 of this state, and an actual demonstration of ability to exercise
11 due care in the operation of a motor vehicle of the
12 classification for which the license is sought. When an
13 applicant for a license has a license from a state which has
14 requirements for issuance of a license comparable to the Missouri
15 requirements or a license from a country which has a reciprocal
16 agreement with the state of Missouri regarding the exchange of
17 licenses pursuant to section 302.172 and such license has not
18 expired more than six months prior to the date of application for
19 the Missouri license, the director may waive the test of the
20 applicant's practical knowledge of the traffic laws of this
21 state, and the requirement of actual demonstration of ability to
22 exercise due care in the operation of a motor vehicle. If the
23 director has reasonable grounds to believe that an applicant is
24 suffering from some known physical or mental ailment which
25 ordinarily would interfere with the applicant's fitness to
26 operate a motor vehicle safely upon the highways, the director
27 may require that the examination include a physical or mental
28 examination by a licensed physician of the applicant's choice, at

1 the applicant's expense, to determine the fact. The director
2 shall prescribe regulations to ensure uniformity in the
3 examinations and in the grading thereof and shall prescribe and
4 furnish all forms to the members of the highway patrol and to
5 other persons authorized to conduct examinations as may be
6 necessary to enable the officer or person to properly conduct the
7 examination. The records of the examination shall be forwarded
8 to the director who shall not issue any license hereunder if in
9 the director's opinion the applicant is not qualified to operate
10 a motor vehicle safely upon the highways of this state.

11 2. Beginning July 1, 2005, when the examiner has reasonable
12 grounds to believe that an individual has committed fraud or
13 deception during the examination process, the license examiner
14 shall immediately forward to the director all information
15 relevant to any fraud or deception, including, but not limited
16 to, a statement of the examiner's grounds for belief that the
17 person committed or attempted to commit fraud or deception in the
18 written, skills, or vision examination.

19 3. The director of revenue shall delegate the power to
20 conduct the examinations required for a license or permit to any
21 member of the highway patrol or any person employed by the
22 highway patrol. The powers delegated to any examiner may be
23 revoked at any time by the director of revenue upon notice.

24 4. Notwithstanding the requirements of subsections 1 and 3
25 of this section, the successful completion of a motorcycle rider
26 training course approved pursuant to sections 302.133 to 302.137
27 shall constitute an actual demonstration of the person's ability
28 to exercise due care in the operation of a motorcycle or

1 motortricycle, and no further practical knowledge or driving test
2 shall be required to obtain a motorcycle or motortricycle license
3 or endorsement. The motorcycle rider training course completion
4 shall be accepted for purposes of motorcycle license or
5 endorsement issuance for one year from the date of course
6 completion.

7 5. Notwithstanding the requirements of subsections 1 and 3
8 of this section, the successful completion of a military
9 motorcycle rider training course that meets or exceeds the
10 Motorcycle Safety Foundation curriculum standards by an applicant
11 who is an active member of the [U.S.] United States Armed Forces,
12 shall constitute an actual demonstration of the person's ability
13 to exercise due care in the operation of a motorcycle or
14 motortricycle, and no further practical knowledge or driving test
15 shall be required to obtain a motorcycle or motortricycle license
16 or endorsement. The military motorcycle rider training course
17 completion shall be accepted for purposes of motorcycle license
18 or endorsement issuance for one year from the date of course
19 completion. The director of revenue is authorized to promulgate
20 rules and regulations for the administration and implementation
21 of this subsection including rules governing the presentment of
22 motorcycle training course completion cards from a military
23 motorcycle rider training course or other documentation showing
24 that the applicant has successfully completed a course in basic
25 motorcycle safety instruction that meets or exceeds curriculum
26 standards established by the Motorcycle Safety Foundation or
27 other national organization whose purpose is to improve the
28 safety of motorcyclists on the nation's streets and highways.

1 Any rule or portion of a rule, as that term is defined in section
2 536.010, that is created under the authority delegated in this
3 section shall become effective only if it complies with and is
4 subject to all of the provisions of chapter 536 and, if
5 applicable, section 536.028. This section and chapter 536 are
6 nonseverable and if any of the powers vested with the general
7 assembly pursuant to chapter 536 to review, to delay the
8 effective date, or to disapprove and annul a rule are
9 subsequently held unconstitutional, then the grant of rulemaking
10 authority and any rule proposed or adopted after August 28, 2012,
11 shall be invalid and void.

12 302.174. 1. As used in this section, the following terms
13 mean:

14 (1) "Deaf person", any person who, because of hearing loss,
15 is not able to discriminate speech when spoken in a normal
16 conversation tone regardless of the use of amplification devices;

17 (2) ["Hearing-impaired person", any person who, because of
18 hearing loss, has a diminished capacity to discriminate speech
19 when spoken in a normal conversational tone;

20 (3) "J88"] "DHH", a notation on a driver's license that
21 indicates the person is a deaf or [hearing-impaired] hard of
22 hearing person who uses alternative communication;

23 (3) "Hard of hearing person", any person who, because of
24 hearing loss, has a diminished capacity to discriminate speech
25 when spoken in a normal conversation tone.

26 2. Any resident of this state who is a deaf or
27 [hearing-impaired] hard of hearing person may apply to the
28 department of revenue to have the notation "[J88] DHH" placed on

1 the person's driver's license. The department of revenue, by
2 rule, may establish the cost and criteria for placement of the
3 "[J88] DHH" notation, such as requiring an applicant to submit
4 certain medical proof of deafness or hearing [impairment] loss.
5 The department may also, by rule, elect to use the phrase "deaf
6 or hard of hearing" in lieu of the notation "DHH" on a driver's
7 license.

8 3. The Missouri commission for the deaf and hard of hearing
9 shall make an informational video in American Sign Language
10 explaining what a "DHH" notation means on a driver's license and
11 informing Missourians of their right to receive a license with
12 the "DHH" notation under this section. This video shall also be
13 captioned in English and converted to QR-Code which shall be
14 posted in a conspicuous place at every driver's license office in
15 Missouri.

16 4. Any rule or portion of a rule, as that term is defined
17 in section 536.010, that is created under the authority delegated
18 in this section shall become effective only if it complies with
19 and is subject to all of the provisions of chapter 536 and, if
20 applicable, section 536.028. This section and chapter 536 are
21 nonseverable and if any of the powers vested with the general
22 assembly pursuant to chapter 536 to review, to delay the
23 effective date or to disapprove and annul a rule are subsequently
24 held unconstitutional, then the grant of rulemaking authority and
25 any rule proposed or adopted after August 28, 2001, shall be
26 invalid and void.

27 302.720. 1. Except when operating under an instruction
28 permit as described in this section, no person may drive a

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

27 2. No person may be issued a commercial driver's license
28 until he has passed written and driving tests for the operation

1 of a commercial motor vehicle which complies with the minimum
2 federal standards established by the Secretary and has satisfied
3 all other requirements of the Commercial Motor Vehicle Safety Act
4 of 1986 (Title XII of Pub. Law 99-570), as well as any other
5 requirements imposed by state law. All applicants for a
6 commercial driver's license shall have maintained the appropriate
7 class of commercial driver's instruction permit issued by this
8 state or any other state for a minimum of fourteen calendar days
9 prior to the date of taking the skills test. Applicants for a
10 hazardous materials endorsement must also meet the requirements
11 of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as
12 specified and required by regulations promulgated by the
13 Secretary. Nothing contained in this subsection shall be
14 construed as prohibiting the director from establishing alternate
15 testing formats for those who are functionally illiterate;
16 provided, however, that any such alternate test must comply with
17 the minimum requirements of the Commercial Motor Vehicle Safety
18 Act of 1986 (Title XII of Pub. Law 99-570) as established by the
19 Secretary.

20 (1) The written and driving tests shall be held at such
21 times and in such places as the superintendent may designate. A
22 twenty-five dollar examination fee shall be paid by the applicant
23 upon completion of any written or driving test, except the
24 examination fee shall be waived for applicants seventy years of
25 age or older renewing a license with a school bus endorsement.
26 The director shall delegate the power to conduct the examinations
27 required under sections 302.700 to 302.780 to any member of the
28 highway patrol or any person employed by the highway patrol

1 qualified to give driving examinations. The written test shall
2 only be administered in the English language. No translators
3 shall be allowed for applicants taking the test.

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

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

28 (4) Every applicant for renewal of a commercial driver's

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

9 (5) The director shall have the authority to waive the
10 knowledge and driving skills [test] tests for any qualified
11 military applicant for a commercial driver's license who is
12 currently licensed at the time of application for a commercial
13 driver's license. The director shall impose conditions and
14 limitations to restrict the applicants from whom the department
15 may accept alternative requirements for the knowledge and skills
16 [test] tests described in federal regulation 49 CFR 383.71 and 49
17 CFR 383.77. An applicant must certify that, during the two-year
18 period immediately preceding application for a commercial
19 driver's license, all of the following apply:

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

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

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

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

28 (e) The applicant has not had any conviction for a

1 violation of state or local law relating to motor vehicle traffic
2 control, but not including any parking violation, arising in
3 connection with any traffic accident, and has no record of an
4 accident in which he or she was at fault;

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

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

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

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

21 (j) The applicant will be required to complete all
22 applicable knowledge tests, except when the applicant provides
23 proof of approved military training sufficient for waiver of the
24 knowledge and skills tests as specified in subdivision (5) of
25 subsection 3 of section 302.170.

26 3. A commercial driver's license or commercial driver's
27 instruction permit may not be issued to a person while the person
28 is disqualified from driving a commercial motor vehicle, when a

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

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

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

24 304.001. As used in this chapter and chapter 307, the
25 following terms shall mean:

26 (1) "Abandoned property", any unattended motor vehicle,
27 trailer, all-terrain vehicle, outboard motor or vessel removed or
28 subject to removal from public or private property as provided in

1 sections 304.155 and 304.157, whether or not operational. For
2 any vehicle towed from the scene of an accident at the request of
3 law enforcement and not retrieved by the vehicle's owner within
4 five days of the accident, the agency requesting the tow shall be
5 required to write an abandoned property report or a crime inquiry
6 and inspection report;

7 (2) "Commercial vehicle enforcement officers", employees of
8 the Missouri state highway patrol who are not members of the
9 patrol but who are appointed by the superintendent of the highway
10 patrol to enforce the laws, rules, and regulations pertaining to
11 commercial vehicles, trailers, special mobile equipment and
12 drivers of such vehicles;

13 (3) "Commercial vehicle inspectors", employees of the
14 Missouri state highway patrol who are not members of the patrol
15 but who are appointed by the superintendent of the highway patrol
16 to supervise or operate permanent or portable weigh stations in
17 the enforcement of commercial vehicle laws;

18 (4) "Commission", the state highways and transportation
19 commission;

20 (5) "Department", the state transportation department;

21 (6) "Freeway", a divided state highway with four or more
22 lanes, with no access to the throughways except the established
23 interchanges and with no at-grade crossings;

24 (7) "Interstate highway", a state highway included in the
25 national system of interstate highways located within the
26 boundaries of Missouri, as officially designated or as may be
27 hereafter designated by the state highways and transportation
28 commission with the approval of the Secretary of Transportation,

1 pursuant to Title 23, U.S.C., as amended;

2 (8) "Members of the patrol", the superintendent, lieutenant
3 colonel, majors, captains, director of radio, lieutenants,
4 sergeants, corporals and patrolmen of the Missouri state highway
5 patrol;

6 (9) "Off-road vehicle", any vehicle designed for or capable
7 of cross-country travel on or immediately over land, water, ice,
8 snow, marsh, swampland, or other natural terrain without benefit
9 of a road or trail:

10 (a) Including, without limitation, the following:

11 a. Jeeps;

12 b. All-terrain vehicles;

13 c. Dune buggies;

14 d. Multiwheel drive or low-pressure tire vehicles;

15 e. Vehicle using an endless belt, or tread or treads, or a
16 combination of tread and low-pressure tires;

17 f. Motorcycles, trail bikes, minibikes and related
18 vehicles;

19 g. Any other means of transportation deriving power from
20 any source other than muscle or wind; and

21 (b) Excluding the following:

22 a. Registered motorboats;

23 b. Aircraft;

24 c. Any military, fire or law enforcement vehicle;

25 d. Farm-type tractors and other self-propelled equipment
26 for harvesting and transporting farm or forest products;

27 e. Any vehicle being used for farm purposes, earth moving,
28 or construction while being used for such purposes on the work

1 site;

2 f. Self-propelled lawnmowers, or lawn or garden tractors,
3 or golf carts, while being used exclusively for their designed
4 purpose; and

5 g. Any vehicle being used for the purpose of transporting a
6 handicapped person;

7 (10) "Person", any natural person, corporation, or other
8 legal entity;

9 (11) "Platoon", a group of individual motor vehicles
10 traveling in a unified manner at electronically coordinated
11 speeds at following distances that are closer than would be
12 reasonable and prudent without such coordination;

13 (12) "Right-of-way", the entire width of land between the
14 boundary lines of a state highway, including any roadway;

15 [(12)] (13) "Roadway", that portion of a state highway
16 ordinarily used for vehicular travel, exclusive of the berm or
17 shoulder;

18 [(13)] (14) "State highway", a highway constructed or
19 maintained by the state highways and transportation commission
20 with the aid of state funds or United States government funds, or
21 any highway included by authority of law in the state highway
22 system, including all right-of-way;

23 [(14)] (15) "Towing company", any person or entity which
24 tows, removes or stores abandoned property;

25 [(15)] (16) "Urbanized area", an area with a population of
26 fifty thousand or more designated by the Bureau of the Census,
27 within boundaries to be fixed by the state highways and
28 transportation commission and local officials in cooperation with

1 each other and approved by the Secretary of Transportation. The
2 boundary of an urbanized area shall, at a minimum, encompass the
3 entire urbanized area as designed by the Bureau of the Census.

4 304.005. 1. As used in this section, the term "autocycle"
5 means a three-wheeled motor vehicle which the drivers and
6 passengers ride in a partially or completely enclosed nonstraddle
7 seating area, that is designed to be controlled with a steering
8 wheel and pedals, and that has met applicable Department of
9 Transportation National Highway Traffic Safety Administration
10 requirements or Federal Motorcycle Safety Standards.

11 2. Notwithstanding subsection 2 of section 302.020, a
12 person operating or riding in an autocycle shall not be required
13 to wear protective headgear [if the vehicle is equipped with a
14 roof that meets or exceeds the standards established for
15 protective headgear].

16 3. No person shall operate an autocycle on any highway or
17 street in this state unless the person has a valid driver's
18 license. The operator of an autocycle, however, shall not be
19 required to obtain a motorcycle or motortricycle license or
20 endorsement pursuant to sections 302.010 to 302.340.

21 304.044. 1. The following terms as used in this section
22 shall mean:

23 (1) "Bus", any vehicle or motor car designed and used for
24 the purpose of carrying more than seven persons;

25 (2) "Truck", any vehicle, machine, tractor, trailer or
26 semitrailer, or any combination thereof, propelled or drawn by
27 mechanical power and designed or used in the transportation of
28 property upon the highways.

1 2. The driver of any truck or bus, when traveling upon a
2 public highway of this state outside of a business or residential
3 district, shall not follow within three hundred feet of another
4 such vehicle; provided, the provisions of this section shall not
5 be construed to prevent the overtaking and passing, by any such
6 truck or bus, of another similar vehicle.

7 3. The following-distance provisions of this section shall
8 not apply to a nonlead vehicle in a platoon, as such term is
9 defined in section 304.001.

10 4. Any person who shall violate the provisions of this
11 section shall be deemed guilty of a class C misdemeanor, and upon
12 conviction thereof shall be punished accordingly.

13 5. The highways and transportation commission is authorized
14 to promulgate administrative rules that are reasonable and
15 necessary to implement platooning. Any rule or portion of a
16 rule, as that term is defined in section 536.010, that is created
17 under the authority delegated in this section shall become
18 effective only if it complies with and is subject to all of the
19 provisions of chapter 536, and, if applicable, section 536.028.
20 This section and chapter 536 are nonseverable, and if any of the
21 powers vested with the general assembly pursuant to chapter 536
22 to review, to delay the effective date, or to disapprove and
23 annul a rule are subsequently held unconstitutional, then the
24 grant of rulemaking authority and any rule proposed or adopted
25 after August 28, 2018, shall be invalid and void.

26 306.126. 1. The operator of a motorboat shall not allow
27 any person to ride or sit on the gunwales, decking over the bow,
28 railing, top of seat back or decking over the back of the

1 motorboat while under way, unless such person is inboard of
2 adequate guards or railing provided on the motorboat to prevent a
3 passenger from being lost overboard. As used in this section,
4 the term "adequate guards or railing" means guards or railings
5 having a height parameter of at least six inches but not more
6 than eighteen inches. Nothing in this section shall be construed
7 to mean that passengers or other persons aboard a motorboat
8 cannot occupy the decking over the bow of the boat to moor it to
9 a mooring buoy or to cast off from such a buoy, or for any other
10 necessary purpose. The provisions of this section shall not
11 apply to vessels propelled by sail or vessels propelled by jet
12 motors or propellers operating on a stretch of waterway not
13 created or widened by impoundment.

14 2. Whenever any person leaves any watercraft, other than a
15 personal watercraft, on the waters of the Mississippi River, the
16 waters of the Missouri River or the lakes of this state and
17 enters the water between the hours of 11:00 a.m. and sunset, the
18 operator of such watercraft shall display on the watercraft a red
19 or orange flag measuring not less than twelve inches by twelve
20 inches. The provisions of this subsection shall not apply to
21 watercraft that is moored or anchored. The flag required by this
22 subsection shall be visible for three hundred sixty degrees
23 around the horizon when displayed and shall be displayed only
24 when an occupant of the watercraft has left the confines of the
25 watercraft and entered the water. The flag required by this
26 subsection shall not be displayed when the watercraft is engaged
27 in towing any person, but shall be displayed when such person has
28 ceased being towed and has reentered the water.

1 3. No operator shall knowingly operate any watercraft
2 within fifty yards of a flag required by subsection 2 of this
3 section at a speed in excess of a slow-no wake speed.

4 307.175. 1. Motor vehicles and equipment which are
5 operated by any member of an organized fire department, ambulance
6 association, or rescue squad, whether paid or volunteer, may be
7 operated on streets and highways in this state as an emergency
8 vehicle under the provisions of section 304.022 while responding
9 to a fire call or ambulance call or at the scene of a fire call
10 or ambulance call and while using or sounding a warning siren and
11 using or displaying thereon fixed, flashing or rotating blue
12 lights, but sirens and blue lights shall be used only in bona
13 fide emergencies.

14 2. (1) Notwithstanding subsection 1 of this section, the
15 following vehicles may use or display fixed, flashing, or
16 rotating red or red and blue lights:

17 (a) Emergency vehicles, as defined in section 304.022, when
18 responding to an emergency;

19 (b) Vehicles operated as described in subsection 1 of this
20 section;

21 (c) Vehicles and equipment owned or leased by a contractor
22 or subcontractor performing work for the department of
23 transportation, except that the red or red and blue lights shall
24 be displayed on vehicles or equipment described in this paragraph
25 only between dusk and dawn, when such vehicles or equipment are
26 stationary, such vehicles or equipment are located in a work zone
27 as defined in section 304.580, highway workers as defined in
28 section 304.580 are present, and such work zone is designated by

1 a sign or signs. No more than two vehicles or pieces of
2 equipment in a work zone may display fixed, flashing, or rotating
3 lights under this subdivision.

4 (2) The following vehicles and equipment may use or display
5 fixed, flashing, or rotating amber or amber and white lights:

6 (a) Vehicles and equipment owned or leased by the state
7 highways and transportation commission and operated by an
8 authorized employee of the department of transportation, except
9 that the amber or amber and white lights shall be displayed on
10 vehicles or equipment described in this paragraph only when such
11 vehicles or equipment are located in a work zone as defined in
12 section 304.580, highway workers as defined in section 304.580
13 are present, and such work zone is designated by a sign or signs;

14 (b) Vehicles and equipment owned or leased by a contractor
15 or subcontractor performing work for the department of
16 transportation, except that the amber or amber and white lights
17 shall be displayed on vehicles described in this paragraph only
18 when such vehicles or equipment are [stationary] located in a
19 work zone as defined in section 304.580, highway workers as
20 defined in section 304.580 are present, and such work zone is
21 designated by a sign or signs;

22 (c) Vehicles and equipment operated by a utility worker
23 performing work for the utility, except that the amber or amber
24 and white lights shall be displayed on vehicles described in this
25 paragraph only when such vehicles are stationary, such vehicles
26 or equipment are located in a work zone as defined in section
27 304.580, a utility worker is present, and such work zone is
28 designated by a sign or signs. As used in this paragraph, the

1 term "utility worker" means any employee while in performance of
2 his or her job duties, including any person employed under
3 contract of a utility that provides gas, heat, electricity,
4 water, steam, telecommunications or cable services, or sewer
5 services, whether privately, municipally, or cooperatively owned.

6 3. Permits for the operation of such vehicles equipped with
7 sirens or blue lights shall be in writing and shall be issued and
8 may be revoked by the chief of an organized fire department,
9 organized ambulance association, rescue squad, or the state
10 highways and transportation commission and no person shall use or
11 display a siren or blue lights on a motor vehicle, fire,
12 ambulance, or rescue equipment without a valid permit authorizing
13 the use. A permit to use a siren or lights as heretofore set out
14 does not relieve the operator of the vehicle so equipped with
15 complying with all other traffic laws and regulations. Violation
16 of this section constitutes a class A misdemeanor.

17 414.032. 1. All kerosene, diesel fuel, heating oil,
18 aviation turbine fuel, gasoline, gasoline-alcohol blends and
19 other motor fuels shall meet the requirements in the annual book
20 of ASTM standards and supplements thereto. The director may
21 promulgate rules and regulations on the labeling, standards for,
22 and identity of motor fuels and heating oils.

23 2. The director may inspect gasoline, gasoline-alcohol
24 blends or other motor fuels to insure that these fuels conform to
25 advertised grade and octane. In no event shall the penalty for a
26 first violation of this section exceed a written reprimand.

27 3. The director may waive specific requirements in this
28 section and in regulations promulgated according to this section,

1 or may establish temporary alternative requirements for fuels as
2 determined to be necessary in the event of an extreme and unusual
3 fuel supply circumstance as a result of a petroleum pipeline or
4 petroleum refinery equipment failure, emergency, or a natural
5 disaster as determined by the director for a specified period of
6 time.

7 4. Any waiver issued under subsection 3 of this section
8 shall be as limited in scope and applicability as necessary, and
9 shall apply equally and uniformly to all persons and companies in
10 the impacted petroleum motor fuel supply and distribution system,
11 including but not limited to petroleum producers, terminals,
12 distributors, and retailers.

13 Section B. Because of the need to protect lives on our
14 roads and highways, the repeal and reenactment of section 307.175
15 of this act is deemed necessary for the immediate preservation of
16 the public health, welfare, peace and safety, and is hereby
17 declared to be an emergency act within the meaning of the
18 constitution, and the repeal and reenactment of section 307.175
19 of this act shall be in full force and effect upon its passage
20 and approval.