

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 881
99TH GENERAL ASSEMBLY

5773H.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 21.795, 71.012, 71.015, 226.770, 226.780, 227.240, 301.010, 301.067, 301.074, 301.075, 301.140, 301.145, 302.170, 304.180, 304.190, 307.175, and 307.350, RSMo, and to enact in lieu thereof nineteen new sections relating to transportation, with penalty provisions.

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

Section A. Sections 21.795, 71.012, 71.015, 226.770, 226.780, 227.240, 301.010, 301.067, 301.074, 301.075, 301.140, 301.145, 302.170, 304.180, 304.190, 307.175, and 307.350, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 21.795, 71.012, 71.015, 226.228, 226.770, 226.780, 227.218, 227.240, 301.010, 301.067, 301.074, 301.075, 301.140, 301.145, 302.170, 304.180, 304.190, 307.175, and 307.350, to read as follows:

21.795. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate and minority leader of the senate and the seven house members shall be appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives. The seven senate members shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the senate bears to the total membership of the senate. No major party shall be represented by more than four members from

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 the house of representatives. The ex officio members shall be the state auditor, the director of
13 the oversight division of the committee on legislative research, and the commissioner of the
14 office of administration or the designee of such auditor, director or commissioner. The joint
15 committee shall be chaired jointly by both chairs of the senate and house transportation
16 committees. A majority of the committee shall constitute a quorum, but the concurrence of a
17 majority of the members, other than the ex officio members, shall be required for the
18 determination of any matter within the committee's duties.

19 2. The department of transportation shall submit a written report prior to December
20 thirty-first of each year to the governor and the lieutenant governor. The report shall be posted
21 to the department's internet website so that general assembly members may elect to access a copy
22 of the report electronically. The written report shall contain the following:

23 (1) A comprehensive financial report of all funds for the preceding state fiscal year
24 which shall include a report by independent certified public accountants, selected by the
25 commissioner of the office of administration, attesting that the financial statements present fairly
26 the financial position of the department in conformity with generally accepted government
27 accounting principles [~~This report shall include amounts of:~~

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

32 ~~—— (b) Any other revenues available to the department by source;~~

33 ~~—— (c) Funds appropriated, the amount the department has budgeted and expended for the~~
34 ~~following: contracts, right-of-way purchases, preliminary and construction engineering,~~
35 ~~maintenance operations and administration;~~

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

41 ~~—— (2) A detailed explanation of the methods or criteria employed to select construction~~
42 ~~projects, including a listing of any new or reprioritized projects not mentioned in a previous~~
43 ~~report, and an explanation as to how the new or reprioritized projects meet the selection methods~~
44 ~~or criteria;~~

45 ~~—— (3) The proposed allocation and expenditure of moneys and the proposed work plan for~~
46 ~~the current fiscal year, at least the next four years, and for any period of time expressed in any~~
47 ~~public transportation plan approved by either the general assembly or by the voters of Missouri.~~

48 This proposed allocation and expenditure of moneys shall include the amounts of proposed
49 allocation and expenditure of moneys in each of the categories listed in subdivision (1) of this
50 subsection;

51 ~~—— (4) The amounts which were planned, estimated and expended for projects in the state
52 highway and bridge construction program or any other projects relating to other modes of
53 transportation in the preceding state fiscal year and amounts which have been planned, estimated
54 or expended by project for construction work in progress;~~

55 ~~—— (5) The current status as to completion, by project, of the fifteen-year road and bridge
56 program adopted in 1992. The first written report submitted pursuant to this section shall include
57 the original cost estimate, updated estimate and final completed cost by project. Each written
58 report submitted thereafter shall include the cost estimate at the time the project was placed on
59 the most recent five-year highway and bridge construction plan and the final completed cost by
60 project;~~

61 ~~—— (6) The reasons for cost increases or decreases exceeding five million dollars or ten
62 percent relative to cost estimates and final completed costs for projects in the state highway and
63 bridge construction program or any other projects relating to other modes of transportation
64 completed in the preceding state fiscal year. Cost increases or decreases shall be determined by
65 comparing the cost estimate at the time the project was placed on the most recent five-year
66 highway and bridge construction plan and the final completed cost by project. The reasons shall
67 include the amounts resulting from inflation, department-wide design changes, changes in project
68 scope, federal mandates, or other factors;~~

69 ~~—— (7) Specific recommendations for any statutory or regulatory changes necessary for the
70 efficient and effective operation of the department;~~

71 ~~—— (8) An accounting of the total amount of state, federal and earmarked federal highway
72 funds expended in each district of the department of transportation; and~~

73 ~~—— (9) Any further information specifically requested by the joint committee on
74 transportation oversight.] ;~~

75 **(2) A copy of the department's most current and annual publication titled**
76 **"Citizen's Guide to Transportation Funding in Missouri";**

77 **(3) A copy of the department's most current and annual publication titled**
78 **"Financial Snapshot - An appendix to the Citizen's Guide to Transportation Funding in**
79 **Missouri";**

80 **(4) A copy of the department's most current and annual publication titled**
81 **"MoDOT Results: Accountability. Innovation. Efficiency.".**

82 3. Prior to February fifteenth of each year, the committee shall hold an annual meeting
83 and call before its members, officials or employees of the state highways and transportation

84 commission or department of transportation, as determined by the committee, for the sole
85 purpose of receiving and examining the report required pursuant to subsection 2 of this section.
86 The committee shall not have the power to modify projects or priorities of the state highways and
87 transportation commission or department of transportation. The committee may make
88 recommendations to the state highways and transportation commission or the department of
89 transportation. Disposition of those recommendations shall be reported by the commission or
90 the department to the joint committee on transportation oversight.

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

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

96 (2) Discussion of department efficiencies and expenditure of cost-savings within the
97 department;

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

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

105 5. The committee shall also review all applications for the development of specialty
106 plates submitted to it by the department of revenue. The committee shall approve such
107 application by a majority vote. The committee shall approve any application unless the
108 committee receives:

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

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

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

114 (4) A proposed license plate not meeting the requirements of any reason promulgated
115 by rule.

116

117 The committee shall notify the director of the department of revenue upon approval or denial of
118 an application for the development of a specialty plate.

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

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the
2 governing body of any city, town or village may annex unincorporated areas which are
3 contiguous and compact to the existing corporate limits of the city, town or village pursuant to
4 this section. The term "contiguous and compact" does not include a situation whereby the
5 unincorporated area proposed to be annexed is contiguous to the annexing city, town or village
6 only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in
7 width within the city, town or village so that the boundaries of the city, town or village after
8 annexation would leave unincorporated areas between the annexed area and the prior boundaries
9 of the city, town or village connected only by such railroad line, trail, pipeline or other such strip
10 of real property. **The term "contiguous and compact" shall include a situation whereby the**
11 **unincorporated area proposed to be annexed would be contiguous and compact to the**
12 **existing corporate limits of the city, town, or village but for an intervening roadway or**
13 **railroad right-of-way, regardless of whether any other city, town, or village has annexed**
14 **such roadway or railroad right-of-way or otherwise has an easement in such roadway or**
15 **railroad right-of-way.** The term contiguous and compact does not prohibit voluntary
16 annexations pursuant to this section merely because such voluntary annexation would create an
17 island of unincorporated area within the city, town or village, so long as the owners of the
18 unincorporated island were also given the opportunity to voluntarily annex into the city, town
19 or village. Notwithstanding the provisions of this section, the governing body of any city, town
20 or village in any county of the third classification which borders a county of the fourth
21 classification, a county of the second classification and the Mississippi River may annex areas
22 along a road or highway up to two miles from existing boundaries of the city, town or village or
23 the governing body in any city, town or village in any county of the third classification without
24 a township form of government with a population of at least twenty-four thousand inhabitants
25 but not more than thirty thousand inhabitants and such county contains a state correctional center
26 may voluntarily annex such correctional center pursuant to the provisions of this section if the
27 correctional center is along a road or highway within two miles from the existing boundaries of
28 the city, town or village.

29 2. (1) When a notarized petition, requesting annexation and signed by the owners of all
30 fee interests of record in all tracts of real property located within the area proposed to be
31 annexed, or a request for annexation signed under the authority of the governing body of any
32 common interest community and approved by a majority vote of unit owners located within the
33 area proposed to be annexed is presented to the governing body of the city, town or village, the
34 governing body shall hold a public hearing concerning the matter not less than fourteen nor more

35 than sixty days after the petition is received, and the hearing shall be held not less than seven
36 days after notice of the hearing is published in a newspaper of general circulation qualified to
37 publish legal matters and located within the boundary of the petitioned city, town or village. If
38 no such newspaper exists within the boundary of such city, town or village, then the notice shall
39 be published in the qualified newspaper nearest the petitioned city, town or village. For the
40 purposes of this subdivision, the term "common-interest community" shall mean a condominium
41 as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned
42 community.

43 (a) A "common-interest community" shall be defined as real property with respect to
44 which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property
45 taxes, insurance premiums, maintenance or improvement of other real property described in a
46 declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years
47 in a unit, including renewal options;

48 (b) A "cooperative" shall be defined as a common-interest community in which the real
49 property is owned by an association, each of whose members is entitled by virtue of such
50 member's ownership interest in the association to exclusive possession of a unit;

51 (c) A "planned community" shall be defined as a common-interest community that is not
52 a condominium or a cooperative. A condominium or cooperative may be part of a planned
53 community.

54 (2) At the public hearing any interested person, corporation or political subdivision may
55 present evidence regarding the proposed annexation. If, after holding the hearing, the governing
56 body of the city, town or village determines that the annexation is reasonable and necessary to
57 the proper development of the city, town or village, and the city, town or village has the ability
58 to furnish normal municipal services to the area to be annexed within a reasonable time, it may,
59 subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance
60 without further action.

61 (3) If a written objection to the proposed annexation is filed with the governing body of
62 the city, town or village not later than fourteen days after the public hearing by at least five
63 percent of the qualified voters of the city, town or village, or two qualified voters of the area
64 sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015
65 and 71.860 to 71.920, shall be followed.

66 3. If no objection is filed, the city, town or village shall extend its limits by ordinance
67 to include such territory, specifying with accuracy the new boundary lines to which the city's,
68 town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city,
69 town or village shall cause three certified copies of the same to be filed with the county assessor
70 and the clerk of the county wherein the city, town or village is located, and one certified copy to

71 be filed with the election authority, if different from the clerk of the county which has
72 jurisdiction over the area being annexed, whereupon the annexation shall be complete and final
73 and thereafter all courts of this state shall take judicial notice of the limits of that city, town or
74 village as so extended.

75 4. That a petition requesting annexation is not or was not verified or notarized shall not
76 affect the validity of an annexation heretofore or hereafter undertaken in accordance with this
77 section.

78 5. Any action of any kind seeking to deannex from any city, town, or village any area
79 annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise
80 challenge such annexation or oust such city, town, or village from jurisdiction over such annexed
81 area shall be brought within five years of the date of adoption of the annexation ordinance.

71.015. 1. Should any city, town, or village, not located in any county of the first
2 classification which has adopted a constitutional charter for its own local government, seek to
3 annex an area to which objection is made, the following shall be satisfied:

4 (1) Before the governing body of any city, town, or village has adopted a resolution to
5 annex any unincorporated area of land, such city, town, or village shall first as a condition
6 precedent determine that:

7 (a) The land to be annexed is contiguous to the existing city, town, or village limits and
8 that the length of the contiguous boundary common to the existing city, town, or village limit and
9 the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the
10 area proposed for annexation; or

11 (b) **The land to be annexed would be contiguous and compact to the existing city,**
12 **town, or village limits but for an intervening roadway or railroad right-of-way, and the**
13 **shared border of the land to be annexed and existing city, town, or village composes at least**
14 **fifteen percent of the total perimeter of the land to be annexed. For purposes of calculating**
15 **the length of such border under this paragraph, the border between the land to be annexed**
16 **and the existing city, town, or village shall be deemed to be:**

17 a. **If an intervening roadway, the centerline; or**

18 b. **If a railroad right-of-way, the midpoint between the outermost rails if there are**
19 **rails or the best estimate of the middle of the right-of-way if there are no rails.**

20 (2) The governing body of any city, town, or village shall propose an ordinance setting
21 forth the following:

22 (a) The area to be annexed and affirmatively stating that the boundaries comply with the
23 condition precedent referred to in subdivision (1) above;

24 (b) That such annexation is reasonable and necessary to the proper development of the
25 city, town, or village;

26 (c) That the city has developed a plan of intent to provide services to the area proposed
27 for annexation;

28 (d) That a public hearing shall be held prior to the adoption of the ordinance;

29 (e) When the annexation is proposed to be effective, the effective date being up to
30 thirty-six months from the date of any election held in conjunction thereto.

31 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and
32 make a good faith effort to notify all fee owners of record within the area proposed to be annexed
33 by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all
34 residents of the area by publication of notice in a newspaper of general circulation qualified to
35 publish legal matters in the county or counties where the proposed area is located, at least once
36 a week for three consecutive weeks prior to the hearing, with at least one such notice being not
37 more than twenty days and not less than ten days before the hearing.

38 (4) At the hearing referred to in subdivision (3), the city, town, or village shall present
39 the plan of intent and evidence in support thereof to include:

40 (a) A list of major services presently provided by the city, town, or village including, but
41 not limited to, police and fire protection, water and sewer systems, street maintenance, parks and
42 recreation, and refuse collection;

43 (b) A proposed time schedule whereby the city, town, or village plans to provide such
44 services to the residents of the proposed area to be annexed within three years from the date the
45 annexation is to become effective;

46 (c) The level at which the city, town, or village assesses property and the rate at which
47 it taxes that property;

48 (d) How the city, town, or village proposes to zone the area to be annexed;

49 (e) When the proposed annexation shall become effective.

50 (5) Following the hearing, and either before or after the election held in subdivision (6)
51 of this subsection, should the governing body of the city, town, or village vote favorably by
52 ordinance to annex the area, the governing body of the city, town or village shall file an action
53 in the circuit court of the county in which such unincorporated area is situated, under the
54 provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The
55 petition in such action shall state facts showing:

56 (a) The area to be annexed and its conformity with the condition precedent referred to
57 in subdivision (1) of this subsection;

58 (b) That such annexation is reasonable and necessary to the proper development of the
59 city, town, or village; and

60 (c) The ability of the city, town, or village to furnish normal municipal services of the
61 city, town, or village to the unincorporated area within a reasonable time not to exceed three

62 years after the annexation is to become effective. Such action shall be a class action against the
63 inhabitants of such unincorporated area under the provisions of section 507.070.

64 (6) Except as provided in subsection 3 of this section, if the court authorizes the city,
65 town, or village to make an annexation, the legislative body of such city, town, or village shall
66 not have the power to extend the limits of the city, town, or village by such annexation until an
67 election is held at which the proposition for annexation is approved by a majority of the total
68 votes cast in the city, town, or village and by a separate majority of the total votes cast in the
69 unincorporated territory sought to be annexed. However, should less than a majority of the total
70 votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority
71 of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal
72 shall again be voted upon in not more than one hundred twenty days by both the registered voters
73 of the city, town, or village and the registered voters of the area proposed to be annexed. If at
74 least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the
75 city, town, or village may proceed to annex the territory. If the proposal fails to receive the
76 necessary majority, no part of the area sought to be annexed may be the subject of another
77 proposal to annex for a period of two years from the date of the election, except that, during the
78 two-year period, the owners of all fee interests of record in the area or any portion of the area
79 may petition the city, town, or village for the annexation of the land owned by them pursuant to
80 the procedures in section 71.012. The elections shall if authorized be held, except as herein
81 otherwise provided, in accordance with the general state law governing special elections, and the
82 entire cost of the election or elections shall be paid by the city, town, or village proposing to
83 annex the territory.

84 (7) Failure to comply in providing services to the said area or to zone in compliance with
85 the plan of intent within three years after the effective date of the annexation, unless compliance
86 is made unreasonable by an act of God, shall give rise to a cause of action for deannexation
87 which may be filed in the circuit court by any resident of the area who was residing in the area
88 at the time the annexation became effective.

89 (8) No city, town, or village which has filed an action under this section as this section
90 read prior to May 13, 1980, which action is part of an annexation proceeding pending on May
91 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such
92 annexation proceeding.

93 (9) If the area proposed for annexation includes a public road or highway but does not
94 include all of the land adjoining such road or highway, then such fee owners of record, of the
95 lands adjoining said highway shall be permitted to intervene in the declaratory judgment action
96 described in subdivision (5) of this subsection.

97 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by
98 any city with a population of three hundred fifty thousand or more inhabitants which is located
99 in more than one county that becomes effective after August 28, 1994, if such city has not
100 provided water and sewer service to such annexed area within three years of the effective date
101 of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such
102 water and sewer service to the annexed area is made unreasonable by an act of God. The cause
103 of action for deannexation may be filed in the circuit court by any resident of the annexed area
104 who is presently residing in the area at the time of the filing of the suit and was a resident of the
105 annexed area at the time the annexation became effective. If the suit for deannexation is
106 successful, the city shall be liable for all court costs and attorney fees.

107 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all
108 cities, towns, and villages located in any county of the first classification with a charter form of
109 government with a population of two hundred thousand or more inhabitants which adjoins a
110 county with a population of nine hundred thousand or more inhabitants shall comply with the
111 provisions of this subsection. If the court authorizes any city, town, or village subject to this
112 subsection to make an annexation, the legislative body of such city, town or village shall not
113 have the power to extend the limits of such city, town, or village by such annexation until an
114 election is held at which the proposition for annexation is approved by a majority of the total
115 votes cast in such city, town, or village and by a separate majority of the total votes cast in the
116 unincorporated territory sought to be annexed; except that:

117 (1) In the case of a proposed annexation in any area which is contiguous to the existing
118 city, town or village and which is within an area designated as flood plain by the Federal
119 Emergency Management Agency and which is inhabited by no more than thirty registered voters
120 and for which a final declaratory judgment has been granted prior to January 1, 1993, approving
121 such annexation and where notarized affidavits expressing approval of the proposed annexation
122 are obtained from a majority of the registered voters residing in the area to be annexed, the area
123 may be annexed by an ordinance duly enacted by the governing body and no elections shall be
124 required; and

125 (2) In the case of a proposed annexation of unincorporated territory in which no qualified
126 electors reside, if at least a majority of the qualified electors voting on the proposition are in
127 favor of the annexation, the city, town or village may proceed to annex the territory and no
128 subsequent election shall be required.

129

130 If the proposal fails to receive the necessary separate majorities, no part of the area sought to be
131 annexed may be the subject of any other proposal to annex for a period of two years from the
132 date of such election, except that, during the two-year period, the owners of all fee interests of

133 record in the area or any portion of the area may petition the city, town, or village for the
134 annexation of the land owned by them pursuant to the procedures in section 71.012 or 71.014.
135 The election shall, if authorized, be held, except as otherwise provided in this section, in
136 accordance with the general state laws governing special elections, and the entire cost of the
137 election or elections shall be paid by the city, town, or village proposing to annex the territory.
138 Failure of the city, town or village to comply in providing services to the area or to zone in
139 compliance with the plan of intent within three years after the effective date of the annexation,
140 unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for
141 deannexation which may be filed in the circuit court not later than four years after the effective
142 date of the annexation by any resident of the area who was residing in such area at the time the
143 annexation became effective or by any nonresident owner of real property in such area.

144 4. Except for a cause of action for deannexation under subdivision (2) of subsection 3
145 of this section, any action of any kind seeking to deannex from any city, town, or village any area
146 annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise
147 challenge such annexation or oust such city, town, or village from jurisdiction over such annexed
148 area shall be brought within five years of the date of the adoption of the annexation ordinance.

**226.228. 1. There is hereby created in the state treasury the "Emergency Bridge
2 Repair and Replacement Fund", which shall consist of moneys appropriated from general
3 revenue to the department of transportation or received from other eligible funds. The
4 moneys in the fund shall only be used for accelerated replacements of, or to make
5 immediate repairs to, bridges constructed or maintained at the cost of the state that are
6 located on state or interstate highways and are in critical disrepair. Upon appropriation,
7 the director of the department of transportation shall administer the fund. The state
8 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,
9 the state treasurer may approve disbursements. The fund shall be a dedicated fund, and,
10 upon appropriation, moneys in the fund shall be used solely for the administration of this
11 section.**

12 **2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
13 remaining in the fund at the end of the biennium shall not revert to the credit of the
14 general revenue fund.**

15 **3. The state treasurer shall invest moneys in the fund in the same manner as other
16 funds are invested. Any interest and moneys earned on such investments shall be credited
17 to the fund.**

226.770. The state highways and transportation commission is authorized to enter into
2 any necessary agreements~~[, not involving any state funds,]~~ with the Secretary of Commerce or

3 other public agency necessary to obtaining of available funds for the purposes described in Title
4 23, Sections 136 and 319, of the United States Code, as revised in 1965.

226.780. For the purposes set out in [~~sections 226.750 to~~] **section 226.790**, no state
2 funds shall be expended and all expenditures under such sections shall be limited to funds
3 granted to the state by the federal government for such purposes.

**227.218. 1. The highways and transportation commission may issue a request for
2 proposals to sell or lease naming rights for a particular segment of highway or for a bridge
3 to the best qualified bidder. All contracts for the sale or lease of naming rights shall be
4 first approved by the highways and transportation commission and then approved by the
5 joint committee on transportation. The highways and transportation commission and the
6 joint committee on transportation may disapprove a contract for any reason. The proceeds
7 of a sale or lease of naming rights shall be deposited into the state road fund.**

8 **2. The purchaser or lessee of a naming right shall pay the cost of erecting,
9 maintaining, and removing signage as well as an annual fee as determined by the proposal.**

10 **3. The term of contract for naming rights shall not exceed ten years and may be
11 shorter at the discretion of the highways and transportation commission. The purchaser
12 or lessee of a naming right shall have an option of early termination.**

13 **4. No naming rights shall be sold or leased for any segment of roadway or bridge
14 that has been designated prior to August 28, 2018, as a named memorial highway or bridge
15 under this chapter or through the joint committee on transportation approval process
16 established under section 227.297.**

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

26 **6. The provisions of this section shall expire on December 31, 2038.**

227.240. 1. The location and removal of all telephone, cable television, and electric light
2 and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected
3 or constructed, or hereafter to be erected or constructed by any corporation, municipality, public
4 water supply district, sewer district, association or persons, within the right-of-way of any state
5 highway, insofar as the public travel and traffic is concerned, and insofar as the same may

6 interfere with the construction or maintenance of any such highway, shall be under the control
7 and supervision of the state highways and transportation commission.

8 2. A cable television corporation or company shall be permitted to place its lines within
9 the right-of-way of any state highway, consistent with the rules and regulations of the state
10 highways and transportation commission. The state highways and transportation commission
11 shall establish a system for receiving and resolving complaints with respect to cable television
12 lines placed in, or removed from, the right-of-way of a state highway.

13 3. **The department of transportation may establish a utility corridor for the**
14 **placement of utility facilities on the right-of-way of highways in the state highway system.**
15 **Such utility corridor shall be up to twelve feet in width and placed within the existing**
16 **right-of-way when space is reasonably available, with the location of the utility corridor**
17 **to be determined by the state highways and transportation commission. The commission**
18 **shall promulgate rules setting forth a standardized statewide system for requesting and**
19 **issuing variances to requirements set forth in this section.**

20 4. The commission or some officer selected by the commission shall serve a written
21 notice upon the entity, person or corporation owning or maintaining any such lines, poles, wires,
22 conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places
23 on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be
24 maintained. The notice shall also state the time when the work of hard surfacing said roads is
25 proposed to commence, and shall further state that a hearing shall be had upon the proposed plan
26 of location and matters incidental thereto, giving the place and date of such hearing.
27 Immediately after such hearing the said owner shall be given a notice of the findings and orders
28 of the commission and shall be given a reasonable time thereafter to comply therewith; provided,
29 however, that the effect of any change ordered by the commission shall not be to remove all or
30 any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the
31 highway. The removal of the same shall be made at the cost and expense of the owners thereof
32 unless otherwise provided by said commission, and in the event of the failure of such owners to
33 remove the same at the time so determined they may be removed by the state highways and
34 transportation commission, or under its direction, and the cost thereof collected from such
35 owners, and such owners shall not be liable in any way to any person for the placing and
36 maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed
37 by the commission.

38 ~~4.~~ 5. The commission is authorized in the name of the state of Missouri to institute and
39 maintain, through the attorney general, such suits and actions as may be necessary to enforce the
40 provisions of this section. Any corporation, association or the officers or agents of such
41 corporations or associations, or any other person who shall erect or maintain any such lines,

42 poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are
43 hard-surfaced, which are not in accordance with such orders of the commission, shall be deemed
44 guilty of a misdemeanor.

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

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

6 (2) "Automobile transporter", any vehicle combination capable of carrying cargo on the
7 power unit and designed and used for the transport of assembled motor vehicles, including truck
8 camper units;

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

12 (4) "Backhaul", the return trip of a vehicle transporting cargo or general freight,
13 especially when carrying goods back over all or part of the same route;

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

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

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

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

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

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

29 (11) "Director" or "director of revenue", the director of the department of revenue;

30 (12) "Driveaway operation":

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

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

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

43 (13) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
44 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
45 equipped with a dromedary may carry part of a load when operating independently or in a
46 combination with a semitrailer;

47 (14) "Farm tractor", a tractor used exclusively for agricultural purposes;

48 (15) "Fleet", any group of ten or more motor vehicles owned by the same owner;

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

50 (17) "Fullmount", a vehicle mounted completely on the frame of either the first or last
51 vehicle in a saddlemount combination;

52 (18) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
53 the weight of any load thereon;

54 (19) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
55 result of the impact of hail;

56 (20) "Highway", any public thoroughfare for vehicles, including state roads, county
57 roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

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

60 (22) "Intersecting highway", any highway which joins another, whether or not it crosses
61 the same;

62 (23) "Junk vehicle", a vehicle which:

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

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

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

70 (25) “Land improvement contractors’ commercial motor vehicle”, any not-for-hire
71 commercial motor vehicle the operation of which is confined to:

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

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

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

81 (26) “Local commercial motor vehicle”, a commercial motor vehicle whose operations
82 are confined to a municipality and that area extending not more than fifty miles therefrom, or a
83 commercial motor vehicle whose property-carrying operations are confined solely to the
84 transportation of property owned by any person who is the owner or operator of such vehicle to
85 or from a farm owned by such person or under the person’s control by virtue of a landlord and
86 tenant lease; provided that any such property transported to any such farm is for use in the
87 operation of such farm;

88 (27) “Local log truck”, a commercial motor vehicle which is registered pursuant to this
89 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
90 state, used to transport harvested forest products, operated solely at a forested site and in an area
91 extending not more than a one hundred mile radius from such site, carries a load with dimensions
92 not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on
93 the national system of interstate and defense highways described in 23 U.S.C. Section 103, as
94 amended, or outside the one hundred mile radius from such site with an extended distance local
95 log truck permit, such vehicle shall not exceed the weight limits of section 304.180, does not
96 have more than four axles, and does not pull a trailer which has more than ~~two~~ **three** axles.
97 Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting,
98 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local
99 log truck. A local log truck may not exceed the limits required by law, however, if the truck does
100 exceed such limits as determined by the inspecting officer, then notwithstanding any other
101 provisions of law to the contrary, such truck shall be subject to the weight limits required by such
102 sections as licensed for eighty thousand pounds;

103 (28) “Local log truck tractor”, a commercial motor vehicle which is registered under this
104 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
105 state, used to transport harvested forest products, operated at a forested site and in an area

106 extending not more than a one hundred mile radius from such site, operates with a weight not
107 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
108 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
109 system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or
110 outside the one hundred mile radius from such site with an extended distance local log truck
111 permit, such vehicle does not exceed the weight limits contained in section 304.180, and does
112 not have more than three axles and does not pull a trailer which has more than ~~two~~ three axles.
113 Violations of axle weight limitations shall be subject to the load limit penalty as described for
114 in sections 304.180 to 304.220;

115 (29) "Local transit bus", a bus whose operations are confined wholly within a municipal
116 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
117 section 390.020, adjacent thereto, forming a part of a public transportation system within such
118 municipal corporation and such municipal corporation and adjacent commercial zone;

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

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

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

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

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

133 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
134 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
135 twelve thousand pounds:

136 (a) Offered for hire or lease; or

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

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

139 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
140 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which

141 produces less than three gross brake horsepower, and is capable of propelling the device at a
142 maximum speed of not more than thirty miles per hour on level ground;

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

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

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

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

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

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

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

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

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

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

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

175 (49) **"Recreational trailer", any trailer designed, constructed, or substantially**
176 **modified so that it may be used and is used for the purposes of temporary housing**

177 **quarters, including therein sleeping or eating facilities, which can be temporarily attached**
178 **to a motor vehicle or attached to a unit which is securely attached to a motor vehicle;**

179 **(50)** “Rollback or car carrier”, any vehicle specifically designed to transport wrecked,
180 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
181 wrecker or towing service;

182 ~~[(50)]~~ **(51)** “Saddlemount combination”, a combination of vehicles in which a truck or
183 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame
184 or fifth wheel of the vehicle in front of it. The “saddle” is a mechanism that connects the front
185 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a
186 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination
187 is called a “double saddlemount combination”. When three vehicles are towed in this manner,
188 the combination is called a “triple saddlemount combination”;

189 ~~[(51)]~~ **(52)** “Salvage dealer and dismantler”, a business that dismantles used motor
190 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
191 accessories;

192 ~~[(52)]~~ **(53)** “Salvage vehicle”, a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

204 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157
205 and designated with the words “salvage/abandoned property”. The total cost of repairs to rebuild
206 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling
207 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on
208 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, “fair
209 market value” means the retail value of a motor vehicle as:

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

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

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

218 ~~[(53)]~~ **(54)** “School bus”, any motor vehicle used solely to transport students to or from
219 school or to transport students to or from any place for educational purposes;

220 ~~[(54)]~~ **(55)** “Scrap processor”, a business that, through the use of fixed or mobile
221 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing
222 or transportation to a shredder or scrap metal operator for recycling;

223 ~~[(55)]~~ **(56)** “Shuttle bus”, a motor vehicle used or maintained by any person, firm, or
224 corporation as an incidental service to transport patrons or customers of the regular business of
225 such person, firm, or corporation to and from the place of business of the person, firm, or
226 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
227 buses or as commercial motor vehicles;

228 ~~[(56)]~~ **(57)** “Special mobile equipment”, every self-propelled vehicle not designed or
229 used primarily for the transportation of persons or property and incidentally operated or moved
230 over the highways, including farm equipment, implements of husbandry, road construction or
231 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
232 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
233 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
234 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
235 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
236 shall not operate to exclude other such vehicles which are within the general terms of this
237 section;

238 ~~[(57)]~~ **(58)** “Specially constructed motor vehicle”, a motor vehicle which shall not have
239 been originally constructed under a distinctive name, make, model or type by a manufacturer of
240 motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

241 ~~[(58)]~~ **(59)** “Stinger-steered combination”, a truck tractor-semitrailer wherein the fifth
242 wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

243 ~~[(59)]~~ **(60)** “Tandem axle”, a group of two or more axles, arranged one behind another,
244 the distance between the extremes of which is more than forty inches and not more than ninety-
245 six inches apart;

246 ~~[(60)]~~ **(61)** “Towaway trailer transporter combination”, a combination of vehicles
247 consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight
248 that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry

249 no property and constitute inventory property of a manufacturer, distributor, or dealer of such
250 trailers or semitrailers;

251 ~~[(61)]~~ **(62)** “Tractor”, “truck tractor” or “truck-tractor”, a self-propelled motor vehicle
252 designed for drawing other vehicles, but not for the carriage of any load when operating
253 independently. When attached to a semitrailer, it supports a part of the weight thereof;

254 ~~[(62)]~~ **(63)** “Trailer”, any vehicle without motive power designed for carrying property
255 or passengers on its own structure and for being drawn by a self-propelled vehicle, except those
256 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
257 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
258 rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers
259 as defined in this section and shall not include manufactured homes as defined in section
260 700.010;

261 ~~[(63)]~~ **(64)** “Trailer transporter towing unit”, a power unit that is not used to carry
262 property when operating in a towaway trailer transporter combination;

263 ~~[(64)]~~ **(65)** “Truck”, a motor vehicle designed, used, or maintained for the transportation
264 of property;

265 ~~[(65)]~~ **(66)** “Truck-tractor semitrailer-semitrailer”, a combination vehicle in which the
266 two trailing units are connected with a B-train assembly which is a rigid frame extension
267 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point
268 for the second semitrailer and has one less articulation point than the conventional A-dolly
269 connected truck-tractor semitrailer-trailer combination;

270 ~~[(66)]~~ **(67)** “Truck-trailer boat transporter combination”, a boat transporter combination
271 consisting of a straight truck towing a trailer using typically a ball and socket connection with
272 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
273 trailer but so as to maintain a downward force on the trailer tongue;

274 ~~[(67)]~~ **(68)** “Used parts dealer”, a business that buys and sells used motor vehicle parts
275 or accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
276 Business does not include isolated sales at a swap meet of less than three days;

277 ~~[(68)]~~ **(69)** “Utility vehicle”, any motorized vehicle manufactured and used exclusively
278 for off-highway use which is more than fifty inches but no more than sixty-seven inches in width,
279 with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to
280 be used primarily for landscaping, lawn care, or maintenance purposes;

281 ~~[(69)]~~ **(70)** “Vanpool”, any van or other motor vehicle used or maintained by any person,
282 group, firm, corporation, association, city, county or state agency, or any member thereof, for the
283 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
284 and from their place of employment; however, a vanpool shall not be included in the definition

285 of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver
286 be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool
287 vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an
288 unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-
289 sharing arrangement;

290 ~~[(70)]~~ (71) "Vehicle", any mechanical device on wheels, designed primarily for use, or
291 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human
292 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
293 wheelchairs operated by handicapped persons;

294 ~~[(71)]~~ (72) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,
295 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from
296 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing
297 a replacement vehicle to replace a disabled or wrecked vehicle;

298 ~~[(72)]~~ (73) "Wrecker or towing service", the act of transporting, towing or recovering
299 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the
300 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives
301 compensation or other personal gain.

301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of seven
2 dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used
3 in combination with tractors operated under the supervision of the highways and transportation
4 commission of the department of transportation. The fees for tractors used in any combination
5 with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying
6 trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the
7 combination with load.

8 2. Any trailer or semitrailer may at the option of the registrant be registered for a period
9 of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

10 3. Any trailer as defined in section 301.010 or semitrailer may, at the option of the
11 registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars
12 and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the
13 registration fee paid is nontransferable and nonrefundable, except those covered under the
14 provisions of section 301.442.

15 **4. Beginning August 28, 2018, the annual registration fees imposed under this**
16 **section or section 301.030 for recreational trailers, as defined under section 301.010, shall**
17 **be payable in the month of May each year. Any fee that would have been due in December,**
18 **2018, shall be deferred until May, 2019.**

301.074. License plates issued under sections 301.071 to 301.075 shall be valid for the
2 duration of the veteran's disability. Each such applicant issued license plates under these
3 provisions shall annually furnish proof of vehicle inspection and proof of disability to the
4 director, except that an applicant whose service connected disability qualifying him for special
5 license plates consists in whole or in part of loss of an eye or a limb or an applicant with a one
6 hundred percent permanent disability, as established by a physician's signed statement to that
7 effect, need only furnish proof of disability to the director when initially applying for the special
8 license plates and not thereafter, but in such case proof that the veteran is alive shall be required
9 annually. ~~[Each person qualifying under sections 301.071 to 301.075 may license only one~~
10 ~~motor vehicle under these provisions.]~~ No commercial motor vehicle in excess of twenty-four
11 thousand pounds gross weight may be licensed under the provisions of sections 301.071 to
12 301.075.

301.075. There shall be no fee charged for **one set of** license plates issued **to an eligible**
2 **person** under the provisions of ~~[this]~~ **sections 301.071 to 301.075. A second or subsequent set**
3 **of license plates issued to the eligible person under these sections shall be subject to regular**
4 **registration fees and the fee required for personalized license plates under section 301.144.**

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate
2 of registration and the right to use the number plates shall expire and the number plates shall be
3 removed by the owner at the time of the transfer of possession, and it shall be unlawful for any
4 person other than the person to whom such number plates were originally issued to have the
5 same in his or her possession whether in use or not, unless such possession is solely for
6 charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor
7 vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the
8 newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred
9 plates shall be lawful for no more than thirty days, or no more than ninety days if the dealer is
10 selling the motor vehicle under the provisions of section 301.213. As used in this subsection,
11 the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold
12 by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-
13 in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor
15 vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle
16 is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)
17 seating capacity, not in excess of that originally registered. When such motor vehicle is of
18 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
19 vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee
20 of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less

21 horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating
22 capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

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

34 4. The director of the department of revenue shall have authority to produce or allow
35 others to produce a weather resistant, nontearing temporary permit authorizing the operation of
36 a motor vehicle or trailer by a buyer for not more than thirty days, or no more than ninety days
37 if issued by a dealer selling the motor vehicle under the provisions of section 301.213, from the
38 date of purchase. The temporary permit authorized under this section may be purchased by the
39 purchaser of a motor vehicle or trailer from the central office of the department of revenue or
40 from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle
41 or trailer for which the buyer has no registration plate available for transfer and upon proof of
42 financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or
43 trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle
44 dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is
45 awaiting receipt of registration plates. The director of the department of revenue or a producer
46 authorized by the director of the department of revenue may make temporary permits available
47 to registered dealers in this state, authorized agents of the department of revenue or the
48 department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the
49 department of revenue or the department of revenue for a temporary permit shall not exceed five
50 dollars for each permit. The director of the department of revenue shall direct motor vehicle
51 dealers and authorized agents to obtain temporary permits from an authorized producer.
52 Amounts received by the director of the department of revenue for temporary permits shall
53 constitute state revenue; however, amounts received by an authorized producer other than the
54 director of the department of revenue shall not constitute state revenue and any amounts received
55 by motor vehicle dealers or authorized agents for temporary permits purchased from a producer
56 other than the director of the department of revenue shall not constitute state revenue. In no

57 event shall revenues from the general revenue fund or any other state fund be utilized to
58 compensate motor vehicle dealers or other producers for their role in producing temporary
59 permits as authorized under this section. Amounts that do not constitute state revenue under this
60 section shall also not constitute fees for registration or certificates of title to be collected by the
61 director of the department of revenue under section 301.190. No motor vehicle dealer,
62 authorized agent or the department of revenue shall charge more than five dollars for each permit
63 issued. The permit shall be valid for a period of thirty days, or no more than ninety days if issued
64 by a dealer selling the motor vehicle under the provisions of section 301.213, from the date of
65 purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by
66 a motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall
67 be issued for a vehicle under this section unless the buyer shows proof of financial responsibility.
68 Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle
69 in a manner and place on the motor vehicle consistent with registration plates so that all parts and
70 qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and
71 are not impaired in any way.

72 5. The permit shall be issued on a form prescribed by the director of the department of
73 revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer
74 purchased to enable the applicant to temporarily operate the motor vehicle while proper title and
75 registration plates are being obtained, or while awaiting receipt of registration plates, and shall
76 be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall
77 not be transferable or renewable, ~~and~~ shall not be valid upon issuance of proper registration
78 plates for the motor vehicle or trailer, **and shall be returned to the department or to the**
79 **department's agent upon the issuance of such proper registration plates. Any temporary**
80 **permit returned to the department or to the department's agent shall be immediately**
81 **destroyed. The provisions of this subsection shall not apply to temporary permits issued**
82 **for commercial motor vehicles licensed in excess of twenty-four thousand pounds gross**
83 **weight.** The director of the department of revenue shall determine the size, material, design,
84 numbering configuration, construction, and color of the permit. The director of the department
85 of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use
86 of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper
87 title and registration are being obtained.

88 6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection
89 by proper officers, an accurate record of each permit issued by recording the permit number, the
90 motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and
91 manufacturer's vehicle identification number, and the permit's date of issuance and expiration
92 date. Upon the issuance of a temporary permit by either the central office of the department of

93 revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director
94 of the department of revenue shall make the information associated with the issued temporary
95 permit immediately available to the law enforcement community of the state of Missouri.

96 7. Upon the transfer of ownership of any currently registered motor vehicle wherein the
97 owner cannot transfer the license plates due to a change of motor vehicle category, the owner
98 may surrender the license plates issued to the motor vehicle and receive credit for any unused
99 portion of the original registration fee against the registration fee of another motor vehicle. Such
100 credit shall be granted based upon the date the license plates are surrendered. No refunds shall
101 be made on the unused portion of any license plates surrendered for such credit.

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

103 9. An additional temporary license plate produced in a manner and of materials
104 determined by the director to be the most cost-effective means of production with a configuration
105 that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be
106 placed in the interior of the vehicle's rear window such that the driver's view out of the rear
107 window is not obstructed and the plate configuration is clearly visible from the outside of the
108 vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the
109 actual plate. Such temporary plate is only authorized for use when the matching actual plate is
110 affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee
111 charged for the temporary plate shall be equal to the fee charged for a temporary permit issued
112 under subsection 4 of this section. Replacement temporary plates authorized in this subsection
113 may be issued as needed upon the payment of a fee equal to the fee charged for a temporary
114 permit under subsection 4 of this section. The newly produced third plate may only be used on
115 the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a
116 third plate and only used for the purpose specified in this subsection.

117 10. Notwithstanding the provisions of section 301.217, the director may issue a
118 temporary permit to an individual who possesses a salvage motor vehicle which requires an
119 inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for
120 which the permit has been issued shall be limited to the most direct route from the residence,
121 maintenance, or storage facility of the individual in possession of such motor vehicle to the
122 nearest authorized inspection facility and return to the originating location. Notwithstanding any
123 other requirements for the issuance of a temporary permit under this section, an individual
124 obtaining a temporary permit for the purpose of operating a motor vehicle to and from an
125 examination facility as prescribed in this subsection shall also purchase the required motor
126 vehicle examination form which is required to be completed for an examination under subsection
127 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor
128 vehicle safety inspection for such vehicle as required in section 307.350.

129 11. The director of the department of revenue may promulgate all necessary rules and
130 regulations for the administration of this section. Any rule or portion of a rule, as that term is
131 defined in section 536.010, that is created under the authority delegated in this section shall
132 become effective only if it complies with and is subject to all of the provisions of chapter 536
133 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
134 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
135 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
136 grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be
137 invalid and void.

138 12. The repeal and reenactment of this section shall become effective on the date the
139 department of revenue or a producer authorized by the director of the department of revenue
140 begins producing temporary permits described in subsection 4 of such section, or on July 1,
141 2013, whichever occurs first. If the director of revenue or a producer authorized by the director
142 of the department of revenue begins producing temporary permits prior to July 1, 2013, the
143 director of the department of revenue shall notify the revisor of statutes of such fact.

 301.145. Any person who has been awarded the Congressional Medal of Honor may
2 apply for special motor vehicle license plates for any vehicle he or she owns, either solely or
3 jointly, other than commercial vehicles weighing over twenty-four thousand pounds, as provided
4 in this section. Any such person shall make application for the special license plates on a form
5 provided by the director of revenue and furnish such proof of receipt of the Congressional Medal
6 of Honor as the director may require. The director shall then issue license plates bearing the
7 words "CONGRESSIONAL MEDAL OF HONOR" in a ~~[form]~~ **manner** prescribed by the
8 ~~[advisory committee established in section 301.129, except that]~~ **director of revenue**. Such
9 license plates shall be made with fully reflective material with a common color scheme and
10 design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by
11 section 301.130. There shall be no limit on the number of license plates any person qualified
12 under this section may obtain so long as each set of license plates issued under this section is
13 issued for vehicles owned solely or jointly by such person. License plates issued under this
14 section shall not be transferable to any other person except that any registered co-owner of the
15 motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of
16 the death of the qualified person. **There shall be no fee charged in addition to regular**
17 **registration fees for license plates issued under this section.**

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

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

3 (a) Facial feature pattern characteristics;

- 4 (b) Voice data used for comparing live speech with a previously created speech model
5 of a person's voice;
- 6 (c) Iris recognition data containing color or texture patterns or codes;
- 7 (d) Retinal scans, reading through the pupil to measure blood vessels lining the retina;
- 8 (e) Fingerprint, palm prints, hand geometry, measure of any and all characteristics of
9 biometric information, including shape and length of fingertips, or recording ridge pattern or
10 fingertip characteristics;
- 11 (f) Eye spacing;
- 12 (g) Characteristic gait or walk;
- 13 (h) DNA;
- 14 (i) Keystroke dynamic, measuring pressure applied to key pads or other digital receiving
15 devices;
- 16 (2) "Commercial purposes", shall not include data used or compiled solely to be used
17 for, or obtained or compiled solely for purposes expressly allowed under Missouri law or the
18 federal Drivers Privacy Protection Act;
- 19 (3) "Source documents", original or certified copies, where applicable, of documents
20 presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply
21 for a driver's license or nondriver's license. Source documents shall also include any documents
22 required for the issuance of driver's licenses or nondriver's licenses by the department of revenue
23 under the provisions of this chapter or accompanying regulations.
- 24 2. Except as provided in subsection 3 of this section and as required to carry out the
25 provisions of subsection 4 of this section, the department of revenue shall not retain copies, in
26 any format, of source documents presented by individuals applying for or holding driver's
27 licenses or nondriver's licenses or use technology to capture digital images of source documents
28 so that the images are capable of being retained in electronic storage in a transferable format.
29 Documents retained as provided or required by ~~subsections 3 and~~ **subsection 4** of this section
30 shall be stored solely on a system not connected to the internet nor to a wide area network that
31 connects to the internet. Once stored on such system, the documents and data shall be purged
32 from any systems on which they were previously stored so as to make them irretrievable.
- 33 3. The provisions of this section shall not apply to:
- 34 (1) Original application forms, which may be retained but not scanned except as
35 provided in this section;
- 36 (2) Test score documents issued by state highway patrol driver examiners;
- 37 (3) Documents demonstrating lawful presence of any applicant who is not a citizen of
38 the United States, including documents demonstrating duration of the person's lawful presence
39 in the United States;

40 (4) Any document required to be retained under federal motor carrier regulations in Title
41 49, Code of Federal Regulations, including but not limited to documents required by federal law
42 for the issuance of a commercial driver's license and a commercial driver instruction permit; and

43 (5) Any other document at the request of and for the convenience of the applicant where
44 the applicant requests the department of revenue review alternative documents as proof required
45 for issuance of a driver's license, nondriver's license, or instruction permit.

46 4. (1) To the extent not prohibited under subsection 13 of this section, the department
47 of revenue shall amend procedures for applying for a driver's license or identification card in
48 order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or
49 regulations promulgated under the authority granted in such Act, or any requirements adopted
50 by the American Association of Motor Vehicle Administrators for furtherance of the Act, unless
51 such action conflicts with Missouri law.

52 (2) The department of revenue shall issue driver's licenses or identification cards that
53 are compliant with the federal REAL ID Act of 2005, as amended, to all applicants for driver's
54 licenses or identification cards unless an applicant requests a driver's license or identification
55 card that is not REAL ID compliant. Except as provided in subsection 3 of this section and as
56 required to carry out the provisions of this subsection, the department of revenue shall not retain
57 the source documents of individuals applying for driver's licenses or identification cards not
58 compliant with REAL ID. Upon initial application for a driver's license or identification card,
59 the department shall inform applicants of the option of being issued a REAL ID compliant
60 driver's license or identification card or a driver's license or identification card that is not
61 compliant with REAL ID. The department shall inform all applicants:

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

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

66 b. Electronic copies of source documents will be retained by the department and
67 destroyed after the minimum time required for **digital** retention by the federal REAL ID Act of
68 2005, as amended;

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

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

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

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

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

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

83 5. The department of revenue shall not use, collect, obtain, share, or retain biometric data
84 nor shall the department use biometric technology to produce a driver's license or nondriver's
85 license or to uniquely identify licensees or license applicants. This subsection shall not apply
86 to digital images nor licensee signatures required for the issuance of driver's licenses and
87 nondriver's licenses or to biometric data collected from employees of the department of revenue,
88 employees of the office of administration who provide information technology support to the
89 department of revenue, contracted license offices, and contracted manufacturers engaged in the
90 production, processing, or manufacture of driver's licenses or identification cards in positions
91 which require a background check in order to be compliant with the federal REAL ID Act or any
92 rules or regulations promulgated under the authority of such Act. Except as otherwise provided
93 by law, applicants' source documents and Social Security numbers shall not be stored in any
94 database accessible by any other state or the federal government. Such database shall contain
95 only the data fields included on driver's licenses and nondriver identification cards compliant
96 with the federal REAL ID Act, and the driving records of the individuals holding such driver's
97 licenses and nondriver identification cards.

98 6. Notwithstanding any provision of this chapter that requires an applicant to provide
99 reasonable proof of lawful presence for issuance or renewal of a noncommercial driver's license,
100 noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her
101 privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license,
102 noncommercial instruction permit, or a nondriver's license.

103 7. No citizen of this state shall have his or her privacy compromised by the state or
104 agents of the state. The state shall within reason protect the sovereignty of the citizens the state
105 is entrusted to protect. Any data derived from a person's application shall not be sold for
106 commercial purposes to any other organization or any other state without the express permission
107 of the applicant without a court order; except such information may be shared with a law
108 enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for
109 the limited purposes set out in section 302.600, or for the purposes set forth in section 32.091,
110 or for conducting driver history checks in compliance with the Motor Carrier Safety

111 Improvement Act, 49 U.S.C. Section 31309. The state of Missouri shall protect the privacy of
112 its citizens when handling any written, digital, or electronic data, and shall not participate in any
113 standardized identification system using driver's and nondriver's license records except as
114 provided in this section.

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

124 9. Any person harmed or damaged by any violation of this section may bring a civil
125 action for damages, including noneconomic and punitive damages, as well as injunctive relief,
126 in the circuit court where that person resided at the time of the violation or in the circuit court
127 of Cole County to recover such damages from the department of revenue and any persons
128 participating in such violation. Sovereign immunity shall not be available as a defense for the
129 department of revenue in such an action. In the event the plaintiff prevails on any count of his
130 or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the
131 defendants.

132 10. The department of revenue may promulgate rules necessary to implement the
133 provisions of this section. Any rule or portion of a rule, as that term is defined in section
134 536.010, that is created under the authority delegated in this section shall become effective only
135 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
136 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
137 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
138 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
139 and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

140 11. Biometric data, digital images, source documents, and licensee signatures, or any
141 copies of the same, required to be collected or retained to comply with the requirements of the
142 federal REAL ID Act of 2005 shall be **digitally** retained for no longer than the minimum
143 duration required to maintain compliance, and immediately thereafter shall be securely destroyed
144 so as to make them irretrievable.

145 12. No agency, department, or official of this state or of any political subdivision thereof
146 shall use, collect, obtain, share, or retain radio frequency identification data from a REAL ID

147 compliant driver's license or identification card issued by a state, nor use the same to uniquely
148 identify any individual.

149 13. Notwithstanding any provision of law to the contrary, the department of revenue
150 shall not amend procedures for applying for a driver's license or identification card, nor
151 promulgate any rule or regulation, for purposes of complying with modifications made to the
152 federal REAL ID Act of 2005 after August 28, 2017, imposing additional requirements on
153 applications, document retention, or issuance of compliant licenses or cards, including any rules
154 or regulations promulgated under the authority granted under the federal REAL ID Act of 2005,
155 as amended, or any requirements adopted by the American Association of Motor Vehicle
156 Administrators for furtherance thereof.

157 14. If the federal REAL ID Act of 2005 is modified or repealed such that driver's
158 licenses and identification cards issued by this state that are not compliant with the federal REAL
159 ID Act of 2005 are once again sufficient for federal identification purposes, the department shall
160 not issue a driver's license or identification card that complies with the federal REAL ID Act of
161 2005 and shall securely destroy, within thirty days, any source documents retained by the
162 department for the purpose of compliance with such Act.

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

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

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

14 3. Subject to the limit upon the weight imposed upon a highway of this state through any
15 one axle or on any tandem axle, the total gross weight with load imposed by any group of two
16 or more consecutive axles of any vehicle or combination of vehicles shall not exceed the
17 maximum load in pounds as set forth in the following table:

18 Distance in feet between the extremes of any group of two or more consecutive axles,
19 measured to the nearest foot, except where indicated otherwise

20	Maximum load in pounds					
21	feet	2 axles	3 axles	4 axles	5 axles	6 axles
22	4	34,000				
23	5	34,000				
24	6	34,000				
25	7	34,000				
26	8	34,000	34,000			
27	More than 8	38,000	42,000			
28	9	39,000	42,500			
29	10	40,000	43,500			
30	11	40,000	44,000			
31	12	40,000	45,000	50,000		
32	13	40,000	45,500	50,500		
33	14	40,000	46,500	51,500		
34	15	40,000	47,000	52,000		
35	16	40,000	48,000	52,500	58,000	
36	17	40,000	48,500	53,500	58,500	
37	18	40,000	49,500	54,000	59,000	
38	19	40,000	50,000	54,500	60,000	
39	20	40,000	51,000	55,500	60,500	66,000
40	21	40,000	51,500	56,000	61,000	66,500
41	22	40,000	52,500	56,500	61,500	67,000
42	23	40,000	53,000	57,500	62,500	68,000
43	24	40,000	54,000	58,000	63,000	68,500
44	25	40,000	54,500	58,500	63,500	69,000
45	26	40,000	55,500	59,500	64,000	69,500
46	27	40,000	56,000	60,000	65,000	70,000
47	28	40,000	57,000	60,500	65,500	71,000
48	29	40,000	57,500	61,500	66,000	71,500
49	30	40,000	58,500	62,000	66,500	72,000
50	31	40,000	59,000	62,500	67,500	72,500
51	32	40,000	60,000	63,500	68,000	73,000
52	33	40,000	60,000	64,000	68,500	74,000
53	34	40,000	60,000	64,500	69,000	74,500
54	35	40,000	60,000	65,500	70,000	75,000
55	36		60,000	66,000	70,500	75,500

56	37	60,000	66,500	71,000	76,000
57	38	60,000	67,500	72,000	77,000
58	39	60,000	68,000	72,500	77,500
59	40	60,000	68,500	73,000	78,000
60	41	60,000	69,500	73,500	78,500
61	42	60,000	70,000	74,000	79,000
62	43	60,000	70,500	75,000	80,000
63	44	60,000	71,500	75,500	80,000
64	45	60,000	72,000	76,000	80,000
65	46	60,000	72,500	76,500	80,000
66	47	60,000	73,500	77,500	80,000
67	48	60,000	74,000	78,000	80,000
68	49	60,000	74,500	78,500	80,000
69	50	60,000	75,500	79,000	80,000
70	51	60,000	76,000	80,000	80,000
71	52	60,000	76,500	80,000	80,000
72	53	60,000	77,500	80,000	80,000
73	54	60,000	78,000	80,000	80,000
74	55	60,000	78,500	80,000	80,000
75	56	60,000	79,500	80,000	80,000
76	57	60,000	80,000	80,000	80,000

77

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

81 4. Whenever the state highways and transportation commission finds that any state
82 highway bridge in the state is in such a condition that use of such bridge by vehicles of the
83 weights specified in subsection 3 of this section will endanger the bridge, or the users of the
84 bridge, the commission may establish maximum weight limits and speed limits for vehicles using
85 such bridge. The governing body of any city or county may grant authority by act or ordinance
86 to the commission to enact the limitations established in this section on those roadways within
87 the purview of such city or county. Notice of the weight limits and speed limits established by
88 the commission shall be given by posting signs at a conspicuous place at each end of any such
89 bridge.

90 5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle
91 loads or gross loads in excess of those permitted under the provisions of P.L. 97-424 codified
92 in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.

93 6. Notwithstanding the weight limitations contained in this section, any vehicle or
94 combination of vehicles operating on highways other than the interstate highway system may
95 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two
96 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except
97 as provided in subsections 9, 10, 12, and 13 of this section.

98 7. Notwithstanding any provision of this section to the contrary, the commission shall
99 issue a single-use special permit, or upon request of the owner of the truck or equipment, shall
100 issue an annual permit, for the transporting of any **crane** or concrete pump truck or well-drillers'
101 equipment. The commission shall set fees for the issuance of permits **and parameters for the**
102 **transport of cranes** pursuant to this subsection. Notwithstanding the provisions of section
103 301.133, **cranes**, concrete pump trucks or well-drillers' equipment may be operated on state-
104 maintained roads and highways at any time on any day.

105 8. Notwithstanding the provision of this section to the contrary, the maximum gross
106 vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an
107 idle reduction technology may be increased by a quantity necessary to compensate for the
108 additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as
109 amended. In no case shall the additional weight increase allowed by this subsection be greater
110 than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the
111 vehicle operator shall provide proof that the idle reduction technology is fully functional at all
112 times and that the gross weight increase is not used for any purpose other than for the use of idle
113 reduction technology.

114 9. Notwithstanding any provision of this section or any other law to the contrary, the
115 total gross weight of any vehicle or combination of vehicles hauling milk, from a farm to a
116 processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand
117 five hundred pounds while operating on highways other than the interstate highway system. The
118 provisions of this subsection shall not apply to vehicles operated and operating on the Dwight
119 D. Eisenhower System of Interstate and Defense Highways.

120 10. Notwithstanding any provision of this section or any other law to the contrary, any
121 vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may
122 be as much as, but not exceeding, ten percent over the maximum weight limitation allowable
123 under subsection 3 of this section while operating on highways other than the interstate highway
124 system. The provisions of this subsection shall not apply to vehicles operated and operating on
125 the Dwight D. Eisenhower System of Interstate and Defense Highways.

126 11. Notwithstanding any provision of this section or any other law to the contrary, the
127 commission shall issue emergency utility response permits for the transporting of utility wires
128 or cables, poles, and equipment needed for repair work immediately following a disaster where
129 utility service has been disrupted. Under exigent circumstances, verbal approval of such
130 operation may be made either by the department of transportation motor carrier compliance
131 supervisor or other designated motor carrier services representative. Utility vehicles and
132 equipment used to assist utility companies granted special permits under this subsection may be
133 operated and transported on state-maintained roads and highways at any time on any day. The
134 commission shall promulgate all necessary rules and regulations for the administration of this
135 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
136 under the authority delegated in this section shall become effective only if it complies with and
137 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
138 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
139 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
140 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
141 proposed or adopted after August 28, 2014, shall be invalid and void.

142 12. Notwithstanding any provision of this section to the contrary, emergency vehicles
143 designed to be used under emergency conditions to transport personnel and equipment and to
144 mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand
145 pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand
146 five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or
147 fifty-two thousand pounds on a tandem rear-drive steer axle.

148 13. Notwithstanding any provision of this section to the contrary, a vehicle operated by
149 an engine fueled primarily by natural gas may operate upon the public highways of this state in
150 excess of the vehicle weight limits set forth in this section by an amount that is equal to the
151 difference between the weight of the vehicle attributable to the natural gas tank and fueling
152 system carried by that vehicle and the weight of a comparable diesel tank and fueling system.
153 In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas
154 engine exceed eighty-two thousand pounds.

304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the
2 corporate limits of cities containing seventy-five thousand inhabitants or more or within two
3 miles of the corporate limits of the city or within the commercial zone of the city shall exceed
4 fifteen feet in height.

5 2. No motor vehicle operating exclusively within any said area shall have a greater
6 weight than twenty-two thousand four hundred pounds on one axle.

7 3. The “commercial zone” of the city is defined to mean that area within the city together
8 with the territory extending one mile beyond the corporate limits of the city and one mile
9 additional for each fifty thousand population or portion thereof provided, however:

10 (1) The commercial zone surrounding a city not within a county shall extend twenty-five
11 miles beyond the corporate limits of any such city not located within a county and shall also
12 extend throughout any county with a charter form of government which adjoins that city and
13 throughout any county with a charter form of government and with more than two hundred fifty
14 thousand but fewer than three hundred fifty thousand inhabitants that is adjacent to such county
15 adjoining such city;

16 (2) The commercial zone of a city with a population of at least four hundred thousand
17 inhabitants but not more than four hundred fifty thousand inhabitants shall extend twelve miles
18 beyond the corporate limits of any such city; except that this zone shall extend from the southern
19 border of such city’s limits, beginning with the western-most freeway, following said freeway
20 south to the first intersection with a multilane undivided highway, where the zone shall extend
21 south along said freeway to include a city of the fourth classification with more than eight
22 thousand nine hundred but less than nine thousand inhabitants, and shall extend north from the
23 intersection of said freeway and multilane undivided highway along the multilane undivided
24 highway to the city limits of a city with a population of at least four hundred thousand inhabitants
25 but not more than four hundred fifty thousand inhabitants, and shall extend east from the city
26 limits of a special charter city with more than two hundred seventy-five but fewer than three
27 hundred seventy-five inhabitants along State Route 210 and northwest from the intersection of
28 State Route 210 and State Route 10 to include the boundaries of any city of the third
29 classification with more than ten thousand eight hundred but fewer than ten thousand nine
30 hundred inhabitants and located in more than one county. The commercial zone shall continue
31 east along State Route 10 from the intersection of State Route 10 and State Route 210 to the
32 eastern city limit of a city of the fourth classification with more than five hundred fifty but fewer
33 than six hundred twenty-five inhabitants and located in any county of the third classification
34 without a township form of government and with more than twenty-three thousand but fewer
35 than twenty-six thousand inhabitants and with a city of the third classification with more than
36 five thousand but fewer than six thousand inhabitants as the county seat. The commercial zone
37 described in this subdivision shall be extended to also include the stretch of State Route 45 from
38 its intersection with Interstate 29 extending northwest to the city limits of any village with more
39 than forty but fewer than fifty inhabitants and located in any county of the first classification with
40 more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city
41 of the fourth classification with more than four thousand five hundred but fewer than five
42 thousand inhabitants as the county seat. The commercial zone described in this subdivision shall

43 be extended east from the intersection of State Route 7 and U.S. Highway 50 to include the city
44 limits of a city of the fourth classification with more than one thousand fifty but fewer than one
45 thousand two hundred inhabitants and located in any county with a charter form of government
46 and with more than six hundred thousand but fewer than seven hundred thousand inhabitants,
47 and from the eastern limits of said city east along U.S. Highway 50 up to and including the
48 intersection of U.S. Highway 50 and State Route AA, then south along State Route AA up to and
49 including the intersection of State Route AA and State Route 58, then west along State Route
50 58 to include the city limits of a city of the fourth classification with more than one hundred forty
51 but fewer than one hundred sixty inhabitants and located in any county of the first classification
52 with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, and
53 from the western limits of said city along State Route 58 to where State Route 58 intersects with
54 State Route 7. **The commercial zone described in this subdivision shall also extend east**
55 **from Interstate 49 solely on and along State Route 2 to the intersection of State Route 2 and**
56 **State Route 131;**

57 (3) The commercial zone of a city of the third classification with more than nine
58 thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend
59 south from the city limits along U.S. Highway 61 to the intersection of State Route OO in a
60 county of the third classification without a township form of government and with more than
61 seventeen thousand eight hundred but fewer than seventeen thousand nine hundred inhabitants;

62 (4) The commercial zone of a home rule city with more than one hundred eight thousand
63 but fewer than one hundred sixteen thousand inhabitants and located in a county of the first
64 classification with more than one hundred fifty thousand but fewer than two hundred thousand
65 inhabitants shall extend north from the city limits along U.S. Highway 63, a state highway, to
66 the intersection of State Route NN, and shall continue west and south along State Route NN to
67 the intersection of State Route 124, and shall extend east from the intersection along State Route
68 124 to U.S. Highway 63. The commercial zone described in this subdivision shall also extend
69 east from the city limits along State Route WW to the intersection of State Route J and continue
70 south on State Route J for four miles.

71 4. In no case shall the commercial zone of a city be reduced due to a loss of population.
72 The provisions of this section shall not apply to motor vehicles operating on the interstate
73 highways in the area beyond two miles of a corporate limit of the city unless the United States
74 Department of Transportation increases the allowable weight limits on the interstate highway
75 system within commercial zones. In such case, the mileage limits established in this section shall
76 be automatically increased only in the commercial zones to conform with those authorized by
77 the United States Department of Transportation.

78 5. Nothing in this section shall prevent a city, county, or municipality, by ordinance,
79 from designating the routes over which such vehicles may be operated.

80 6. No motor vehicle engaged in interstate commerce, whether unladen or with load,
81 whose operations in the state of Missouri are limited exclusively to the commercial zone of a
82 first class home rule municipality located in a county with a population between eighty thousand
83 and ninety-five thousand inhabitants which has a portion of its corporate limits contiguous with
84 a portion of the boundary between the states of Missouri and Kansas, shall have a greater weight
85 than twenty-two thousand four hundred pounds on one axle, nor shall exceed fifteen feet in
86 height.

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

8 2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or
9 display fixed, flashing, or rotating red or red and blue lights:

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

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

13 (c) Vehicles **and equipment** owned **or leased** by a contractor or subcontractor
14 performing work for the department of transportation, except that the red or red and blue lights
15 shall be displayed on vehicles **or equipment** described in this paragraph only between dusk and
16 dawn, when such vehicles **or equipment** are stationary, such vehicles **or equipment** are located
17 in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are
18 present, and such work zone is designated by a sign or signs. **No more than two vehicles or**
19 **pieces of equipment in a work zone may display fixed, flashing, or rotating lights under this**
20 **subdivision.**

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

23 (a) Vehicles **and equipment** owned or leased by the state highways and transportation
24 commission and operated by an authorized employee of the department of transportation;

25 (b) Vehicles **and equipment** owned **or leased** by a contractor or subcontractor
26 performing work for the department of transportation, except that the amber or amber and white
27 lights shall be displayed on vehicles described in this paragraph only when such vehicles **or**

28 **equipment are [stationary] located in a work zone as defined in section 304.580, highway**
29 **workers as defined in section 304.580 are present, and such work zone is designated by a**
30 **sign or signs;**

31 (c) Vehicles **and equipment** operated by a utility worker performing work for the utility,
32 except that the amber or amber and white lights shall be displayed on vehicles described in this
33 paragraph only when such vehicles are stationary, **such vehicles or equipment are located in**
34 **a work zone as defined in section 304.580, a utility worker is present, and such work zone**
35 **is designated by a sign or signs.** As used in this paragraph, the term “utility worker” means any
36 employee while in performance of his or her job duties, including any person employed under
37 contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable
38 services, or sewer services, whether privately, municipally, or cooperatively owned.

39 3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be
40 in writing and shall be issued and may be revoked by the chief of an organized fire department,
41 organized ambulance association, rescue squad, or the state highways and transportation
42 commission and no person shall use or display a siren or blue lights on a motor vehicle, fire,
43 ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a
44 siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with
45 complying with all other traffic laws and regulations. Violation of this section constitutes a class
46 A misdemeanor.

307.350. 1. The owner of every motor vehicle as defined in section 301.010 which is
2 required to be registered in this state, except:

3 (1) Motor vehicles, for the five-year period following their model year of manufacture,
4 excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject
5 to the provisions of section 307.380;

6 (2) Those motor vehicles which are engaged in interstate commerce and are
7 proportionately registered in this state with the Missouri highway reciprocity commission,
8 although the owner may request that such vehicle be inspected by an official inspection station,
9 and a peace officer may stop and inspect such vehicles to determine whether the mechanical
10 condition is in compliance with the safety regulations established by the United States
11 Department of Transportation; and

12 (3) Historic motor vehicles registered pursuant to section 301.131;

13 (4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than
14 twelve months;

15

16 shall submit such vehicles to a biennial inspection of their mechanism and equipment in
17 accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of

18 inspection and approval and a sticker, seal, or other device from a duly authorized official
19 inspection station. The inspection, except the inspection of school buses which shall be made
20 at the time provided in section 307.375, shall be made at the time prescribed in the rules and
21 regulations issued by the superintendent of the Missouri state highway patrol; but the inspection
22 of a vehicle shall not be made more than sixty days prior to the date of application for
23 registration or within sixty days of when a vehicle's registration is transferred; **however, if a**
24 **vehicle was purchased from a motor vehicle dealer and a valid inspection had been made**
25 **within sixty days of the purchase date, the new owner shall be able to utilize an inspection**
26 **performed within ninety days prior to the application for registration or transfer.** Any
27 vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved
28 pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390
29 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered
30 model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in
31 each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or
32 other device or combination thereof, as the superintendent of the Missouri state highway patrol
33 prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed
34 by the regulations established by him. The replacement of certificates of inspection and approval
35 which are lost or destroyed shall be made by the superintendent of the Missouri state highway
36 patrol under regulations prescribed by him.

37 2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle
38 over the most direct route between the owner's usual place of residence and an inspection station
39 of such owner's choice, notwithstanding the fact that the vehicle does not have a current state
40 registration license. It shall also be lawful to operate such a vehicle from an inspection station
41 to another place where repairs may be made and to return the vehicle to the inspection station
42 notwithstanding the absence of a current state registration license.

43 3. No person whose motor vehicle was duly inspected and approved as provided in this
44 section shall be required to have the same motor vehicle again inspected and approved for the
45 sole reason that such person wishes to obtain a set of any special personalized license plates
46 available pursuant to section 301.144 or a set of any license plates available pursuant to section
47 301.142, prior to the expiration date of such motor vehicle's current registration.

48 4. Notwithstanding the provisions of section 307.390, violation of this section shall be
49 deemed an infraction.

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