

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 371
100TH GENERAL ASSEMBLY

1961H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 68.040, 144.070, 300.155, 301.010, 301.032, 301.067, 301.451, 301.560, 301.3139, 301.3148, 302.720, 304.153, 304.281, 304.580, 304.585, 304.894, and 307.015, RSMo, and to enact in lieu thereof twenty-two new sections relating to transportation, with penalty provisions and a delayed effective date for a certain section.

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

Section A. Sections 68.040, 144.070, 300.155, 301.010, 301.032, 301.067, 301.451, 2 301.560, 301.3139, 301.3148, 302.720, 304.153, 304.281, 304.580, 304.585, 304.894, and 3 307.015, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known 4 as sections 68.040, 144.070, 226.228, 300.155, 301.010, 301.032, 301.067, 301.451, 301.560, 5 301.3066, 301.3067, 301.3139, 301.3148, 302.205, 302.720, 302.723, 304.153, 304.281, 6 304.580, 304.585, 304.894, and 307.015, to read as follows:

68.040. 1. Every local and regional port authority, approved as a political subdivision 2 of the state, may from time to time issue its negotiable revenue bonds or notes in such principal 3 amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its 4 purposes, including the construction of port facilities and the financing of port improvement 5 projects; establish reserves to secure such bonds and notes; and make other expenditures, 6 incident and necessary to carry out its purposes and powers.

7 2. This state shall not be liable on any notes or bonds of any port authority. Any such 8 notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement 9 to such effect.

10 3. No commissioner of any port authority or any authorized person executing port 11 authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to 12 any personal liability or accountability by reason of the issuance thereof.

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.

13 4. The notes and bonds of every port authority are securities in which all public officers
14 and bodies of this state and all political subdivisions and municipalities, all insurance companies
15 and associations, and other persons carrying on an insurance business, all banks, trust companies,
16 saving associations, savings and loan associations, credit unions, investment companies, all
17 administrators, guardians, executors, trustees, and other fiduciaries, and all other persons
18 whatsoever, who now or may hereafter be authorized to invest in notes and bonds or other
19 obligations of this state, may properly and legally invest funds, including capital, in their control
20 or belonging to them.

21 5. No port authority shall be required to pay any taxes or any assessments whatsoever
22 to this state or to any political subdivisions, municipality, or other governmental agency of this
23 state. The notes and bonds of every port authority and the income therefrom shall, at all times,
24 be exempt from any taxes and any assessments, except for death and gift taxes and taxes on
25 transfers. **Additionally, the sales and leases of both real and personal property by or to any**
26 **port authority involving the issuance of bonds authorized under this chapter shall be**
27 **exempt from taxation.**

28 6. Every port authority shall have the powers and be governed by the procedures now
29 or hereafter conferred upon or applicable to the environmental improvement authority, chapter
30 260, relating to the manner of issuance of revenue bonds and notes, and the port authority shall
31 exercise all such powers and adhere to all such procedures insofar as they are consistent with the
32 necessary and proper undertaking of its purposes.

144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or
2 outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales
3 tax law makes application to the director of revenue for an official certificate of title and the
4 registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law,
5 the owner shall present to the director of revenue evidence satisfactory to the director of revenue
6 showing the purchase price exclusive of any charge incident to the extension of credit paid by
7 or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard
8 motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its
9 acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax
10 provided by the Missouri sales tax law in addition to the registration fees now or hereafter
11 required according to law, and the director of revenue shall not issue a certificate of title for any
12 new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the
13 Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to
14 144.510 has been paid as provided in this section or is registered under the provisions of
15 subsection 5 of this section.

16 2. As used in subsection 1 of this section, the term "purchase price" shall mean the total
17 amount of the contract price agreed upon between the seller and the applicant in the acquisition
18 of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment
19 therefor.

20 3. In the event that the purchase price is unknown or undisclosed, or that the evidence
21 thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by
22 the director.

23 4. The director of the department of revenue shall endorse upon the official certificate
24 of title issued by the director upon such application an entry showing that such sales tax has been
25 paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is
26 exempt from sales tax and state the ground for such exemption.

27 5. Any person, company, or corporation engaged in the business of renting or leasing
28 motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental
29 or lease purposes, and not for resale, may apply to the director of revenue for authority to operate
30 as a leasing **or rental** company **and pay an annual fee of two hundred fifty dollars for such**
31 **authority**. Any company approved by the director of revenue may pay the tax due on any motor
32 vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration
33 thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070
34 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not
35 exercise the option of paying in accordance with section 144.020, on the amount charged for
36 each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is
37 domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as
38 the result of a contract executed in this state shall be presumed to be domiciled in this state.

39 6. **Every applicant to be a lease or rental company shall furnish with the**
40 **application a corporate surety bond or irrevocable letter of credit, as defined in section**
41 **400.5-102, issued by any state or federal financial institution in the penal sum of one**
42 **hundred thousand dollars, on a form approved by the department. The bond or**
43 **irrevocable letter of credit shall be conditioned upon the lease or rental company**
44 **complying with the provisions of any statutes applicable to lease or rental companies, and**
45 **the bond shall be an indemnity for any loss sustained by reason of the acts of the person**
46 **bonded when such acts constitute grounds for the suspension or revocation of the lease or**
47 **rental license. The bond shall be executed in the name of the state of Missouri for the**
48 **benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of**
49 **Missouri as the beneficiary; except that, the aggregate liability of the surety or financial**
50 **institution to the aggrieved parties shall, in no event, exceed the amount of the bond or**
51 **irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall**

52 **be paid upon receipt by the department of a final judgment from a Missouri court of**
53 **competent jurisdiction against the principal and in favor of an aggrieved party.**

54 7. Any corporation may have one or more of its divisions separately apply to the director
55 of revenue for authorization to operate as a leasing company, provided that the corporation:

56 (1) Has filed a written consent with the director authorizing any of its divisions to apply
57 for such authority;

58 (2) Is authorized to do business in Missouri;

59 (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from
60 one of its divisions to another of its divisions as a sale at retail;

61 (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230
62 each of its divisions doing business in Missouri as a leasing company; and

63 (5) Operates each of its divisions on a basis separate from each of its other divisions.

64 However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a
65 corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to
66 sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

67 ~~[7-]~~ 8. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to
68 charge and collect sales tax as provided in this section, the owner shall make application to the
69 director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor
70 leasing company. The director of revenue shall promulgate rules and regulations determining
71 the qualifications of such a company, and the method of collection and reporting of sales tax
72 charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers,
73 boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor
74 leasing companies under the provisions of subsection 5 of this section, and no motor vehicle
75 renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing
76 company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor
77 vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

78 9. **Any person, company, or corporation engaged in the business of renting or**
79 **leasing three thousand five hundred or more motor vehicles which are to be used**
80 **exclusively for rental or leasing purposes and not for resale, and that has applied to the**
81 **director of revenue for authority to operate as a leasing company may also operate as a**
82 **registered fleet owner as prescribed in section 301.032.**

83 ~~[8-]~~ 10. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560
84 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue
85 for authority to collect and remit the sales tax required under this section on all motor vehicles
86 sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit
87 the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer

88 authorized to collect and remit sales taxes on motor vehicles under this subsection shall be
89 entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax
90 pursuant to section 144.140. Any amount of the tax collected under this subsection that is
91 retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue.
92 In no event shall revenues from the general revenue fund or any other state fund be utilized to
93 compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor
94 vehicles. In the event this subsection or any portion thereof is held to violate Article IV, Section
95 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and
96 remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek
97 compensation from the state of Missouri or its agencies if a court of competent jurisdiction
98 declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and
99 orders the return of such revenues.

**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.**

300.155. Whenever traffic is controlled by traffic control signals exhibiting different
2 colored lights, or colored lighted arrows, successively one at a time or in combination, only the
3 colors green, red and yellow shall be used, except for special pedestrian signals carrying a word
4 legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

5 (1) Green indication

6 (a) Vehicular traffic facing a circular green signal may proceed straight through or turn
7 right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including

8 vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians
9 lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

10 (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with
11 another indication, may cautiously enter the intersection only to make the movement indicated
12 by such arrow, or such other movement as is permitted by other indications shown at the same
13 time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an
14 adjacent crosswalk and to other traffic lawfully using the intersection;

15 (c) Unless otherwise directed by a pedestrian control signal as provided in section
16 300.160, pedestrians facing any green signal, except when the sole green signal is a turn arrow,
17 may proceed across the roadway within any marked or unmarked crosswalk.

18 (2) Steady yellow indication

19 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green
20 movement is being terminated or that a red indication will be exhibited immediately thereafter
21 when vehicular traffic shall not enter the intersection;

22 (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian
23 control signal as provided in section 300.160, are thereby advised that there is insufficient time
24 to cross the roadway before a red indication is shown and no pedestrian shall then start to cross
25 the roadway.

26 (3) Steady red indication

27 (a) Vehicular traffic facing a steady red signal alone shall stop before entering the
28 crosswalk on the near side of the intersection or, if none, then before entering the intersection
29 and shall remain standing until a green indication is shown except as provided in paragraph (b)
30 of this subdivision;

31 (b) The driver of a vehicle which is stopped as close as practicable at the entrance to the
32 crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection
33 in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall
34 yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the
35 intersection, except that the state highways and transportation commission with reference to an
36 intersection involving a state highway, and local authorities with reference to an intersection
37 involving other highways under their jurisdiction, may prohibit any such right turn against a red
38 signal at any intersection where safety conditions so require, said prohibition shall be effective
39 when a sign is erected at such intersection giving notice thereof;

40 (c) **The driver of a vehicle which is in the left-most lane on a one-way street and**
41 **stopped as close as practicable at the entrance to the crosswalk on the near side of the**
42 **intersection or, if none, then at the entrance to the intersection in obedience to a red signal,**
43 **may cautiously enter the intersection to make a left turn onto a one-way street but shall**

44 **yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal**
45 **at the intersection, except that the state highways and transportation commission with**
46 **reference to an intersection involving a state highway, and local authorities with reference**
47 **to an intersection involving other highways under their jurisdiction, may prohibit any such**
48 **left turn against a red signal at any intersection where safety conditions so require and**
49 **such prohibition shall be effective when a sign is erected at such intersection giving notice**
50 **thereof;**

51 (d) Unless otherwise directed by a pedestrian control signal as provided in section
52 300.160, pedestrians facing a steady red signal alone shall not enter the roadway.

53 (4) In the event an official traffic control signal is erected and maintained at a place other
54 than an intersection, the provisions of this section shall be applicable except as to those
55 provisions which by their nature can have no application. Any stop required shall be made at a
56 sign or marking on the pavement indicating where the stop shall be made, but in the absence of
57 any such sign or marking the stop shall be made at the signal.

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) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride
7 in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled
8 with a steering wheel and pedals, and that has met applicable Department of Transportation
9 National Highway Traffic Safety Administration requirements or federal motorcycle safety
10 standards;

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

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

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

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

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

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

27 (9) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
28 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
29 buses;

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

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

34 (12) "Director" or "director of revenue", the director of the department of revenue;

35 (13) "Driveaway operation":

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

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

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

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

52 (15) "Farm tractor", a tractor used exclusively for agricultural purposes;

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

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

55 (18) "Fullmount", a vehicle mounted completely on the frame of either the first or last
56 vehicle in a saddlemount combination;

57 (19) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
58 the weight of any load thereon;

59 (20) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
60 result of the impact of hail;

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

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

65 (23) "Intersecting highway", any highway which joins another, whether or not it crosses
66 the same;

67 (24) "Junk vehicle", a vehicle which:

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

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

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

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

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

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

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

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

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

108 (29) "Local log truck tractor", a commercial motor vehicle which is registered under this
109 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
110 state, used to transport harvested forest products, operated at a forested site and in an area
111 extending not more than a one hundred mile radius from such site, operates with a weight not
112 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
113 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
114 system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or
115 outside the one hundred mile radius from such site with an extended distance local log truck
116 permit, such vehicle does not exceed the weight limits contained in section 304.180, and does
117 not have more than three axles and does not pull a trailer which has more than three axles.
118 Violations of axle weight limitations shall be subject to the load limit penalty as described for
119 in sections 304.180 to 304.220;

120 (30) "Local transit bus", a bus whose operations are confined wholly within a municipal
121 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
122 section 390.020, adjacent thereto, forming a part of a public transportation system within such
123 municipal corporation and such municipal corporation and adjacent commercial zone;

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

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

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

133 (34) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
134 receives a new, rebuilt or used engine, and which used the number stamped on the original
135 engine as the vehicle identification number;

136 (35) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
137 except farm tractors;

138 (36) "Motor vehicle primarily for business use", any vehicle other than a recreational
139 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
140 twelve thousand pounds:

141 (a) Offered for hire or lease; or

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

143 (37) "Motorcycle", a motor vehicle operated on two wheels;

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

148 (39) "Motortricycle", a motor vehicle upon which the operator straddles or sits astride
149 that is designed to be controlled by handle bars and is operated on three wheels, including a
150 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of
151 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

152 (40) "Municipality", any city, town or village, whether incorporated or not;

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

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

156 (43) "Operator", any person who operates or drives a motor vehicle;

157 (44) "Owner", any person, firm, corporation or association, who holds the legal title to
158 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
159 thereof with the right of purchase upon performance of the conditions stated in the agreement
160 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
161 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
162 or mortgagor shall be deemed the owner;

163 (45) "Public garage", a place of business where motor vehicles are housed, stored,
164 repaired, reconstructed or repainted for persons other than the owners or operators of such place
165 of business;

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

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

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

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

181 (50) **"Recreational trailer", any trailer designed, constructed, or substantially**
182 **modified so that it may be used and is used for the purpose of temporary housing quarters,**
183 **including therein sleeping or eating facilities, which can be temporarily attached to a motor**
184 **vehicle or attached to a unit which is securely attached to a motor vehicle;**

185 (51) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
186 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
187 wrecker or towing service;

188 [~~51~~] (52) "Saddlemount combination", a combination of vehicles in which a truck or
189 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame
190 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front
191 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a
192 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination
193 is called a "double saddlemount combination". When three vehicles are towed in this manner,
194 the combination is called a "triple saddlemount combination";

195 [~~52~~] (53) "Salvage dealer and dismantler", a business that dismantles used motor
196 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
197 accessories;

198 [~~53~~] (54) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

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

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

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

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

224 ~~[(54)]~~ **(55)** "School bus", any motor vehicle used solely to transport students to or from
225 school or to transport students to or from any place for educational purposes;

226 ~~[(55)]~~ **(56)** "Scrap processor", a business that, through the use of fixed or mobile
227 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing
228 or transportation to a shredder or scrap metal operator for recycling;

229 ~~[(56)]~~ **(57)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
230 corporation as an incidental service to transport patrons or customers of the regular business of
231 such person, firm, or corporation to and from the place of business of the person, firm, or
232 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
233 buses or as commercial motor vehicles;

234 ~~[(57)]~~ **(58)** "Special mobile equipment", every self-propelled vehicle not designed or
235 used primarily for the transportation of persons or property and incidentally operated or moved
236 over the highways, including farm equipment, implements of husbandry, road construction or
237 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
238 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
239 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
240 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
241 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
242 shall not operate to exclude other such vehicles which are within the general terms of this
243 section;

244 ~~[(58)]~~ **(59)** "Specially constructed motor vehicle", a motor vehicle which shall not have
245 been originally constructed under a distinctive name, make, model or type by a manufacturer of
246 motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

247 ~~[(59)]~~ **(60)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth
248 wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

249 ~~[(60)]~~ **(61)** "Tandem axle", a group of two or more axles, arranged one behind another,
250 the distance between the extremes of which is more than forty inches and not more than
251 ninety-six inches apart;

252 ~~[(61)]~~ **(62)** "Towaway trailer transporter combination", a combination of vehicles
253 consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight
254 that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry
255 no property and constitute inventory property of a manufacturer, distributor, or dealer of such
256 trailers or semitrailers;

257 ~~[(62)]~~ **(63)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle
258 designed for drawing other vehicles, but not for the carriage of any load when operating
259 independently. When attached to a semitrailer, it supports a part of the weight thereof;

260 ~~[(63)]~~ **(64)** "Trailer", any vehicle without motive power designed for carrying property
261 or passengers on its own structure and for being drawn by a self-propelled vehicle, except those
262 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
263 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
264 rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers
265 as defined in this section and shall not include manufactured homes as defined in section
266 700.010;

267 ~~[(64)]~~ **(65)** "Trailer transporter towing unit", a power unit that is not used to carry
268 property when operating in a towaway trailer transporter combination;

269 [~~(65)~~] **(66)** "Truck", a motor vehicle designed, used, or maintained for the transportation
270 of property;

271 [~~(66)~~] **(67)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the
272 two trailing units are connected with a B-train assembly which is a rigid frame extension
273 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point
274 for the second semitrailer and has one less articulation point than the conventional A-dolly
275 connected truck-tractor semitrailer-trailer combination;

276 [~~(67)~~] **(68)** "Truck-trailer boat transporter combination", a boat transporter combination
277 consisting of a straight truck towing a trailer using typically a ball and socket connection with
278 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
279 trailer but so as to maintain a downward force on the trailer tongue;

280 [~~(68)~~] **(69)** "Used parts dealer", a business that buys and sells used motor vehicle parts
281 or accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
282 Business does not include isolated sales at a swap meet of less than three days;

283 [~~(69)~~] **(70)** "Utility vehicle", any motorized vehicle manufactured and used exclusively
284 for off-highway use which is more than fifty inches but no more than sixty-seven inches in width,
285 with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to
286 be used primarily for landscaping, lawn care, or maintenance purposes;

287 [~~(70)~~] **(71)** "Vanpool", any van or other motor vehicle used or maintained by any person,
288 group, firm, corporation, association, city, county or state agency, or any member thereof, for the
289 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
290 and from their place of employment; however, a vanpool shall not be included in the definition
291 of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver
292 be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool
293 vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an
294 unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a
295 ride-sharing arrangement;

296 [~~(71)~~] **(72)** "Vehicle", any mechanical device on wheels, designed primarily for use, or
297 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human
298 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
299 wheelchairs operated by handicapped persons;

300 [~~(72)~~] **(73)** "Wrecker" or "tow truck", any emergency commercial vehicle equipped,
301 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from
302 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing
303 a replacement vehicle to replace a disabled or wrecked vehicle;

304 [~~(73)~~] (74) "Wrecker or towing service", the act of transporting, towing or recovering
305 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the
306 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives
307 compensation or other personal gain.

 301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the
2 contrary, the director of revenue shall establish a system of registration of all fleet vehicles
3 owned or purchased by a fleet owner registered pursuant to this section. The director of revenue
4 shall prescribe the forms for such fleet registration and the forms and procedures for the
5 registration updates prescribed in this section. Any owner of ten or more motor vehicles which
6 must be registered in accordance with this chapter may register as a fleet owner. All registered
7 fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar
8 year or biennial basis pursuant to this section in lieu of the registration periods provided in
9 sections 301.030, 301.035, and 301.147. The director shall issue an identification number to
10 each registered owner of fleet vehicles.

11 2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered
12 during April of the corresponding year or on a prorated basis as provided in subsection 3 of this
13 section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial
14 basis shall be payable not later than the last day of April of the corresponding year, with two
15 years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section
16 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate
17 of inspection and approval issued no more than one hundred twenty days prior to the date of
18 application. The fees for vehicles added to the fleet which must be licensed at the time of
19 registration shall be payable at the time of registration, except that when such vehicle is licensed
20 between July first and September thirtieth the fee shall be three-fourths the annual fee, when
21 licensed between October first and December thirty-first the fee shall be one-half the annual fee
22 and when licensed on or after January first the fee shall be one-fourth the annual fee. When
23 biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will
24 be added to the partial year's prorated fee.

25 3. At any time during the calendar year in which an owner of a fleet purchases or
26 otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle,
27 the owner shall present to the director of revenue the identification number as a fleet number and
28 may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet
29 owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant
30 to this subsection.

31 4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant
32 to this section shall be issued a special license plate which shall have the words "Fleet Vehicle"

33 in place of the words "Show-Me State" in the manner prescribed by the advisory committee
34 established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle
35 fee beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles may apply for
36 fleet license plates bearing a company name or logo, the size and design thereof subject to
37 approval by the director. All fleet license plates shall be made with fully reflective material with
38 a common color scheme and design, shall be clearly visible at night, and shall be aesthetically
39 attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license
40 plates as provided in this section which shall not require issuance of a renewal tab. Upon
41 payment of appropriate registration fees, the director of revenue shall issue a registration
42 certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence
43 of payment shall be carried at all times in the vehicle for which it is issued. [~~The director of
44 revenue shall promulgate rules and regulations establishing the procedure for application and
45 issuance of fleet vehicle license plates.~~]

46 5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet
47 vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390
48 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of
49 Missouri.

50 **6. Notwithstanding any other provisions of law to the contrary, any person,
51 company, or corporation engaged in the business of renting or leasing three thousand five
52 hundred or more motor vehicles which are to be used exclusively for rental or leasing
53 purposes and not for resale, that has applied to the director of revenue for authority to
54 operate as a lease or rental company as prescribed in section 144.070 may operate as a
55 registered fleet owner as prescribed in the provisions of this subsection to subsection 10 of
56 this section.**

57 **(1) The director of revenue may issue license plates after presentment of an
58 application, as designed by the director, and payment of an annual fee of three hundred
59 sixty dollars for the first ten plates and thirty-six dollars for each additional plate. The
60 payment and issuance of such plates shall be in lieu of registering each motor vehicle with
61 the director as otherwise provided by law.**

62 **(2) Such motor vehicles within the fleet shall not be exempted from the safety
63 inspection and emissions inspection provisions as prescribed in chapters 307 and 643, but
64 notwithstanding the provisions of section 307.355, such inspections shall not be required
65 to be presented to the director of revenue.**

66 **7. A recipient of a lease or rental company license issued by the director of revenue
67 as prescribed in section 144.070 operating as a registered fleet owner under this section
68 shall register such fleet with the director of revenue on an annual or biennial basis in lieu**

69 of the individual motor vehicle registration periods as prescribed in sections 301.030,
70 301.035, and 301.147. If an applicant elects a biennial fleet registration, the annual fleet
71 license plate fees prescribed in subdivision (1) of subsection 6 of this section shall be
72 doubled. An agent fee as prescribed in subdivision (1) of subsection 1 of section 136.055
73 shall apply to the issuance of fleet registrations issued under subsections 6 to 10 of this
74 section, and if a biennial fleet registration is elected, the agent fee shall be collected in an
75 amount equal to the fee for two years.

76 8. Prior to the issuance of fleet license plates under subsections 6 to 10 of this
77 section, the applicant shall provide proof of insurance as required under section 303.024
78 or 303.026.

79 9. The authority of a recipient of a lease or rental company license issued by the
80 director of revenue as prescribed in section 144.070 to operate as a fleet owner as provided
81 in this section shall expire on January first of the licensure period.

82 10. A lease or rental company operating fleet license plates issued under subsections
83 6 to 10 of this section shall make available, upon request, to the director of revenue and all
84 Missouri law enforcement agencies any corresponding vehicle and registration information
85 that may be requested as prescribed by rule.

86 11. The director shall make all necessary rules and regulations for the
87 administration of this section and shall design all necessary forms required by this section.
88 Any rule or portion of a rule, as that term is defined in section 536.010, that is created
89 under the authority delegated in this section shall become effective only if it complies with
90 and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This
91 section and chapter 536 are nonseverable, and if any of the powers vested with the general
92 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
93 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
94 authority and any rule proposed or adopted after August 28, 2019, shall be invalid and
95 void.

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, 2019, 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 **2019, shall be deferred until May 2020.**

 301.451. (1) Any person who has been awarded the purple heart medal may apply for
2 special motor vehicle license plates for any vehicle he or she owns, either solely or jointly, other
3 than commercial vehicles weighing over twenty-four thousand pounds.

4 (2) 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 as a recipient of the purple heart
6 medal as the director may require. The director shall then issue license plates bearing letters or
7 numbers or a combination thereof, with the words "PURPLE HEART" in place of the words
8 "SHOW-ME STATE" in a form prescribed by the advisory committee established in section
9 301.129.

10 (3) Such license plates shall be made with fully reflective material with a common color
11 scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as
12 prescribed by section 301.130.

13 (4) There shall be no fee **charged for the first set of license plates issued to an eligible**
14 **person under this section. A second or subsequent set of license plates issued to the eligible**
15 **person under this section shall be subject to regular registration fees but not to any fee in**
16 addition to regular registration fees [~~for the purple heart license plates issued to the applicant~~].

17 (5) There shall be no limit on the number of license plates any person qualified under
18 this section may obtain so long as each set of license plates issued under this section is issued
19 for vehicles owned solely or jointly by such person.

20 (6) License plates issued under the provisions of this section shall not be transferable to
21 any other person, except that, **in the event of the death of the qualified person**, any registered
22 co-owner of the motor vehicle shall be entitled to [~~operate the motor vehicle for the duration of~~
23 ~~the year licensed in the event of the death of the qualified person~~] **use and renew the license**
24 **plates until he or she remarries or, if he or she does not remarry, for the remainder of his**
25 **or her life.**

 301.560. 1. In addition to the application forms prescribed by the department, each
2 applicant shall submit the following to the department:

3 (1) Every application other than a renewal application for a motor vehicle franchise
4 dealer shall include a certification that the applicant has a bona fide established place of business.
5 Such application shall include an annual certification that the applicant has a bona fide
6 established place of business for the first three years and only for every other year thereafter. The
7 certification shall be performed by a uniformed member of the Missouri state highway patrol or
8 authorized or designated employee stationed in the troop area in which the applicant's place of
9 business is located; except that in counties of the first classification, certification may be
10 performed by an officer of a metropolitan police department when the applicant's established
11 place of business of distributing or selling motor vehicles or trailers is in the metropolitan area
12 where the certifying metropolitan police officer is employed. When the application is being
13 made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a
14 uniformed member of the Missouri state water patrol stationed in the district area in which the
15 applicant's place of business is located or by a uniformed member of the Missouri state highway
16 patrol stationed in the troop area in which the applicant's place of business is located or, if the
17 applicant's place of business is located within the jurisdiction of a metropolitan police
18 department in a first class county, by an officer of such metropolitan police department. A bona
19 fide established place of business for any new motor vehicle franchise dealer, used motor vehicle
20 dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or
21 wholesale or public auction shall be a permanent enclosed building or structure, either owned
22 in fee or leased and actually occupied as a place of business by the applicant for the selling,
23 bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or
24 trailers and wherein the public may contact the owner or operator at any reasonable time, and
25 wherein shall be kept and maintained the books, records, files and other matters required and
26 necessary to conduct the business. The applicant shall maintain a working telephone number
27 during the entire registration year which will allow the public, the department, and law
28 enforcement to contact the applicant during regular business hours. The applicant shall also
29 maintain an email address during the entire registration year which may be used for official
30 correspondence with the department. In order to qualify as a bona fide established place of
31 business for all applicants licensed pursuant to this section there shall be an exterior sign
32 displayed carrying the name of the business set forth in letters at least six inches in height and
33 clearly visible to the public and there shall be an area or lot which shall not be a public street on
34 which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall
35 contain the name of the dealership by which it is known to the public through advertising or
36 otherwise, which need not be identical to the name appearing on the dealership's license so long
37 as such name is registered as a fictitious name with the secretary of state, has been approved by
38 its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a

39 copy of such fictitious name registration has been provided to the department. Dealers who sell
40 only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide
41 place of business, including the related law enforcement certification requirements, and from
42 meeting the minimum yearly sales;

43 (2) The initial application for licensure shall include a photograph, not to exceed eight
44 inches by ten inches but no less than five inches by seven inches, showing the business building,
45 lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently
46 licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the
47 existing dealership building, lot and sign but shall be required to submit a new photograph upon
48 the installation of the new dealership sign as required by sections 301.550 to 301.580.
49 Applicants shall not be required to submit a photograph annually unless the business has moved
50 from its previously licensed location, or unless the name of the business or address has changed,
51 or unless the class of business has changed;

52 (3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer,
53 a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish
54 with the application a corporate surety bond or an irrevocable letter of credit as defined in section
55 400.5-102, issued by any state or federal financial institution in the penal sum of fifty thousand
56 dollars on a form approved by the department. The bond or irrevocable letter of credit shall be
57 conditioned upon the dealer complying with the provisions of the statutes applicable to new
58 motor vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor
59 vehicle dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss
60 sustained by reason of the acts of the person bonded when such acts constitute grounds for the
61 suspension or revocation of the dealer's license. The bond shall be executed in the name of the
62 state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall
63 name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or
64 financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or
65 irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid
66 upon receipt by the department of a final judgment from a Missouri court of competent
67 jurisdiction against the principal and in favor of an aggrieved party. Additionally, every
68 applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport
69 dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a copy
70 of a current dealer garage policy bearing the policy number and name of the insurer and the
71 insured;

72 (4) Payment of all necessary license fees as established by the department. In
73 establishing the amount of the annual license fees, the department shall, as near as possible,
74 produce sufficient total income to offset operational expenses of the department relating to the

75 administration of sections 301.550 to 301.580. All fees payable pursuant to the provisions of
76 sections 301.550 to 301.580, other than those fees collected for the issuance of dealer plates or
77 certificates of number collected pursuant to subsection 6 of this section, shall be collected by the
78 department for deposit in the state treasury to the credit of the "Motor Vehicle Commission
79 Fund", which is hereby created. The motor vehicle commission fund shall be administered by
80 the Missouri department of revenue. The provisions of section 33.080 to the contrary
81 notwithstanding, money in such fund shall not be transferred and placed to the credit of the
82 general revenue fund until the amount in the motor vehicle commission fund at the end of the
83 biennium exceeds two times the amount of the appropriation from such fund for the preceding
84 fiscal year or, if the department requires permit renewal less frequently than yearly, then three
85 times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the
86 fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation
87 from such fund for the preceding fiscal year.

88 2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer,
89 wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction,
90 trailer dealer, or a public motor vehicle auction submits an application for a license for a new
91 business and the applicant has complied with all the provisions of this section, the department
92 shall make a decision to grant or deny the license to the applicant within eight working hours
93 after receipt of the dealer's application, notwithstanding any rule of the department.

94 3. Except as otherwise provided in subsection 6 of this section, upon the initial issuance
95 of a license by the department, the department shall assign a distinctive dealer license number
96 or certificate of number to the applicant and the department shall issue one number plate or
97 certificate bearing the distinctive dealer license number or certificate of number and two
98 additional number plates or certificates of number within eight working hours after presentment
99 of the application and payment by the applicant of a fee of fifty dollars for the first plate or
100 certificate and ten dollars and fifty cents for each additional plate or certificate. Upon renewal,
101 the department shall issue the distinctive dealer license number or certificate of number as
102 quickly as possible. The issuance of such distinctive dealer license number or certificate of
103 number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt
104 with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale
105 motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer. The
106 license plates described in this section shall be made with fully reflective material with a
107 common color scheme and design, shall be clearly visible at night, and shall be aesthetically
108 attractive, as prescribed by section 301.130.

109 4. Notwithstanding any other provision of the law to the contrary, the department shall
110 assign the following distinctive dealer license numbers to:

111	New motor vehicle franchise dealers	D-0 through D-999
112	New powersport dealers	D-1000 through D-1999
113	Used motor vehicle and used	
114	powersport dealers	D-2000 through D-9999
115	Wholesale motor vehicle dealers	W-0 through W-1999
116	Wholesale motor vehicle auctions	WA-0 through WA-999
117	New and used trailer dealers	T-0 through T-9999
118	Motor vehicle, trailer, and boat	
119	manufacturers	DM-0 through DM-999
120	Public motor vehicle auctions	A-0 through A-1999
121	Boat dealers	M-0 through M-9999
122	New and used recreational motor	
123	vehicle dealers	RV-0 through RV-999

124 For purposes of this subsection, qualified transactions shall include the purchase of salvage titled
 125 vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage
 126 dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified
 127 transactions annually. In order for salvage dealers to obtain number plates or certificates under
 128 this section, dealers shall submit to the department of revenue on August first of each year a
 129 statement certifying, under penalty of perjury, the dealer's number of purchases during the
 130 reporting period of July first of the immediately preceding year to June thirtieth of the present
 131 year. The provisions of this subsection shall become effective on the date the director of the
 132 department of revenue begins to reissue new license plates under section 301.130, or on
 133 December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new
 134 license plates under the authority granted under section 301.130 prior to December 1, 2008, the
 135 director of the department of revenue shall notify the revisor of statutes of such fact.

136 5. Upon the sale of a currently licensed motor vehicle dealership the department shall,
 137 upon request, authorize the new approved dealer applicant to retain the selling dealer's license
 138 number and shall cause the new dealer's records to indicate such transfer. If the new approved
 139 dealer applicant elects not to retain the selling dealer's license number, the department shall issue
 140 the new dealer applicant a new dealer's license number and an equal number of plates or
 141 certificates as the department had issued to the selling dealer.

142 6. In the case of motor vehicle dealers, the department shall issue one number plate
 143 bearing the distinctive dealer license number and may issue one additional number plate to the
 144 applicant upon payment by the dealer of a fifty dollar fee for the number plate bearing the
 145 distinctive dealer license number and ten dollars and fifty cents for the additional number plate.
 146 The department may issue a third plate to the motor vehicle dealer upon completion of the

147 dealer's fifteenth qualified transaction and payment of a fee of ten dollars and fifty cents. In the
148 case of new motor vehicle manufacturers, powersport dealers, recreational motor vehicle dealers,
149 and trailer dealers, the department shall issue one number plate bearing the distinctive dealer
150 license number and may issue two additional number plates to the applicant upon payment by
151 the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer
152 license number and ten dollars and fifty cents for each additional number plate. Boat dealers and
153 boat manufacturers shall be entitled to one certificate of number bearing such number upon the
154 payment of a fifty dollar fee. Additional number plates and as many additional certificates of
155 number may be obtained upon payment of a fee of ten dollars and fifty cents for each additional
156 plate or certificate. New motor vehicle manufacturers shall not be issued or possess more than
157 three hundred forty-seven additional number plates or certificates of number annually. New and
158 used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers,
159 and trailer dealers are limited to one additional plate or certificate of number per ten-unit
160 qualified transactions annually. New and used recreational motor vehicle dealers are limited to
161 two additional plates or certificate of number per ten-unit qualified transactions annually for their
162 first fifty transactions and one additional plate or certificate of number per ten-unit qualified
163 transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on
164 his or her initial application the applicant's proposed annual number of sales in order for the
165 director to issue the appropriate number of additional plates or certificates of number. A motor
166 vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer,
167 motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a
168 distinctive dealer license plate or certificate of number or additional license plate or additional
169 certificate of number, throughout the calendar year, shall be required to pay a fee for such license
170 plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed
171 for the original and duplicate number plates or certificates of number for such dealers' licenses,
172 multiplied by the number of months remaining in the licensing period for which the dealer or
173 manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at
174 the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a
175 certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain
176 number plates or certificates under this section, dealers shall submit to the department of revenue
177 on August first of each year a statement certifying, under penalty of perjury, the dealer's number
178 of sales during the reporting period of July first of the immediately preceding year to June
179 thirtieth of the present year.

180 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any
181 motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to
182 subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held

183 for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle,
184 **for use by a customer while the customer's vehicle is being serviced or repaired by the**
185 **motor vehicle dealer**, for use and display purposes during, but not limited to, parades, private
186 events, charitable events, or for use by an employee or officer, but shall not be displayed on any
187 motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker
188 vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to
189 demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license
190 plates in like manner, except such plates may only be displayed on trailers owned and held for
191 resale by the trailer dealer.

192 8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be
193 displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a
194 boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by
195 an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor
196 vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer
197 hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers
198 and boat manufacturers may display their certificate of number on a vessel or vessel trailer when
199 transporting a vessel or vessels to an exhibit or show.

200 9. If any law enforcement officer has probable cause to believe that any license plate or
201 certificate of number issued under subsection 3 or 6 of this section is being misused in violation
202 of subsection 7 or 8 of this section, the license plate or certificate of number may be seized and
203 surrendered to the department.

204 10. (1) Every application for the issuance of a used motor vehicle dealer's license shall
205 be accompanied by proof that the applicant, within the last twelve months, has completed an
206 educational seminar course approved by the department as prescribed by subdivision (2) of this
207 subsection. Wholesale and public auto auctions and applicants currently holding a new or used
208 license for a separate dealership shall be exempt from the requirements of this subsection. The
209 provisions of this subsection shall not apply to current new motor vehicle franchise dealers or
210 motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle
211 leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers
212 who were licensed prior to August 28, 2006.

213 (2) The educational seminar shall include, but is not limited to, the dealer requirements
214 of sections 301.550 to 301.580, the rules promulgated to implement, enforce, and administer
215 sections 301.550 to 301.580, and any other rules and regulations promulgated by the department.

301.3066. 1. Any Missouri resident may receive special license plates as prescribed
2 **in this section after an annual payment of an emblem-use authorization fee to the**
3 **Association of Missouri Electric Cooperatives. The Association of Missouri Electric**

4 Cooperatives hereby authorizes the use of its official lineman emblem to be fixed on multi-
5 year personalized license plates as provided in this section. Any contribution to such
6 association derived from this section shall be used solely for financial assistance for
7 lineman training programs. Any Missouri resident may annually apply to the association
8 for the use of the emblem.

9 2. Upon annual application and payment of a twenty-five dollar emblem-use
10 contribution to the Association of Missouri Electric Cooperatives, the association shall
11 issue to the vehicle owner, without further charge, an emblem-use authorization statement,
12 which shall be presented by the vehicle owner to the department of revenue at the time of
13 registration of a motor vehicle. Upon presentation of the annual statement and payment
14 of the fee required for personalized license plates in section 301.144, and other fees and
15 documents which may be required by law, the department of revenue shall issue
16 personalized license plates, which shall bear the emblem of the Association of Missouri
17 Electric Cooperatives' lineman, to the vehicle owner.

18 3. The license plates authorized by this section shall be made with fully reflective
19 material with a common color scheme and design, shall be clearly visible at night, and shall
20 be aesthetically attractive, as prescribed by section 301.130. The bidding process used to
21 select a vendor for the material to manufacture the license plates authorized by this section
22 shall consider the aesthetic appearance of the plates.

23 4. A vehicle owner, who was previously issued plates with the Association of
24 Missouri Electric Cooperatives' lineman emblem authorized by this section but who does
25 not provide an emblem-use authorization statement at a subsequent time of registration,
26 shall be issued new plates which do not bear the Association of Missouri Electric
27 Cooperatives' lineman emblem, as otherwise provided by law. The director of revenue
28 shall make necessary rules and regulations for the enforcement of this section, and shall
29 design all necessary forms required by this section.

301.3067. 1. Any Missouri resident may receive special license plates as prescribed
2 in this section after an annual payment of an emblem-use authorization fee to the Missouri
3 Association of Municipal Utilities. The Missouri Association of Municipal Utilities hereby
4 authorizes the use of its official utility worker emblem to be fixed on multi-year
5 personalized license plates as provided in this section. Any contribution to such association
6 derived from this section shall be used solely for financial assistance for utility worker
7 training programs. Any Missouri resident may annually apply to the association for the
8 use of the emblem.

9 2. Upon annual application and payment of a twenty-five dollar emblem-use
10 contribution to the Missouri Association of Municipal Utilities, the association shall issue

11 **to the vehicle owner, without further charge, an emblem-use authorization statement,**
12 **which shall be presented by the vehicle owner to the department of revenue at the time of**
13 **registration of a motor vehicle. Upon presentation of the annual statement and payment**
14 **of the fee required for personalized license plates in section 301.144, and other fees and**
15 **documents which may be required by law, the department of revenue shall issue**
16 **personalized license plates, which shall bear the emblem of the Missouri Association of**
17 **Municipal Utilities' utility worker, to the vehicle owner.**

18 **3. The license plates authorized by this section shall be made with fully reflective**
19 **material with a common color scheme and design, shall be clearly visible at night, and shall**
20 **be aesthetically attractive, as prescribed by section 301.130. The bidding process used to**
21 **select a vendor for the material to manufacture the license plates authorized by this section**
22 **shall consider the aesthetic appearance of the plates.**

23 **4. A vehicle owner, who was previously issued plates with the Missouri Association**
24 **of Municipal Utilities' utility worker emblem authorized by this section but who does not**
25 **provide an emblem-use authorization statement at a subsequent time of registration, shall**
26 **be issued new plates which do not bear the Missouri Association of Municipal Utilities'**
27 **utility worker emblem, as otherwise provided by law. The director of revenue shall make**
28 **necessary rules and regulations for the enforcement of this section, and shall design all**
29 **necessary forms required by this section.**

301.3139. 1. Any Boy Scout of appropriate age as prescribed by law or parent of a Boy
2 Scout may receive special license plates as prescribed by this section, for any motor vehicle such
3 person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial
4 motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual
5 payment of an emblem-use authorization fee to the Boy Scouts of America Council of which the
6 person is a member or the parent of a member. The Boy Scouts of America hereby authorizes
7 the use of its official emblem to be affixed on multiyear personalized license plates as provided
8 in this section. Any contribution to the Boy Scouts of America derived from this section, except
9 reasonable administrative costs, shall be used solely for the purposes of the Boy Scouts of
10 America. Any Boy Scout or parent of a Boy Scout may annually apply for the use of the emblem
11 and pay the twenty-five dollar emblem-use authorization fee at any local district council in the
12 state.

13 **2. Upon annual application and payment of a twenty-five dollar emblem-use contribution**
14 **to the Boy Scouts of America, the organization shall issue to the vehicle owner, without further**
15 **charge, an emblem-use authorization statement, which shall be presented by the owner to the**
16 **department of revenue at the time of registration of a motor vehicle. Upon presentation of the**
17 **annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents**

18 which may be required by law, the department of revenue shall issue to the vehicle owner a
19 personalized license plate which shall bear the emblem of the Boy Scouts of America and the
20 words "BOY SCOUTS OF AMERICA" in place of the words "SHOW-ME STATE". Such
21 license plates shall be made with fully reflective material with a common color scheme and
22 design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by
23 section 301.130. ~~[Notwithstanding the provisions of section 301.144, no additional fee shall be~~
24 ~~charged for the personalization of license plates pursuant to this section.]~~ **Notwithstanding**
25 **subdivision (2) of subsection 1 of section 301.3150, the Boy Scouts of America shall not be**
26 **required to submit a list of applicants who plan to purchase the specialty plate established**
27 **under this section.**

28 3. A vehicle owner, who was previously issued a plate with the Boy Scouts of America
29 emblem authorized by this section but who does not provide an emblem-use authorization
30 statement at a subsequent time of registration, shall be issued a new plate which does not bear
31 the Boy Scouts of America emblem, as otherwise provided by law. The director of revenue shall
32 make necessary rules and regulations for the administration of this section, and shall design all
33 necessary forms required by this section. No rule or portion of a rule promulgated pursuant to
34 the authority of this section shall become effective unless it has been promulgated pursuant to
35 the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section
36 536.010, that is created under the authority delegated in this section shall become effective only
37 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
38 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
39 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
40 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
41 and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3148. 1. Any member of Missouri DeMolay may receive special license plates as
2 prescribed in this section after an annual payment of an emblem-use authorization fee to
3 Missouri DeMolay. Missouri DeMolay hereby authorizes the use of its official emblem to be
4 affixed on multiyear personalized license plates as provided in this section **for any vehicle the**
5 **person owns, either solely or jointly, other than an apportioned motor vehicle or**
6 **commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight.**
7 Any contribution to Missouri DeMolay derived from this section, except reasonable
8 administrative costs, shall be used solely for Missouri DeMolay scholarships and other charitable
9 programs. Any member of Missouri DeMolay may annually apply to Missouri DeMolay for the
10 use of the emblem.

11 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution
12 to Missouri DeMolay, the organization shall issue to the vehicle owner, without further charge,

13 an emblem-use authorization statement, which shall be presented by the member to the
14 department of revenue at the time of registration of a motor vehicle. Upon presentation of the
15 annual statement and payment of the fee required for personalized license plates in section
16 301.144, and other fees and documents which may be required by law, the department of revenue
17 shall issue a personalized license plate, which shall bear the emblem of the Missouri DeMolay,
18 to the vehicle owner.

19 3. The license plate authorized by this section shall be ~~[in a form prescribed by the~~
20 ~~advisory committee established in section 301.129, except that such license plates shall be]~~ **of**
21 **a design submitted by Missouri DeMolay and approved by the department, shall be made**
22 with fully reflective material with a common color scheme and design, shall be clearly visible
23 at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding
24 process used to select a vendor for the material to manufacture the license plates authorized by
25 this section shall consider the aesthetic appearance of the plate.

26 4. A vehicle owner, who was previously issued a plate with the Missouri DeMolay
27 emblem authorized by this section but who does not provide an emblem-use authorization
28 statement at a subsequent time of registration, shall be issued a new plate which does not bear
29 the Missouri DeMolay emblem, as otherwise provided by law. The director of revenue shall
30 make necessary rules and regulations for the enforcement of this section, and shall design all
31 necessary forms required by this section.

32 **5. Prior to the issuance of a "Missouri DeMolay" specialty plate authorized under**
33 **this section, the department of revenue shall be in receipt of an application with the**
34 **proposed art design for the specialty license plate. The manufacture and transfer of**
35 **specialty license plates under this section shall not require any submission of signatures.**
36 **The department may require payment of a five thousand dollar fee prior to production of**
37 **the specialty license plates and may charge the fifteen dollar specialty plate fee per**
38 **application and other required documents or fees for such plates.**

2 **302.205. 1. Any resident of this state may elect to have a medical alert notation**
3 **placed on the person's driver's license or non-driver's identification card. The following**
4 **conditions, illnesses, and disorders may be recorded on a driver's license or non-driver's**
5 **identification card as medical alert information at the request of the applicant:**

- 6 (1) Posttraumatic stress disorder;
- 7 (2) Diabetes;
- 8 (3) Heart conditions;
- 9 (4) Epilepsy;
- 10 (5) Drug allergies;
- (6) Alzheimers or dementia; or

11 **(7) Other conditions as approved by director of the department of revenue or his**
12 **or her designee.**

13 **2. Any person requesting the inclusion of a medical alert notation on his or her**
14 **driver's license or non-driver's identification card shall submit an application form to**
15 **include a waiver of liability for the release of any medical information to the department,**
16 **any person who is eligible for access to such medical information as recorded on the**
17 **person's driving record under this chapter, and any other person who may view or receive**
18 **notice of such medical information by virtue of having seen such person's driver's license**
19 **or non-driver's identification card. Such application shall advise the person that he or she**
20 **will be consenting to the release of such medical information to anyone who sees or copies**
21 **his or her driver's license or non-driver's identification card even if such person is**
22 **otherwise ineligible to access such medical information under state or federal law.**

23 **3. Such application shall include space for a person requesting the inclusion of a**
24 **medical alert notation on his or her driver's license or non-driver's identification card to**
25 **obtain a sworn statement from a person licensed to practice medicine or psychology in this**
26 **state verifying such diagnosis.**

27 **4. Any person who has been issued a driver's license or non-driver's identification**
28 **card bearing medical alert information may be issued a replacement driver's license or**
29 **non-driver's identification card excluding such medical alert information at his or her**
30 **request and upon payment of the fee provided in this chapter for replacement of lost**
31 **licenses or identification cards.**

32 **5. No medical alert information shall be printed on or removed from a driver's**
33 **license or non-driver's identification card without the express consent of the licensee. If**
34 **the licensee is a child under the age of eighteen, consent for the printing of medical alert**
35 **information shall be provided by the parent or guardian of the child when he or she signs**
36 **the application for the driver's license or non-driver's identification card. If the licensee**
37 **is an incapacitated adult, consent for the printing of medical alert information shall be**
38 **given by the guardian of such adult as appointed by a court of competent jurisdiction.**

39 **6. The information collected under subsection 1 of this section shall be transferred**
40 **by the Missouri department of revenue to the Missouri state highway patrol for entry into**
41 **the Missouri Uniform Law Enforcement System (MULES). The fact of this transfer of**
42 **information and use of the MULES system shall be contained in the application and**
43 **consent documents required under this section.**

44 **7. The director of the department of revenue may promulgate all necessary rules**
45 **and regulations for the administration of this section. Any rule or portion of a rule, as that**
46 **term is defined in section 536.010, that is created under the authority delegated in this**

47 **section shall become effective only if it complies with and is subject to all of the provisions**
48 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
49 **nonseverable, and if any of the powers vested with the general assembly pursuant to**
50 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
51 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
52 **proposed or adopted after August 28, 2019, shall be invalid and void.**

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

20 2. No person may be issued a commercial driver's license until he has passed written and
21 driving tests for the operation of a commercial motor vehicle which complies with the minimum
22 federal standards established by the Secretary and has satisfied all other requirements of the
23 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any
24 other requirements imposed by state law. All applicants for a commercial driver's license shall
25 have maintained the appropriate class of commercial driver's instruction permit issued by this
26 state or any other state for a minimum of fourteen calendar days prior to the date of taking the
27 skills test. Applicants for a hazardous materials endorsement must also meet the requirements
28 of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by
29 regulations promulgated by the Secretary. Nothing contained in this subsection shall be
30 construed as prohibiting the director from establishing alternate testing formats for those who

31 are functionally illiterate; provided, however, that any such alternate test must comply with the
32 minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
33 Law 99-570) as established by the Secretary.

34 (1) The written and driving tests shall be held at such times and in such places as the
35 superintendent may designate. A twenty-five dollar examination fee shall be paid by the
36 applicant upon completion of any written or driving test, except the examination fee shall be
37 waived for applicants seventy years of age or older renewing a license with a school bus
38 endorsement. The director shall delegate the power to conduct the examinations required under
39 sections 302.700 to 302.780 to any member of the highway patrol or any person employed by
40 the highway patrol qualified to give driving examinations. The written test shall only be
41 administered in the English language. No translators shall be allowed for applicants taking the
42 test. **A hearing test shall not be a component of the written test or driving test for any**
43 **applicant who is deaf or hard of hearing.**

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

49 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
50 certification to community colleges established under chapter 178 or to private companies who
51 own, lease, or maintain their own fleet and administer in-house testing to their employees, or to
52 school districts and their agents that administer in-house testing to the school district's or agent's
53 employees. Any third-party tester who violates any of the rules and regulations adopted and
54 promulgated pursuant to this section shall be subject to having his certification revoked by the
55 department. The department shall provide written notice and an opportunity for the third-party
56 tester to be heard in substantially the same manner as provided in chapter 536. If any applicant
57 submits evidence that he has successfully completed a test administered by a third-party tester,
58 the actual driving test for a commercial driver's license may then be waived.

59 (4) Every applicant for renewal of a commercial driver's license shall provide such
60 certifications and information as required by the Secretary and if such person transports a
61 hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of
62 Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such
63 person shall be required to take the written test for such endorsement. A twenty-five dollar
64 examination fee shall be paid upon completion of such tests.

65 (5) The director shall have the authority to waive the driving skills test for any qualified
66 military applicant for a commercial driver's license who is currently licensed at the time of

67 application for a commercial driver's license. The director shall impose conditions and
68 limitations to restrict the applicants from whom the department may accept alternative
69 requirements for the skills test described in federal regulation 49 CFR 383.77. An applicant
70 must certify that, during the two-year period immediately preceding application for a commercial
71 driver's license, all of the following apply:

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

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

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

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

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

81 (f) The applicant has been regularly employed within the last ninety days in a military
82 position requiring operation of a commercial motor vehicle and has operated the vehicle for at
83 least sixty days during the two years immediately preceding application for a commercial driver's
84 license. The vehicle must be representative of the commercial motor vehicle the driver applicant
85 operates or expects to operate;

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

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

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

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

94 3. A commercial driver's license or commercial driver's instruction permit may not be
95 issued to a person while the person is disqualified from driving a commercial motor vehicle,
96 when a disqualification is pending in any state or while the person's driver's license is suspended,
97 revoked, or cancelled in any state; nor may a commercial driver's license be issued unless the
98 person first surrenders in a manner prescribed by the director any commercial driver's license
99 issued by another state, which license shall be returned to the issuing state for cancellation.

100 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this
101 section unless the director verifies that the applicant is lawfully present in the United States
102 before accepting the application. The director may, by rule or regulation, establish procedures

103 to verify the lawful presence of the applicant under this section. No rule or portion of a rule
104 promulgated pursuant to the authority of this section shall become effective unless it has been
105 promulgated pursuant to chapter 536.

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

111 **6. The director shall adopt and promulgate rules and regulations establishing a**
112 **process for applicants with disabilities to request testing accommodations with respect to**
113 **both the written and driving tests required under this section and to establish criteria for**
114 **awarding such accommodations. Any rule or portion of a rule, as that term is defined in**
115 **section 536.010, that is created under the authority delegated in this section shall become**
116 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
117 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
118 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
119 **the effective date, or to disapprove and annul a rule are subsequently held**
120 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
121 **after August 28, 2019, shall be invalid and void.**

2 **302.723. Notwithstanding any other provision of law, any entity providing CDL**
3 **training to persons preparing to apply for CDL licenses under the provisions of sections**
4 **302.700 to 302.780 shall provide reasonable accommodations for persons who are deaf or**
5 **hard of hearing.**

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

2 (1) "Law enforcement officer", any public servant, other than a patrol officer, who is
3 defined as a law enforcement officer under section 556.061;

4 (2) "Motor club", an organization which motor vehicle drivers and owners may join that
5 provide certain benefits relating to driving a motor vehicle;

6 (3) **"Nonconsensual tow", the transportation of a motor vehicle by tow truck if such**
7 **transportation is performed without the prior consent or authorization of the owner or**
8 **operator of the motor vehicle. For purposes of this section, all law enforcement-ordered**
9 **tows are considered nonconsensual;**

10 (4) "Patrol officer", a Missouri state highway patrol officer;

11 ~~(4)~~ (5) "Tow list", a list of approved towing companies compiled, maintained, and
12 utilized by the Missouri state highway patrol or its designee;

13 ~~[(5)]~~ (6) "Tow management company", any sole proprietorship, partnership, corporation,
14 fiduciary, association, or other business entity that manages towing logistics for government
15 agencies or motor clubs;

16 ~~[(6)]~~ (7) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under
17 section 301.010;

18 ~~[(7)]~~ (8) "Towing", moving or removing, or the preparation therefor, of a vehicle by
19 another vehicle for which a service charge is made, either directly or indirectly, including any
20 dues or other charges of clubs or associations which provide towing services;

21 ~~[(8)]~~ (9) "Towing company", any person, partnership, corporation, fiduciary, association,
22 or other entity that operates a wrecker or towing service as defined under section 301.010.

23 2. In authorizing a towing company to perform services, any patrol officer or law
24 enforcement officer within the officer's jurisdiction, or Missouri department of transportation
25 employee, may utilize the services of a tow management company or tow list, provided:

26 (1) The Missouri state highway patrol is under no obligation to include or retain the
27 services of any towing company in any contract or agreement with a tow management company
28 or any tow list established pursuant to this section. A towing company is subject to removal
29 from a tow list at any time;

30 (2) Notwithstanding any other provision of law or any regulation established pursuant
31 to this section, an owner or operator's request for a specific towing company shall be honored
32 by the Missouri state highway patrol unless:

33 (a) The requested towing company cannot or does not respond in a reasonable time, as
34 determined by a law enforcement officer; or

35 (b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law
36 enforcement officer.

37 3. A patrol officer shall not use a towing company located outside of Missouri under this
38 section except under the following circumstances:

39 (1) A state or federal emergency has been declared; or

40 (2) The driver or owner of the vehicle, or a motor club of which the driver or owner is
41 a member, requests a specific out-of-state towing company.

42 4. A towing company shall not tow a vehicle to a location outside of Missouri without
43 the consent of the driver or owner of the motor vehicle, or without the consent of a motor club
44 of which the driver or owner of the motor vehicle is a member.

45 5. Any towing company or tow truck arriving at the scene of an accident that has not
46 been called by a patrol officer, a law enforcement officer, a Missouri department of
47 transportation employee, the driver or owner of the motor vehicle or his or her authorized agent,
48 including a motor club of which the driver or owner is a member, shall be prohibited from

49 towing the vehicle from the scene of the accident, unless the towing company or tow truck
50 operator is rendering emergency aid in the interest of public safety, or is operating during a
51 declared state of emergency under section 44.100.

52 6. A tow truck operator that stops and tows a vehicle from the scene of an accident in
53 violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction
54 or pleading guilty for the first violation, and such tow truck shall be subject to impounding. The
55 penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or
56 subsequent violation shall be a class D felony. A violation of this section shall not preclude the
57 tow truck operator from being charged with tampering under chapter 569.

58 7. The provisions of this section shall also apply to motor vehicles towed under section
59 304.155 or 304.157.

60 8. The provisions of **subsections 1 to 7** of this section shall not apply to counties of the
61 third or fourth classification.

62 **9. (1) The "Towing Task Force" is hereby created. The task force shall make**
63 **recommendations as provided in this subsection with respect to tows involving vehicles**
64 **with a gross vehicle weight rating in excess of twenty-six thousand pounds. The task force**
65 **shall consist of thirteen members, who shall be appointed as follows:**

66 **(a) Two members of the senate appointed by the president pro tempore of the**
67 **senate, with one member appointed from the minority party and one member appointed**
68 **from the majority party;**

69 **(b) Two members of the house of representatives appointed by the speaker of the**
70 **house of representatives, with one member appointed from the minority party and one**
71 **member appointed from the majority party;**

72 **(c) One member, or the member's designee, appointed by the governor to represent**
73 **the department of revenue;**

74 **(d) One member, or the member's designee, appointed by the superintendent of the**
75 **Missouri state highway patrol;**

76 **(e) One member, or the member's designee, appointed by the governor to represent**
77 **towing companies within the state;**

78 **(f) Two members, or the members' designees, appointed by the governor to**
79 **represent the heavy duty towing and recovery industry within the state;**

80 **(g) One member who insures commercial motor vehicles, or the member's designee,**
81 **appointed by the governor to represent insurance companies within the state;**

82 **(h) One member, or the member's designee, appointed by the governor to represent**
83 **an association of motor carriers within the state;**

84 (i) One member, or the member's designee, appointed by the director of the
85 Missouri department of revenue; and

86 (j) One member, appointed by the governor, who is a truck driver that resides in
87 Missouri.

88 (2) The task force shall have the following duties and powers:

89 (a) To make comprehensive recommendations on matters related to the
90 investigation of overcharges made by towing companies, including:

91 a. A process for the adjudication of consumer complaints regarding nonconsensual
92 tow charges;

93 b. Factors to consider in determining whether a charge levied by a towing company
94 is just, fair, and reasonable, including charges for the use of unnecessary equipment and
95 labor; and

96 c. A process for the removal of towing companies from rotation lists for violations
97 of the rules; and

98 (b) To make comprehensive recommendations regarding information that should
99 be included on every invoice with respect to a nonconsensual tow.

100 (3) The task force shall make its first comprehensive recommendations in a report
101 to the general assembly no later than March 1, 2021.

102 (4) The members of the towing task force shall elect a chair from among their
103 membership. The chair shall set the times and frequency of the task force's meetings.

104 (5) The task force established under this subsection shall expire on January 1, 2022.

304.281. 1. Whenever traffic is controlled by traffic control signals exhibiting different
2 colored lights, or colored lighted arrows, successively one at a time or in combination, only the
3 colors green, red and yellow shall be used, except for special pedestrian signals carrying a word
4 legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

5 (1) Green indication

6 (a) Vehicular traffic facing a circular green signal may proceed straight through or turn
7 right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including
8 vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians
9 lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

10 (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with
11 another indication, may cautiously enter the intersection only to make the movement indicated
12 by such arrow, or such other movement as is permitted by other indications shown at the same
13 time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an
14 adjacent crosswalk and to other traffic lawfully using the intersection;

15 (c) Unless otherwise directed by a pedestrian control signal, as provided in section
16 304.291, pedestrians facing any green signal, except when the sole green signal is a turn arrow,
17 may proceed across the roadway within any marked or unmarked crosswalk.

18 (2) Steady yellow indication

19 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green
20 movement is being terminated or that a red indication will be exhibited immediately thereafter
21 when vehicular traffic shall not enter the intersection;

22 (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian
23 control signal as provided in section 304.291, are thereby advised that there is insufficient time
24 to cross the roadway before a red indication is shown and no pedestrian shall then start to cross
25 the roadway.

26 (3) Steady red indication

27 (a) Vehicular traffic facing a steady red signal alone shall stop before entering the
28 crosswalk on the near side of the intersection at a clearly marked stop line but, if none, then
29 before entering the intersection and shall remain standing until an indication to proceed is shown
30 except as provided in paragraph (b);

31 (b) The driver of a vehicle which is stopped as close as practicable at the entrance to the
32 crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection
33 in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall
34 yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the
35 intersection, except that the state highways and transportation commission with reference to an
36 intersection involving a state highway, and local authorities with reference to an intersection
37 involving other highways under their jurisdiction, may prohibit any such right turn against a red
38 signal at any intersection where safety conditions so require, said prohibition shall be effective
39 when a sign is erected at such intersection giving notice thereof;

40 (c) **The driver of a vehicle which is in the left-most lane on a one-way street and**
41 **stopped as close as practicable at the entrance to the crosswalk on the near side of the**
42 **intersection or, if none, then at the entrance to the intersection in obedience to a red signal,**
43 **may cautiously enter the intersection to make a left turn onto a one-way street but shall**
44 **yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal**
45 **at the intersection, except that the state highways and transportation commission with**
46 **reference to an intersection involving a state highway, and local authorities with reference**
47 **to an intersection involving other highways under their jurisdiction, may prohibit any such**
48 **left turn against a red signal at any intersection where safety conditions so require and**
49 **such prohibition shall be effective when a sign is erected at such intersection giving notice**
50 **thereof;**

51 (d) Unless otherwise directed by a pedestrian control signal as provided in section
52 304.291, pedestrians facing a steady red signal alone shall not enter the roadway.

53 (4) In the event an official traffic control signal is erected and maintained at a place other
54 than an intersection, the provision of this section shall be applicable except as to those provisions
55 which by their nature can have no application. Any stop required shall be made at a sign or
56 marking on the pavement indicating where the stop shall be made, but in the absence of any such
57 sign or marking the stop shall be made at the signal.

58 2. Notwithstanding the provisions of section 304.361, violation of this section is a class
59 C misdemeanor.

304.580. As used in sections 304.582 and 304.585, the term "construction zone" or
2 "work zone" means any area upon or around any highway as defined in section 302.010 which
3 is visibly marked by the department of transportation or a contractor or subcontractor performing
4 work for the department of transportation as an area where construction, maintenance, incident
5 removal, or other work is temporarily occurring. The term "work zone" or "construction zone"
6 also includes the lanes of highway leading up to the area upon which an activity described in this
7 subsection is being performed, beginning at the point where appropriate signs or traffic control
8 devices are posted or placed. The terms "worker" or "highway worker" as used in sections
9 304.582 and 304.585 shall mean any person ~~[that]~~ **who** is working in a construction zone or work
10 zone **on a state highway or the right-of-way of a state highway**, ~~[or]~~ any employee of the
11 department of transportation ~~[that]~~ **who** is performing duties under the department's motorist
12 assist program on a state highway or the right-of-way of a state highway, **or any utility worker**
13 **performing utility work on a state highway or the right-of-way of a state highway. "Utility**
14 **worker" means any employee or person employed under contract of a utility that provides**
15 **gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services,**
16 **whether privately, municipally, or cooperatively owned, while in performance of his or her**
17 **job duties.**

304.585. 1. A person shall be deemed to commit the offense of "endangerment of a
2 highway worker" upon conviction for any of the following when the offense occurs within a
3 construction zone or work zone, as defined in section 304.580:

- 4 (1) Exceeding the posted speed limit by fifteen miles per hour or more;
- 5 (2) Passing in violation of subsection 4 of section 304.582;
- 6 (3) Failure to stop for a work zone flagman or failure to obey traffic control devices
7 erected in the construction zone or work zone for purposes of controlling the flow of motor
8 vehicles through the zone;
- 9 (4) Driving through or around a work zone by any lane not clearly designated to
10 motorists for the flow of traffic through or around the work zone;

11 (5) Physically assaulting, or attempting to assault, or threatening to assault a highway
12 worker in a construction zone or work zone, with a motor vehicle or other instrument;

13 (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices
14 erected to control the flow of traffic to protect workers and motorists in the work zone for a
15 reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of
16 an occupant of the motor vehicle or of another person; or

17 (7) Committing any of the following offenses for which points may be assessed under
18 section 302.302:

19 (a) Leaving the scene of an accident in violation of section 577.060;

20 (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;

21 (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection
22 1 of section 302.020;

23 (d) Operating with a suspended or revoked license;

24 (e) Driving while in an intoxicated condition or under the influence of controlled
25 substances or drugs or driving with an excessive blood alcohol content;

26 (f) Any felony involving the use of a motor vehicle.

27 2. Upon conviction or a plea of guilty for committing the offense of endangerment of a
28 highway worker under subsection 1 of this section if no injury or death to a highway worker
29 resulted from the offense, in addition to any other penalty authorized by law, the person shall be
30 subject to a fine of not more than one thousand dollars and shall have four points assessed to his
31 or her driver's license under section 302.302.

32 3. A person shall be deemed to commit the offense of "aggravated endangerment of a
33 highway worker" upon conviction or a plea of guilty for any offense under subsection 1 of this
34 section when such offense occurs in a construction zone or work zone as defined in section
35 304.580 and results in the injury or death of a highway worker. Upon conviction or a plea of
36 guilty for committing the offense of aggravated endangerment of a highway worker, in addition
37 to any other penalty authorized by law, the person shall be subject to a fine of not more than five
38 thousand dollars if the offense resulted in injury to a highway worker and ten thousand dollars
39 if the offense resulted in death to a highway worker. In addition, such person shall have twelve
40 points assessed to their driver's license under section 302.302 and shall be subject to the
41 provisions of section 302.304 regarding the revocation of the person's license and driving
42 privileges.

43 4. Except for the offense established under subdivision (6) of subsection 1 of this
44 section, no person shall be deemed to commit the offense of endangerment of a highway worker
45 except when the act or omission constituting the offense occurred when one or more highway
46 workers were in the construction zone or work zone.

47 5. No person shall be cited or convicted for endangerment of a highway worker or
48 aggravated endangerment of a highway worker, for any act or omission otherwise constituting
49 an offense under subsection 1 of this section, if such act or omission resulted in whole or in part
50 from mechanical failure of the person's vehicle or from the negligence of another person or a
51 highway worker.

52 **6. (1) Notwithstanding any provision of this section or any other law to the**
53 **contrary, the director of the department of revenue or his or her agent shall order the**
54 **revocation of a driver's license upon its determination that an individual holding such**
55 **license was involved in a physical accident where his or her negligent acts or omissions**
56 **contributed to his or her vehicle striking a highway worker within a designated**
57 **construction zone or work zone where department of transportation guidelines involving**
58 **notice and signage were properly implemented. The department shall make its**
59 **determination of these facts on the basis of the report of a law enforcement officer**
60 **investigating the incident and this determination shall be final unless a hearing is requested**
61 **and held as provided under subdivision (2) of this subsection. Upon its determination that**
62 **the facts support a license revocation, the department shall issue a notice of revocation**
63 **which shall be mailed to the person at the last known address shown on the department's**
64 **records. The notice is deemed received three days after mailing unless returned by postal**
65 **authorities. The notice of revocation shall clearly specify the reason and statutory grounds**
66 **for the revocation, the effective date of the revocation which shall be at least fifteen days**
67 **from the date the department issued its order, the right of the person to request a hearing,**
68 **and the date by which the request for a hearing must be made.**

69 **(2) An individual who received notice of revocation from the department under this**
70 **section may seek reinstatement by either:**

71 **(a) Taking and passing the written and driving portions of the driver's license**
72 **examination, in which case the individual's driver's license shall be immediately reinstated;**
73 **or**

74 **(b) Petitioning for a hearing before a circuit division or associate division of the**
75 **court in the county in which the work zone accident occurred. The individual may request**
76 **such court to issue an order staying the revocation until such time as the petition for review**
77 **can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon**
78 **a form prescribed by the director of revenue and shall send a copy of such order to the**
79 **director. Such order shall serve as proof of the privilege to operate a motor vehicle in this**
80 **state, and the director shall maintain possession of the person's license to operate a motor**
81 **vehicle until the termination of any suspension under this subsection. The clerk of the**
82 **court shall notify the prosecuting attorney of the county, and the prosecutor shall appear**

83 at the hearing on behalf of the director of revenue. At the hearing, the court shall
84 determine only:

85 a. Whether the person was involved in a physical accident where his or her vehicle
86 struck a highway worker within a designated construction or work zone;

87 b. Whether the department of transportation guidelines involving notice and
88 signage were properly implemented in such work zone; and

89 c. Whether the investigating officer had probable cause to believe the person's
90 negligent acts or omissions contributed to his or her vehicle striking a highway worker.

91

92 If the court determines subparagraph a., b., or c. of this subdivision not to be in the
93 affirmative, the court shall order the director to reinstate the license or permit to drive.

94 (3) The department of revenue administrative adjudication to reinstate a driver's
95 license that was revoked under this subsection, and any evidence provided to the
96 department related to such adjudication, shall not be produced by subpoena or any other
97 means and made available as evidence in any other administrative action, civil case, or
98 criminal prosecution. The court's determinations issued under this section, and the
99 evidence provided to the court relating to such determinations, shall not be produced by
100 subpoena or any other means and made available in any other administrative action, civil
101 case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the
102 department from providing information to the system authorized under 49 U.S.C. Section
103 31309, or any successor federal law, pertaining to the licensing, identification, and
104 disqualification of operators of commercial motor vehicles.

304.894. 1. A person commits the offense of endangerment of an emergency responder
2 for any of the following offenses when the offense occurs within an active emergency zone:

3 (1) Exceeding the posted speed limit by fifteen miles per hour or more;

4 (2) Passing in violation of subsection 3 of section 304.892;

5 (3) Failure to stop for an active emergency zone flagman or emergency responder, or
6 failure to obey traffic control devices erected, or personnel posted, in the active emergency zone
7 for purposes of controlling the flow of motor vehicles through the zone;

8 (4) Driving through or around an active emergency zone via any lane not clearly
9 designated for motorists to control the flow of traffic through or around the active emergency
10 zone;

11 (5) Physically assaulting, attempting to assault, or threatening to assault an emergency
12 responder with a motor vehicle or other instrument; or

13 (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices
14 erected to control the flow of traffic to protect emergency responders and motorists unless the

15 action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of
16 an occupant of the motor vehicle or of another person.

17 2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment
18 of an emergency responder under subsection 1 of this section, if no injury or death to an
19 emergency responder resulted from the offense, the court shall assess a fine of not more than one
20 thousand dollars, and four points shall be assessed to the operator's license pursuant to section
21 302.302 upon conviction.

22 3. A person commits the offense of aggravated endangerment of an emergency responder
23 upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when
24 such offense results in the injury or death of an emergency responder. Upon a finding of guilt
25 or a plea of guilty for committing the offense of aggravated endangerment of an emergency
26 responder, in addition to any other penalty authorized by law, the court shall assess a fine of not
27 more than five thousand dollars if the offense resulted in injury to an emergency responder, and
28 ten thousand dollars if the offense resulted in the death of an emergency responder. In addition,
29 twelve points shall be assessed to the operator's license pursuant to section 302.302 upon
30 conviction.

31 4. Except for the offense established under subdivision (6) of subsection 1 of this
32 section, no person shall be deemed to have committed the offense of endangerment of an
33 emergency responder except when the act or omission constituting the offense occurred when
34 one or more emergency responders were responding to an active emergency.

35 5. No person shall be cited for, or found guilty of, endangerment of an emergency
36 responder or aggravated endangerment of an emergency responder, for any act or omission
37 otherwise constituting an offense under subsection 1 of this section, if such act or omission
38 resulted in whole or in part from mechanical failure of the person's vehicle, or from the
39 negligence of another person or emergency responder.

40 6. (1) **Notwithstanding any provision of this section or any other law to the**
41 **contrary, the director of the department of revenue or his or her agent shall order the**
42 **revocation of a driver's license upon its determination that an individual holding such**
43 **license was involved in a physical accident where his or her negligent acts or omissions**
44 **substantially contributed to his or her vehicle striking an emergency responder within an**
45 **active emergency zone where the appropriate visual markings for active emergency zones**
46 **were properly implemented. The department shall make its determination of these facts**
47 **on the basis of the report of a law enforcement officer investigating the incident and this**
48 **determination shall be final unless a hearing is requested and held as provided under**
49 **subdivision (2) of this subsection. Upon its determination that the facts support a license**
50 **revocation, the department shall issue a notice of revocation which shall be mailed to the**

51 person at the last known address shown on the department's records. The notice is deemed
52 received three days after mailing unless returned by postal authorities. The notice of
53 revocation shall clearly specify the reason and statutory grounds for the revocation, the
54 effective date of the revocation which shall be at least fifteen days from the date the
55 department issued its order, the right of the person to request a hearing, and the date by
56 which the request for a hearing must be made.

57 (2) An individual who received notice of revocation from the department under this
58 section may seek reinstatement by either:

59 (a) Taking and passing the written and driving portions of the driver's license
60 examination, in which case the individual's driver's license shall be immediately reinstated;
61 or

62 (b) Petitioning for a hearing before a circuit division or associate division of the
63 court in the county in which the emergency zone accident occurred. The individual may
64 request such court to issue an order staying the revocation until such time as the petition
65 for review can be heard. If the court, in its discretion, grants such stay, it shall enter the
66 order upon a form prescribed by the director of revenue and shall send a copy of such
67 order to the director. Such order shall serve as proof of the privilege to operate a motor
68 vehicle in this state, and the director shall maintain possession of the person's license to
69 operate a motor vehicle until the termination of any suspension under this subsection. The
70 clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor
71 shall appear at the hearing on behalf of the director of revenue. At the hearing, the court
72 shall determine only:

73 a. Whether the person was involved in a physical accident where his or her vehicle
74 struck an emergency responder within an active emergency zone;

75 b. Whether the guidelines involving notice and signage were properly implemented
76 in such emergency zone; and

77 c. Whether the investigating officer had probable cause to believe the person's
78 negligent acts or omissions substantially contributed to his or her vehicle striking an
79 emergency responder.

80

81 If the court determines subparagraph a., b., or c. of this subdivision not to be in the
82 affirmative, the court shall order the director to reinstate the license or permit to drive.

83 (3) The department of revenue administrative adjudication to reinstate a driver's
84 license that was revoked under this subsection, and any evidence provided to the
85 department related to such adjudication, shall not be produced by subpoena or any other
86 means and made available as evidence in any other administrative action, civil case, or

87 **criminal prosecution. The court's determinations issued under this section, and the**
88 **evidence provided to the court relating to such determinations, shall not be produced by**
89 **subpoena or any other means and made available in any other administrative action, civil**
90 **case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the**
91 **department from providing information to the system authorized under 49 U.S.C. Section**
92 **31309, or any successor federal law, pertaining to the licensing, identification, and**
93 **disqualification of operators of commercial motor vehicles.**

307.015. 1. Trucks, semitrailers, and trailers, except utility trailers, without rear fenders,
2 attached to a commercial motor vehicle registered for over twenty-four thousand pounds shall
3 be equipped with mud flaps for the rear wheels when operated on the public highways of this
4 state. If mud flaps are used, they shall be wide enough to cover the full tread width of the tire
5 or tires being protected; shall be so installed that they extend from the underside of the vehicle
6 body in a vertical plane behind the rear wheels to within **twelve inches of the ground for dump**
7 **trucks and within** eight inches of the ground **for all other vehicles required to be equipped**
8 **with mud flaps under this section;** and shall be constructed of a rigid material or a flexible
9 material which is of a sufficiently rigid character to provide adequate protection when the vehicle
10 is in motion. No provisions of this section shall apply to a motor vehicle in transit and in process
11 of delivery equipped with temporary mud flaps, to farm implements, or to any vehicle which is
12 not required to be registered.

13 2. **For purposes of this section, "dump truck" means a truck whose contents can**
14 **be emptied without handling, where the front end of the platform can be hydraulically**
15 **raised so that the load is discharged by gravity.**

16 3. Any person who violates this section is guilty of an infraction and, upon plea or
17 finding of guilt, shall be punished as provided by law.

Section B. The repeal and reenactment of section 302.205 of Section A of this act shall
2 become effective on July 31, 2020.

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