

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIFTH DAY—WEDNESDAY, MAY 13, 2020

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Senator Hegeman offered the following prayer:

“They receive blessings from the Lord, and vindication from the God of their salvation.” (Psalm 24:5)

Merciful God, You touch our lives with hope and joy, guidance and power so that we might know Your love and graciousness to us, Your people. Make us willing to open ourselves to Your prompting and become the people of godly character You desire each of us to be. And come to us this day and make us eager to experience Your love and power working through us as we move through the bills before us that are helpful and useful to our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—3

The Lieutenant Governor was present.

RESOLUTIONS

Senator Eigel offered Senate Resolution No. 1455, regarding Alejandra Castaneda, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 1456, regarding Ashley Early, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 1457, regarding Alayna Jenkins, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 1458, regarding Kristi Lewis, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 1459, regarding Melanie Norby, St. Peters, which was adopted.

Senator White offered Senate Resolution No. 1460, regarding Dr. Alan D. Marble, Neosho, which was adopted.

Senator Crawford offered Senate Resolution No. 1461, regarding Dr. Garland “Mark” Beem, Preston, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SS** for **SCS** for **HB 1768**, and has taken up and passed **CCS No. 2** for **SS** for **SCS** for **HB 1768**.

REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS** for **SCS** for **HCS** for **HB 2120**; **HB 1386**, with **SCS**; **HCS** for **HBs 1387** and **1482**; and **HCS** for **HB 2555**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 551**, with **HCS**, as amended: Senators Wieland, Crawford, Cunningham, Arthur and Sifton.

PRIVILEGED MOTIONS

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **CCR No. 2** for **SS** for **SCS** for **HB 1768** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1768

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 1768, with Senate Amendment No. 1, Senate Amendment No. 2, and Senate Amendment No. 3 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and

do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1768, as amended;
2. That the House recede from its position on House Bill No. 1768;
3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Bill No. 1768, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Louis Riggs
 /s/ Rick Francis
 /s/ Rocky Miller
 /s/ Tommie Pierson Jr.
 /s/ Steven Roberts

FOR THE SENATE:

/s/ Daniel J. Hegeman
 /s/ Sandy Crawford
 /s/ David Sater
 /s/ Lauren Arthur
 /s/ John Rizzo

Senator Hegeman moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schupp	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

NAYS—Senators—None

Absent—Senator Schatz—1

Absent with leave—Senators—None

Vacancies—3

On motion of Senator Hegeman, **CCS No. 2** for **SS** for **SCS** for **HB 1768**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 1768

An Act to repeal sections 67.453, 67.1461, 67.1846, 67.5122, 392.020, 620.2451, 620.2456, and 620.2459, RSMo, and to enact in lieu thereof eight new sections relating to communications services.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo

Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—3

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Cierpiot moved that **HCS for SB 656**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 656, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 656

An Act to repeal sections 168.021, 192.2305, 208.151, 210.109, 210.150, 301.451, and 571.104, RSMo, and to enact in lieu thereof sixteen new sections relating to veterans.

Was taken up.

Senator Cierpiot moved that **HCS for SB 656**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

NAYS—Senators—None

Absent—Senator Brown—1

Absent with leave—Senators—None

Vacancies—3

On motion of Senator Cierpiot, **HCS for SB 656**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

NAYS—Senators—None

Absent—Senator Brown—1

Absent with leave—Senators—None

Vacancies—3

The President declared the bill passed.

On motion of Senator Cierpiot, title to the bill was agreed to.

Senator Cierpiot moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HCS for HB 1682, with SCS, entitled:

An Act to repeal section 191.775, RSMo, and to enact in lieu thereof one new section relating to permissible usage of vapor products in public schools.

Was taken up by Senator Sater.

SCS for HCS for HB 1682, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1682

An Act to repeal sections 190.092, 190.094, 190.105, 190.143, 190.196, 191.775, 192.2000, 192.2305, 195.070, 196.990, 208.909, 208.918, 208.924, 338.220, 376.383, 376.387, 376.945, and 376.1578, RSMo, and to enact in lieu thereof twenty-nine new sections relating to health care, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Sater moved that **SCS for HCS for HB 1682** be adopted.

Senator Sater offered **SS for SCS for HCS for HB 1682**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1682

An Act to repeal sections 190.092, 190.094, 190.105, 190.143, 190.196, 190.606, 190.612, 191.775,

191.1146, 192.2305, 195.070, 195.417, 196.990, 205.202, 208.909, 208.918, 208.924, 338.035, 338.210, 338.220, 338.260, 376.383, 376.387, 376.945, 376.1578, 579.060, and 610.100, RSMo, and to enact in lieu thereof thirty-eight new sections relating to health care, with penalty provisions and an emergency clause for a certain section.

Senator Sater moved that **SS** for **SCS** for **HCS** for **HB 1682** be adopted.

Senator Riddle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 58, Section 338.260, Line 5 of said page by inserting immediately after all of said line the following:

“344.030. 1. An applicant for an initial license shall file a completed application with the board on a form provided by the board, accompanied by an application fee as provided by rule payable to the department of health and senior services. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant’s knowledge and belief.

2. No initial license shall be issued to a person as a nursing home administrator unless:

(1) The applicant provides the board satisfactory proof that the applicant is of good moral character and a high school graduate or equivalent;

(2) The applicant provides the board satisfactory proof that the applicant has had a minimum of three years’ experience in health care administration or two years of postsecondary education in health care administration, **or an associate degree or higher from an accredited academic institution**, or has satisfactorily completed a course of instruction and training prescribed by the board, which includes instruction in the needs properly to be served by nursing homes, the protection of the interests of residents therein, and the elements of good nursing home administration, or has presented evidence satisfactory to the board of sufficient education, training, or experience in the foregoing fields to administer, supervise and manage a nursing home; and

(3) The applicant passes the examinations administered by the board. If an applicant fails to make a passing grade on either of the examinations such applicant may make application for reexamination on a form furnished by the board and may be retested. If an applicant fails either of the examinations a third time, the applicant shall be required to complete a course of instruction prescribed and approved by the board. After completion of the board-prescribed course of instruction, the applicant may reapply for examination. With regard to the national examination required for licensure, no examination scores from other states shall be recognized by the board after the applicant has failed his or her third attempt at the national examination. There shall be a separate, nonrefundable fee for each examination. The board shall set the amount of the fee for examination by rules and regulations promulgated pursuant to section 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the examination.

3. Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator, who is employed by an institution listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such commission for the care and treatment of the sick in

accordance with the creed or tenets of a recognized church or religious denomination, to demonstrate proficiency in any techniques or to meet any educational qualifications or standards not in accord with the remedial care and treatment provided in such institutions. The applicant's license shall be endorsed to confine the applicant's practice to such institutions.

4. The board may issue a temporary emergency license for a period not to exceed [ninety] **one hundred and twenty** days to a person [twenty-one years of age or over, of good moral character and a high school graduate or equivalent] **that has met the temporary emergency license criteria established by the board** to serve as an acting [nursing home] administrator, provided such person is replacing a licensed [nursing home] administrator who has died, has been removed or has vacated the [nursing home] administrator's position. No temporary emergency license may be issued to a person who has had [a nursing home] **an** administrator's license denied, suspended or revoked. [A temporary emergency license may be renewed for one additional ninety-day period upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee, and the applicant has taken the examination or examinations but the results have not been received by the board. No temporary emergency license may be renewed more than one time.]"; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Hough assumed the Chair.

Senator Arthur offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 81, Section 610.100, Line 24 of said page, by inserting immediately after said line the following:

"Section 1. The department of social services may seek a waiver of the Institutions for Mental Disease (IMD) exclusion for the comprehensive substance treatment and rehabilitation program as administered by the department of mental health."; and

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

President Kehoe assumed the Chair.

Senator May offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 81, Section 610.100, Line 24 of said page, by inserting immediately after all of said line the following:

"Section 1. The month of August shall be known as "Minority Organ Donor Awareness Month". The citizens of this state are encouraged to observe the month with appropriate events and activities to raise awareness of organ donation by all ethnic groups and the need for organ donors."; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator Walsh assumed the Chair.

Senator Hoskins offered SA 1 to SA 3, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 1, Lines 4-6, by striking all of said lines and inserting in lieu thereof the following:

“Section 1. The first week of August shall be known as “Organ Donor Awareness Week”. The citizens of this state are encouraged to observe the week with appropriate events and”.

Senator Hoskins moved that the above amendment be adopted.

At the request of Senator May, SA 3 was withdrawn, rendering SA 1 to SA 3 moot.

Senator Cierpiot offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 2, Section 9.182, Line 18 of said page, by inserting immediately after all of said line the following:

“143.1160. 1. As used in this section, the following terms mean:

- (1) “Account holder”, the same meaning as that term is defined in section 191.1603;**
- (2) “Deduction”, an amount subtracted from the taxpayer’s Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed;**
- (3) “Eligible expenses”, the same meaning as that term is defined in section 191.1603;**
- (4) “Long-term dignity savings account”, the same meaning as that term is defined in section 191.1603;**
- (5) “Qualified beneficiary”, the same meaning as that term is defined in section 191.1603;**
- (6) “Taxpayer”, any individual who is a resident of this state and subject to the income tax imposed under this chapter, excluding withholding tax imposed under sections 143.191 to 143.265.**

2. For all tax years beginning on or after January 1, 2021, a taxpayer shall be allowed a deduction of one hundred percent of a participating taxpayer’s contributions to a long-term dignity savings account in the tax year of the contribution. Each taxpayer claiming the deduction under this section shall file an affidavit with the income tax return verifying the amount of their contributions. The amount of the deduction claimed shall not exceed the amount of the taxpayer’s Missouri adjusted gross income for the tax year that the deduction is claimed, and shall not exceed four thousand dollars per taxpayer claiming the deduction, or eight thousand dollars if married filing combined.

3. Income earned or received as a result of assets in a long-term dignity savings account shall not

be subject to state income tax imposed under this chapter. The exemption under this section shall apply only to income maintained, accrued, or expended pursuant to the requirements of sections 191.1601 to 191.1607, and no exemption shall apply to assets and income expended for any other purpose. The amount of the deduction claimed shall not exceed the amount of the taxpayer's Missouri adjusted gross income for the tax year the deduction is claimed.

4. If any deductible contributions to or earnings from any such programs referred to in this section are distributed and not used to pay for eligible expenses or are not held for the minimum length of time under subsection 2 of section 191.1605, the amount so distributed shall be added to the Missouri adjusted gross income of the account holder or, if the account holder is not living, the qualified beneficiary, in the year of distribution.

5. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first four years after August 28, 2020, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first four years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill, page 16, section 191.1146, line 11 of said page, by inserting immediately after all of said line the following:

“191.1601. Section 143.1160 and sections 191.1601 to 191.1607 shall be known and may be cited as the “Long-Term Dignity Act”.

191.1603. As used in sections 191.1601 to 191.1607, the following terms mean:

(1) “Account holder”, an individual who establishes an account with a financial institution that is designated as a long-term dignity savings account in accordance with section 191.1604;

(2) “Department”, the department of revenue;

(3) “Eligible expenses”, the same meaning as “qualified long-term care services” in 26 U.S.C. Section 7702B(c);

(4) “Financial institution”, any state bank, state trust company, savings and loan association, federally chartered credit union doing business in this state, credit union chartered by the state of

Missouri, national bank, broker-dealer, mutual fund, insurance company, or other similar financial entity qualified to do business in this state;

(5) “Long-term dignity savings account” or “account”, an account with a financial institution designated as such in accordance with subsection 1 of section 191.1604;

(6) “Qualified beneficiary”, an individual designated by an account holder for whose eligible expenses the moneys in a long-term dignity savings account are or will be used; provided, that such individual meets the definition of a “chronically ill individual” in 26 U.S.C. Section 7702B(c)(2) at the time the moneys are used.

191.1604. 1. Beginning January 1, 2021, any individual may open an account with a financial institution and designate the account, in its entirety, as a long-term dignity savings account to be used to pay or reimburse a qualified beneficiary’s eligible expenses. An individual may be the account holder of multiple accounts, and an individual may jointly own the account with another person if such persons file a married filing combined income tax return. To be eligible for the tax deduction under section 143.1160, an account holder shall comply with the requirements of this section.

2. An account holder shall designate, no later than April fifteenth of the year following the tax year during which the account was established, a qualified beneficiary of the long-term dignity savings account. The account holder may designate himself or herself as the qualified beneficiary. The account holder may change the designated qualified beneficiary at any time, but no long-term dignity savings account shall have more than one qualified beneficiary at any time. No account holder shall have multiple accounts with the same qualified beneficiary, but an individual may be designated as the qualified beneficiary of multiple accounts.

3. Moneys may remain in a long-term dignity savings account for an unlimited duration without the interest or income being subject to recapture or penalty.

4. The account holder shall not use moneys in an account to pay expenses of administering the account, except that a service fee may be deducted from the account by a financial institution. The account holder shall be responsible for maintaining documentation for the long-term dignity savings account and for the qualified beneficiary’s eligible expenses.

191.1605. 1. For purposes of the tax benefit conferred under the long-term dignity savings account act, the moneys in a long-term dignity savings account may be:

- (1) Used for a qualified beneficiary’s eligible expenses;
- (2) Transferred to another newly created long-term dignity savings account; and
- (3) Used to pay a service fee that is deducted by the financial institution.

2. Moneys withdrawn from a long-term dignity savings account shall be subject to recapture in the tax year in which they are withdrawn if:

(1) At the time of the withdrawal, it has been less than a year since the first deposit in the long-term dignity savings account; or

(2) The moneys are used for any purpose other than those specified under subsection 1 of this section.

The recapture shall be an amount equal to the moneys withdrawn and shall be added to the Missouri

adjusted gross income of the account holder or, if the account holder is not living, the qualified beneficiary.

3. If any moneys are subject to recapture under subsection 2 of this section, the account holder shall pay to the department a penalty in the same tax year as the recapture. If the withdrawal was made ten or fewer years after the first deposit in the long-term dignity savings account, the penalty shall be equal to five percent of the amount subject to recapture, and, if the withdrawal was made more than ten years after the first deposit in the account, the penalty shall be equal to ten percent of the amount subject to recapture. These penalties shall not apply if the withdrawn moneys are from a long-term dignity savings account for which the qualified beneficiary died, and the account holder does not designate a new qualified beneficiary during the same tax year.

4. If the account holder dies or, if the long-term dignity account is jointly owned, the account holders die and the account does not have a surviving transfer-on-death beneficiary, then all of the moneys in the account that were used for a tax deduction under section 143.1160 shall be subject to recapture in the tax year of the death or deaths, but no penalty shall be due to the department.

191.1606. 1. The department shall establish forms for an account holder to annually report information about a long-term dignity savings account including, but not limited to, how the moneys withdrawn from the fund are used, and shall identify any supporting documentation that is required to be maintained. To be eligible for the tax deduction under section 143.1160, an account holder shall annually file with the account holder's state income tax return all forms required by the department under this section, the 1099 form for the account issued by the financial institution, and any other supporting documentation the department requires.

2. The department may promulgate rules and regulations necessary to administer the provisions of sections 191.1601 to 191.1607. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

191.1607. 1. No financial institution shall be required to:

- (1) Designate an account as a long-term dignity savings account or designate the beneficiaries of an account in the financial institution's account contracts or systems or in any other way;
- (2) Track the use of moneys withdrawn from a long-term dignity savings account; or
- (3) Report any information to the department or any other governmental agency that is not otherwise required by law.

2. No financial institution shall be responsible or liable for:

- (1) Determining or ensuring that an account holder is eligible for a tax deduction under section 143.1160;
- (2) Determining or ensuring that moneys in the account are used for eligible expenses; or
- (3) Reporting or remitting taxes or penalties related to use of moneys in a long-term dignity

savings account.

3. In implementing sections 143.1160 and 191.1601 to 191.1607, the department shall not establish any administrative, reporting, or other requirements on financial institutions that are outside the scope of normal account procedures.”; and

Further amend the title and enacting clause accordingly.

Senator Cierpiot moved that the above amendment be adopted, which motion prevailed.

Senator May offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 81, Section 610.100, Line 24 of said page, by inserting immediately after all of said line the following:

“Section 1. The month of August shall be known as “Minority Organ Donor Awareness Month”.”; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator May offered **SA 1 to SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 1, Line 5, by inserting after “Month.” the following: **“The citizens of this state are encouraged to observe the month with appropriate events and activities to raise awareness of organ donation by all ethnic groups and the need for organ donors.”.**

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins offered **SA 2 to SA 5**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 1, Line 5, by inserting after “Month.” the following:

“Section 2. The month of August shall be known as “Organ Donor Awareness Month”. The citizens of this state are encouraged to observe the month with appropriate events and activities to raise awareness of organ donation and the need for for organ donors.”.

Senator Hoskins moved that the above amendment be adopted, which motion failed.

Senator May moved that **SA 5**, as amended, be adopted, which motion prevailed.

Senator Schupp offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 2, Section 9.182, Line 18, by inserting immediately after all of said line the following:

“9.300. The twenty-second day of each month shall be designated as “Buddy Check 22 Day” in the state of Missouri. Citizens of this state are encouraged to check in on veterans on the twenty-second day of each month and participate in appropriate events and activities that raise awareness of the problem of suicide facing military personnel.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator White offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 1, In the Title, Line 9 of the title, by striking “a certain section” and inserting in lieu thereof the following: “certain sections”; and

Further amend said bill, page 2, section 9.182, line 18 of said page, by inserting immediately after said line the following:

“44.045. 1. Subject to approval by the state emergency management agency during an emergency declared by the governor, any health care provider licensed, registered, or certified in this state or any state who agrees to be so deployed as provided in this section may be deployed to provide care as necessitated by the emergency, including care necessitated by mutual aid agreements between political subdivisions and other public and private entities under section 44.090. During an emergency declared by the governor, health care providers deployed by the governor or any state agency shall not be liable for any civil damages or administrative sanctions for any failure, in the delivery of health care necessitated by the emergency during deployment, to exercise the skill and learning of an ordinarily careful health care provider in similar circumstances, but shall be liable for damages due to willful and wanton acts or omissions in rendering such care.

2. In a declared state of emergency, the department of health and senior services and the division of professional registration within the department of commerce and insurance may release otherwise confidential contact and licensure, registration, or certification information relating to health care professionals to state, local, and private agencies to facilitate deployment.

3. (1) The limitations on liability for civil damages provided in subsection 1 of this section shall apply to all health care providers whether or not under an official deployment if such health care is rendered in connection with a COVID-19 pandemic. Such limitations on liability for civil damages shall only apply to acts or omissions that occur during the period of time in which the governor has declared a state of emergency due to COVID-19. The limitations on liability in this subsection shall not extend to medical treatments or procedures, facility operations, or other services performed that were not related to COVID-19.

(2) For purposes of this subsection, “COVID-19” means the severe acute respiratory syndrome coronavirus 2.

(3) For the purposes of this subsection, “health care provider” shall include:

(a) Any physician, hospital, health maintenance organization, ambulatory surgical center, long-term care facility including those licensed under chapter 198, dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor, professional physical therapist, psychologist, physician-in-training, and any other person or entity that provides health care services under the authority of a license or certificate, and the employer or agent of such person or entity;

(b) Any individual, health care system, or other entity that provides, refers, coordinates, consults upon, or arranges for the delivery of health care services; and

(c) Any individual permitted to provide health care services in the state due to a declared public health emergency.”; and

Further amend said bill, page 82, section B, line 8 of said page, by inserting immediately after said line the following:

“Section C. Because of the COVID-19 pandemic, the repeal and reenactment of section 44.045 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 44.045 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator White moved that the above amendment be adopted.

Senator Sifton offered **SSA 1 to SA 7:**

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 1, In the Title, Line 6 of the title, by inserting after “RSMo,” the following: “and section 407.025 as truly agreed to and finally passed by the second regular session of the one hundredth general assembly in senate substitute no. 2 for senate committee substitute for senate bill no. 591”; and

Further amend said bill, Page 2, Section 9.182, Line 18, by inserting after all of said line the following:

“44.045. 1. Subject to approval by the state emergency management agency during an emergency declared by the governor, any health care provider licensed, registered, or certified in this state or any state who agrees to be so deployed as provided in this section may be deployed to provide care as necessitated by the emergency, including care necessitated by mutual aid agreements between political subdivisions and other public and private entities under section 44.090. During an emergency declared by the governor, health care providers deployed by the governor or any state agency shall not be liable for any civil damages or administrative sanctions for any failure, in the delivery of health care necessitated by the emergency during deployment, to exercise the skill and learning of an ordinarily careful health care provider in similar circumstances, but shall be liable for damages due to willful and wanton acts or omissions in rendering such care.

2. In a declared state of emergency, the department of health and senior services and the division of professional registration within the department of commerce and insurance may release otherwise

confidential contact and licensure, registration, or certification information relating to health care professionals to state, local, and private agencies to facilitate deployment.

3. (1) The limitations on liability for civil damages provided in subsection 1 of this section shall apply to all health care providers whether or not under an official deployment if such health care is rendered in connection with a COVID-19 pandemic. Such limitations on liability for civil damages shall only apply to acts or omissions that occur during the period of time in which the governor has declared a state of emergency due to COVID-19. The limitations on liability in this subsection shall not extend to medical treatments or procedures, facility operations, or other services performed that were not related to COVID-19.

(2) For purposes of this subsection, “COVID-19” means the severe acute respiratory syndrome coronavirus 2.

(3) For the purposes of this subsection, “health care provider” shall include:

(a) Any physician, hospital, health maintenance organization, ambulatory surgical center, long-term care facility including those licensed under chapter 198, dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor, professional physical therapist, psychologist, physician-in-training, and any other person or entity that provides health care services under the authority of a license or certificate, and the employer or agent of such person or entity;

(b) Any individual, health care system, or other entity that provides, refers, coordinates, consults upon, or arranges for the delivery of health care services; and

(c) Any individual permitted to provide health care services in the state due to a declared public health emergency.”; and

Further amend said bill, page 70, section 376.1578, line 18 of said page, by inserting immediately after said line the following:

“407.025. 1. **(1)** Any person who purchases or leases merchandise primarily for personal, family or household purposes and thereby suffers an ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act or practice declared unlawful by section 407.020, may bring a private civil action in either the circuit court of the county in which the seller or lessor resides or in which the transaction complained of took place, to recover actual damages.

(2) A person seeking to recover damages shall establish:

(a) That the person acted as a reasonable consumer would in light of all circumstances; and

(b) Individual damages with sufficiently definitive and objective evidence to allow the loss to be calculated with a reasonable degree of certainty.

A court may dismiss a claim as a matter of law where the claim fails to show a likelihood that the method, act, or practice alleged to be unlawful would mislead a reasonable consumer.

2. The court may, in its discretion[,];

(1) Award punitive damages [and may];

(2) Award to the prevailing party attorney’s fees, based on the amount of time reasonably expended[,]; and [may]

(3) Provide such equitable relief as it deems necessary or proper to protect the prevailing party from the methods, acts, or practices declared unlawful by section 407.020.

3. No action may be brought under this section to recover damages for personal injury or death in which a claim can be made under chapter 538.

4. A cause of action under this section accrues on the date of purchase or lease described in subsection 1 of this section or upon receipt of notice of a method, act, or practice declared unlawful by section 407.020.

[2.] **5.** Persons entitled to bring an action pursuant to subsection 1 of this section may, if the unlawful method, act or practice has caused similar injury to numerous other persons, institute an action as representative or representatives of a class against one or more defendants as representatives of a class, and the petition shall allege such facts as will show that these persons or the named defendants specifically named and served with process have been fairly chosen and adequately and fairly represent the whole class, to recover damages as provided for in subsection 1 of this section. The plaintiff shall be required to prove such allegations, unless all of the members of the class have entered their appearance, and it shall not be sufficient to prove such facts by the admission or admissions of the defendants who have entered their appearance. **The class representative or representatives shall establish:**

(1) That the representative or representatives acted as a reasonable consumer would in light of all circumstances; and

(2) Individual damages with sufficiently definitive and objective evidence to allow the loss to be calculated with a reasonable degree of certainty.

All other members of the class shall establish individual damages in a manner determined by the court. In any action brought pursuant to this section, the court may in its discretion order, in addition to damages, injunction or other equitable relief and reasonable attorney's fees. **Attorney's fees, if awarded, shall bear a reasonable relationship to the amount of the judgment. When the judgment grants equitable relief, the attorney's fees shall be based on the amount of time reasonably expended.**

[3.] **6.** An action may be maintained as a class action in a manner consistent with Rule 23 of the Federal Rules of Civil Procedure and Missouri rule of civil procedure 52.08 to the extent such state rule is not inconsistent with the federal rule if:

(1) The class is so numerous that joinder of all members is impracticable;

(2) There are questions of law or fact common to the class;

(3) The claims or defenses of the representative parties are typical of the claims or defenses of the class; and

(4) The representative parties will fairly and adequately protect the interests of the class; and, in addition

(5) The prosecution of separate action by or against individual members of the class would create a risk of:

(a) Inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class; or

(b) Adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or

impede their ability to protect their interests; or

(6) The party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or

(7) The court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include:

(a) The interest of members of the class in individually controlling the prosecution or defense of separate actions;

(b) The extent and nature of any litigation concerning the controversy already commenced by or against members of the class;

(c) The desirability or undesirability of concentrating the litigation of the claims in the particular forum;

(d) The difficulties likely to be encountered in the management of a class action.

[4.] 7. (1) As soon as practicable after the commencement of an action brought as a class action, the court shall determine by order whether it is to be so maintained. An order pursuant to this subdivision may be conditional, and may be altered or amended before the decision on the merits.

(2) In any class action maintained pursuant to subdivision (7) of subsection [3] 6 of this section, the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice shall advise each member that:

(a) The court will exclude such member from the class if such member so requests by a specified date;

(b) The judgment, whether favorable or not, will include all members who do not request exclusion; and

(c) Any member who does request exclusion may, if such member desires, enter an appearance through such member's counsel.

(3) The judgment in an action maintained as a class action pursuant to subdivision (5) of subsection [3] 6 of this section or subdivision (6) of subsection [3] 6 of this section, whether or not favorable to the class, shall include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action pursuant to subdivision (7) of subsection [3] 6 of this section, whether or not favorable to the class, shall include and specify or describe those to whom the notice provided in subdivision (2) of this subsection was directed, and who have requested exclusion, and whom the court finds to be members of the class.

(4) When appropriate an action may be brought or maintained as a class action with respect to particular issues, or a class may be divided into subclasses and each subclass treated as a class, and the provisions of this section shall then be construed and applied accordingly.

[5.] 8. In the conduct of actions to which this section applies, the court may make appropriate orders:

(1) Determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument;

(2) Requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given in such manner as the court may direct to some or all of the members of any step in the action, or of the proposed extent of the judgment, or of the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present claims or defenses, or otherwise to come into the action;

(3) Imposing conditions on the representative parties or on intervenors;

(4) Requiring that the pleadings be amended to eliminate therefrom allegations as to representation of absent persons, and that the action proceed accordingly;

(5) Dealing with similar procedural matters.

[6.] **9.** A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs.

[7.] **10.** Upon commencement of any action brought pursuant to subsection 1 of this section, the plaintiff or plaintiffs shall inform the clerk of the court in which such action is brought, on forms to be provided by such clerk, that the action is brought pursuant to this section. The clerk of the court shall forthwith inform the attorney general of the commencement of such action, together with a copy of the complaint or other initial pleading, and, upon entry of any judgment or decree in the action, the clerk shall mail a copy of such judgment or decree to the attorney general.

[8.] **11.** Any permanent injunction, judgment or order of the court made pursuant to section 407.100 shall be prima facie evidence in an action brought pursuant to this section that the respondent used or employed a method, act or practice declared unlawful by section 407.020.

[407.025. 1. **(1)** Any person who purchases or leases merchandise primarily for personal, family or household purposes and thereby suffers an ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act or practice declared unlawful by section 407.020, may bring a private civil action in either the circuit court of the county in which the seller or lessor resides or in which the transaction complained of took place, to recover actual damages.

(2) A person seeking to recover damages shall establish:

(a) That the person acted as a reasonable consumer would in light of all circumstances;

(b) That the method, act, or practice declared unlawful by section 407.020 would cause a reasonable person to enter into the transaction that resulted in damages; and

(c) Individual damages with sufficiently definitive and objective evidence to allow the loss to be calculated with a reasonable degree of certainty.

A court may dismiss a claim as a matter of law where the claim fails to show a likelihood that the method, act, or practice alleged to be unlawful would mislead a reasonable consumer.

2. The court may, in its discretion[,]:

(1) Award punitive damages [and may];

(2) Award to the prevailing party attorney's fees, based on the amount of time reasonably expended[,]; and [may]

(3) Provide such equitable relief as it deems necessary or proper **to protect the prevailing party from the methods, acts, or practices declared unlawful by section 407.020.**

3. No action may be brought under this section to recover damages for personal injury or death in which a claim can be made under chapter 538.

4. A cause of action under this section accrues on the date of purchase or lease described in subsection 1 of this section or upon receipt of notice of a method, act, or practice declared unlawful by section 407.020.

[2.] **5.** Persons entitled to bring an action pursuant to subsection 1 of this section may, if the unlawful method, act or practice has caused similar injury to numerous other persons, institute an action as representative or representatives of a class against one or more defendants as representatives of a class, and the petition shall allege such facts as will show that these persons or the named defendants specifically named and served with process have been fairly chosen and adequately and fairly represent the whole class, to recover damages as provided for in subsection 1 of this section. The plaintiff shall be required to prove such allegations, unless all of the members of the class have entered their appearance, and it shall not be sufficient to prove such facts by the admission or admissions of the defendants who have entered their appearance. **The class representative or representatives shall establish:**

(1) That the representative or representatives acted as a reasonable consumer would in light of all circumstances;

(2) That the method, act, or practice declared unlawful by section 407.020 would cause a reasonable person to enter into the transaction that resulted in damages; and

(3) Individual damages with sufficiently definitive and objective evidence to allow the loss to be calculated with a reasonable degree of certainty.

All other members of the class shall establish individual damages in a manner determined by the court. In any action brought pursuant to this section, the court may in its discretion order, in addition to damages, injunction or other equitable relief and reasonable attorney's fees. **Attorney's fees, if awarded, shall bear a reasonable relationship to the amount of the judgment. When the judgment grants equitable relief, the attorney's fees shall be based on the amount of time reasonably expended.**

[3.] **6.** An action may be maintained as a class action in a manner consistent with Rule 23 of the Federal Rules of Civil Procedure and Missouri rule of civil procedure 52.08 to the extent such state rule is not inconsistent with the federal rule if:

(1) The class is so numerous that joinder of all members is impracticable;

(2) There are questions of law or fact common to the class;

(3) The claims or defenses of the representative parties are typical of the claims or defenses of the class; and

(4) The representative parties will fairly and adequately protect the interests of the class; and, in addition

(5) The prosecution of separate action by or against individual members of the class would create a risk of:

(a) Inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class; or

(b) Adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests; or

(6) The party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or

(7) The court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include:

(a) The interest of members of the class in individually controlling the prosecution or defense of separate actions;

(b) The extent and nature of any litigation concerning the controversy already commenced by or against members of the class;

(c) The desirability or undesirability of concentrating the litigation of the claims in the particular forum;

(d) The difficulties likely to be encountered in the management of a class action.

[4.] 7. (1) As soon as practicable after the commencement of an action brought as a class action, the court shall determine by order whether it is to be so maintained. An order pursuant to this subdivision may be conditional, and may be altered or amended before the decision on the merits.

(2) In any class action maintained pursuant to subdivision (7) of subsection [3] 6 of this section, the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice shall advise each member that:

(a) The court will exclude such member from the class if such member so requests by a specified date;

(b) The judgment, whether favorable or not, will include all members who do not request exclusion; and

(c) Any member who does request exclusion may, if such member desires, enter an appearance through such member's counsel.

(3) The judgment in an action maintained as a class action pursuant to subdivision (5) of subsection [3] 6 of this section or subdivision (6) of subsection [3] 6 of this section, whether or not favorable to the class, shall include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action pursuant to subdivision (7) of subsection [3] 6 of this section, whether or not favorable to the class, shall include and specify or describe those to whom the notice provided in subdivision (2) of this subsection was directed, and who have requested exclusion, and whom the court finds to be members of the class.

(4) When appropriate an action may be brought or maintained as a class action with respect to particular issues, or a class may be divided into subclasses and each subclass treated as a class, and the provisions of this section shall then be construed and applied accordingly.

[5.] **8.** In the conduct of actions to which this section applies, the court may make appropriate orders:

(1) Determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument;

(2) Requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given in such manner as the court may direct to some or all of the members of any step in the action, or of the proposed extent of the judgment, or of the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present claims or defenses, or otherwise to come into the action;

(3) Imposing conditions on the representative parties or on intervenors;

(4) Requiring that the pleadings be amended to eliminate therefrom allegations as to representation of absent persons, and that the action proceed accordingly;

(5) Dealing with similar procedural matters.

[6.] **9.** A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs.

[7.] **10.** Upon commencement of any action brought pursuant to subsection 1 of this section, the plaintiff or plaintiffs shall inform the clerk of the court in which such action is brought, on forms to be provided by such clerk, that the action is brought pursuant to this section. The clerk of the court shall forthwith inform the attorney general of the commencement of such action, together with a copy of the complaint or other initial pleading, and, upon entry of any judgment or decree in the action, the clerk shall mail a copy of such judgment or decree to the attorney general.

[8.] **11.** Any permanent injunction, judgment or order of the court made pursuant to section 407.100 shall be prima facie evidence in an action brought pursuant to this section that the respondent used or employed a method, act or practice declared unlawful by section 407.020.]"; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above substitute amendment be adopted.

Senator Emery offered **SA 1** to **SSA 1** for **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 7

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 3, Section 44.045, Line 5, by inserting after the word “services” the following: “, **including behavioral and mental health services**”.

Senator Emery moved that the above amendment be adopted, which motion prevailed.

At the request of Senator White, **SA 7** was withdrawn, rendering **SSA 1** for **SA 7** moot.

Senator Arthur offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 66, Section 376.393, Line 10 of said page, by inserting immediately after said line the following:

“376.782. 1. As used in this section, the term “low-dose mammography screening” means the X-ray examination of the breast using equipment specifically designed and dedicated for mammography, including the X-ray tube, filter, compression device, **detector**, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast, and any fee charged by a radiologist or other physician for reading, interpreting or diagnosing based on such X-ray. As used in this section, the term “low-dose mammography screening” shall also include digital mammography and breast tomosynthesis. As used in this section, the term “breast tomosynthesis” shall mean a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

2. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1991, and providing coverage to any resident of this state shall provide benefits or coverage for low-dose mammography screening for any nonsymptomatic woman covered under such policy or contract which meets the minimum requirements of this section. Such benefits or coverage shall include at least the following:

(1) A baseline mammogram for women age thirty-five to thirty-nine, inclusive;

(2) A mammogram every year for women age forty and over;

(3) A mammogram **every year** for any woman[, upon the recommendation of a physician, where such woman, her mother or her sister has a prior history of breast cancer] **deemed by a treating physician to**

have an above-average risk for breast cancer in accordance with the American College of Radiology guidelines for breast cancer screening;

(4) Any additional or supplemental imaging, such as breast magnetic resonance imaging or ultrasound, deemed medically necessary by a treating physician for proper breast cancer screening or evaluation in accordance with applicable American College of Radiology guidelines; and

(5) Ultrasound or magnetic resonance imaging services, if determined by a treating physician to be medically necessary for the screening or evaluation of breast cancer for any woman deemed by the treating physician to have an above-average risk for breast cancer in accordance with American College of Radiology guidelines for breast cancer screening.

3. Coverage and benefits [related to mammography as] required [by] **under** this section shall be at least as favorable and subject to the same dollar limits, deductibles, and co-payments as other radiological examinations; provided, however, that on and after January 1, 2019, providers of [low-dose mammography screening] **health care services specified under this section** shall be reimbursed at rates accurately reflecting the resource costs specific to each modality, including any increased resource cost [of breast tomosynthesis].”; and

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 15, Section 191.775, Line 9, by inserting immediately after all of said line the following:

“191.940. 1. This section shall be known and may be cited as the “Postpartum Depression Care Act”.

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

(1) **“Ambulatory surgical center”, the same meaning as defined in section 197.200;**

(2) **“Health care provider”, a physician licensed under chapter 334, an assistant physician or physician assistant licensed under chapter 334 and in a collaborative practice arrangement with a collaborating physician, and an advanced practice registered nurse licensed under chapter 335 and in a collaborative practice arrangement with a collaborating physician;**

(3) **“Hospital”, the same meaning as defined in section 197.020;**

(4) **“Postnatal care”, an office visit to a licensed health care provider occurring after pregnancy for the infant or birth mother;**

(5) **“Questionnaire”, an assessment tool designed to detect the symptoms of postpartum depression or related mental health disorders, such as the Edinburgh Postnatal Depression Scale, the Postpartum Depression Screening Scale, the Beck Depression Inventory, the Patient Health Questionnaire, or other validated assessment methods.**

3. All hospitals and ambulatory surgical centers that provide labor and delivery services shall,

prior to discharge following pregnancy, provide pregnant women and, if possible, fathers and other family members with complete information about postpartum depression, including its symptoms, methods of treatment, and available resources. The department of health and senior services, in cooperation with the department of mental health, shall provide written information that hospitals and ambulatory surgical centers may use and shall include such information on its website.

4. It is the intent of the general assembly to encourage health care providers providing postnatal care to women and pediatric care to infants to invite women to complete a questionnaire designed to detect the symptoms of postpartum depression and to review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists to ensure the health, well-being, and safety of the woman and the infant.”; and

Further amend said bill, page 36, section 205.202, line 20, by inserting immediately after all of said line the following:

“208.151. 1. Medical assistance on behalf of needy persons shall be known as “MO HealthNet”. For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in treatment court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) **(42 U.S.C. Sections 1396a to 1396b)**. The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain

eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. **Pregnant women receiving mental health treatment for postpartum depression or related mental health conditions within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for mental health services for the treatment of postpartum depression and related mental health conditions for up to twelve additional months.** Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

(21) Case management services for pregnant women and young children at risk shall be a covered

service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period

of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

(26) Persons who are in foster care under the responsibility of the state of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, or persons who received foster care for at least six months in another state, are residing in Missouri, and are at least eighteen years of age, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C.

Section 1396d(1)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section [1396a(a)(10)(A)(I)] **1396a(a)(10)(A)(i).**”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 67, Section 376.945, Line 19 of said page, by inserting immediately after said line the following:

“376.1345. 1. As used in this section, unless the context clearly indicates otherwise, terms shall have the same meaning as ascribed to them in section 376.1350.

2. No health carrier, nor any entity acting on behalf of a health carrier, shall restrict methods of reimbursement to health care providers for health care services to a reimbursement method requiring the provider to pay a fee, discount the amount of their claim for reimbursement, or remit any other form of remuneration in order to redeem the amount of their claim for reimbursement.

3. If a health carrier initiates or changes the method used to reimburse a health care provider to a method of reimbursement that will require the health care provider to pay a fee, discount the amount of its claim for reimbursement, or remit any other form of remuneration to the health carrier or any entity acting on behalf of the health carrier in order to redeem the amount of its claim for reimbursement, the health carrier or an entity acting on its behalf shall:

(1) Notify such health care provider of the fee, discount, or other remuneration required to receive reimbursement through the new or different reimbursement method; and

(2) In such notice, provide clear instructions to the health care provider as to how to select an alternative payment method, and upon request such alternative payment method shall be used to reimburse the provider until the provider requests otherwise.

4. A health carrier shall allow the provider to select to be reimbursed by an electronic funds transfer through the Automated Clearing House Network as required pursuant to 45 C.F.R. Sections 162.925, 162.1601, and 162.1602, and if the provider makes such selection, the health carrier shall use such reimbursement method to reimburse the provider until the provider requests otherwise.

5. An amount a health carrier claims was overpaid to a provider may only be collected, withheld,

or recouped from the provider, or third party that submitted the provider’s claim under the third party’s provider identification number, to whom the overpaid amount was originally paid. The notice of withholding or recoupment by a health carrier shall also inform the provider or third party of the health care service, date of service, and patient for which the recoupment is being made.

6. Violation of this section shall be deemed an unfair trade practice under sections 375.930 to 375.948.”; and

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 2, Section 9.182, Line 18 of said page, by inserting immediately after said line the following:

“143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. No more than five reductions shall be made under this subsection. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half percent, and the top remaining rate of tax shall apply to all income in excess of the income in the second highest remaining income bracket.

3. (1) In addition to the rate reductions under subsection 2 of this section, beginning with the 2019 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by four-tenths of one percent. Such reduction in the rate of tax shall take effect on January first of the 2019 calendar year.

(2) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

4. (1) In addition to the rate reductions under subsections 2 and 3 of this section, beginning with the 2022 calendar year, the top rate of tax under subsection 1 of this section may be reduced by fifteen hundredths of one percent. Such reduction in the rate of tax shall take effect on January first of a calendar year.

(2) A reduction in the rate of tax pursuant to this subsection shall only occur if one or more institutions is subject to the tax imposed on the endowments of institutions of higher education pursuant to section 146.200.

(3) The modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

5. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

[5.] 6. As used in this section, the following terms mean:

(1) “CPI”, the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;

(2) “CPI for the preceding calendar year”, the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) “Net general revenue collected”, all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

(4) “Percent increase in inflation”, the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.

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

(1) “Endowment”, a permanent fund held by an institution of higher education that:

(a) Consists of property, cash, cash equivalents, stocks, bonds, or any other marketable security;

(b) Is used for purposes indicated by donors to such fund or for other purposes related to the mission of the institution of higher education; and

(c) Attempts to maintain and grow the principal of such fund, while annually disbursing all or part of investment earnings generated by the fund;

(2) “Qualifying institution of higher education”, an institution of higher education that:

(a) Is affiliated with, or provides medical faculty to, any abortion facility, as such term is defined in section 188.015;

(b) Offers specific medical fellowships that offer training in performing or inducing abortions;
or

(c) Supports in any manner any abortion facility where abortions are performed or induced when not necessary to save the life of the mother.

2. For all tax years beginning on or after January 1, 2022, a tax is hereby imposed for every taxable year on the endowment of a qualifying institution of higher education at a rate of one and nine-tenths percent of the aggregate fair market value of the assets of such endowment. Any institution that becomes a qualifying institution of higher education on or after January 1, 2022, shall remain subject to the tax imposed pursuant to this section regardless of whether such institution no longer meets the definition of qualifying institution of higher education as defined pursuant to this section.

3. Revenues generated by the tax under this section shall be deposited in the general revenue fund.

4. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after

August 28, 2020, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted.

Senator Arthur raised the point of order that **SA 11** is out of order in that it goes beyond the original scope of the underlying bill. The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Nasheed offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 81, Section 610.100, Line 24, by inserting after all of said line the following:

“Section 1. The month of September every year shall be designated as “Infant and Maternal Mortality Awareness Month”. Citizens of this state and health care professionals are encouraged to promote and engage in appropriate activities that educate the public about the importance of appropriate health care for women and their new babies, from pregnancy through the vulnerable first post-partum year.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Koenig offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 58, Section 338.260, Line 5 of said page, by inserting after all of said line the following:

“345.050. 1. To be eligible for licensure by the board by examination, each applicant shall submit the application fee and shall furnish evidence of such person’s good moral and ethical character, current competence and shall:

(1) Hold a master’s or a doctoral degree from a program that was awarded “accreditation candidate” status or is accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought;

(2) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of course work and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board; and

(3) Pass an examination promulgated or approved by the board. The board shall determine the subject and scope of the examinations.

2. To be eligible for licensure by the board without examination, each applicant shall make application on forms prescribed by the board, submit the application fee and shall be of good moral and ethical character, submit an activity statement and meet one of the following requirements:

(1) The board shall issue a license to any speech-language pathologist or audiologist who is licensed in another country and who has had no violations, suspension or revocations of a license to practice speech-language pathology or audiology in any jurisdiction; provided that, such person is licensed in a country whose requirements are substantially equal to, or greater than, Missouri at the time the applicant applies for licensure; or

(2) Hold the certificate of clinical competence issued by the American Speech-Language-Hearing Association in the area in which licensure is sought.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator O’Laughlin offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 53, Section 338.215, Line 9, by striking the following: “hospital.”.

Senator O’Laughlin moved that the above amendment be adopted, which motion prevailed.

Senator Hough offered SA 15, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 81, Section 610.100, Line 24, by inserting after all of said line the following:

“Section 1. The seventh day of November each year shall be designated as “David Sater Awareness Day” in the state of Missouri. Citizens of this state are encouraged to observe the day with appropriate events and activities to raise awareness of David Sater and his many socks.”; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted.

At the request of Senator Hough, SA 15 was withdrawn.

Senator Wieland offered SA 16, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Pages 58-62, Section 376.383, by striking all of said section from the bill; and

Further amend said bill, pages 67-70, section 376.1578, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Wieland moved that the above amendment be adopted, which motion failed.

Senator Wieland offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 66, Section 376.393, Line 10 of said page, by inserting immediately after said line the

following:

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

(1) [”Emergency medical condition”, the same meaning given to such term in section 376.1350;

(2)] “Facility”, the same meaning given to such term in section 376.1350;

[(3)] (2) “Health care professional”, the same meaning given to such term in section 376.1350;

[(4)] (3) “Health carrier”, the same meaning given to such term in section 376.1350;

[(5)] (4) “Unanticipated out-of-network care”, health care services received by a patient in an in-network facility from an out-of-network health care professional from the time the patient presents with [an emergency medical condition] **a health condition, illness, or disease** until the time the patient is discharged.

2. (1) Health care professionals shall send any claim for charges incurred for unanticipated out-of-network care to the patient’s health carrier within one hundred eighty days of the delivery of the unanticipated out-of-network care on a U.S. Centers of Medicare and Medicaid Services Form 1500, or its successor form, or electronically using the 837 HIPAA format, or its successor.

(2) Within forty-five processing days, as defined in section 376.383, of receiving the health care professional’s claim, the health carrier shall offer to pay the health care professional a reasonable reimbursement for unanticipated out-of-network care based on the health care professional’s services. If the health care professional participates in one or more of the carrier’s commercial networks, the offer of reimbursement for unanticipated out-of-network care shall be the amount from the network which has the highest reimbursement.

(3) If the health care professional declines the health carrier’s initial offer of reimbursement, the health carrier and health care professional shall have sixty days from the date of the initial offer of reimbursement to negotiate in good faith to attempt to determine the reimbursement for the unanticipated out-of-network care.

(4) If the health carrier and health care professional do not agree to a reimbursement amount by the end of the sixty-day negotiation period, the dispute shall be resolved through an arbitration process as specified in subsection 4 of this section.

(5) To initiate arbitration proceedings, either the health carrier or health care professional must provide written notification to the director and the other party within one hundred twenty days of the end of the negotiation period, indicating their intent to arbitrate the matter and notifying the director of the billed amount and the date and amount of the final offer by each party. A claim for unanticipated out-of-network care may be resolved between the parties at any point prior to the commencement of the arbitration proceedings. Claims may be combined for purposes of arbitration, but only to the extent the claims represent similar circumstances and services provided by the same health care professional, and the parties attempted to resolve the dispute in accordance with subdivisions (3) to (5) of this subsection.

(6) No health care professional who sends a claim to a health carrier under subsection 2 of this section shall send a bill to the patient for any difference between the reimbursement rate as determined under this subsection and the health care professional’s billed charge.

3. (1) When unanticipated out-of-network care is provided, the health care professional who sends a

claim to a health carrier under subsection 2 of this section may bill a patient for no more than the cost-sharing requirements described under this section.

(2) Cost-sharing requirements shall be based on the reimbursement amount as determined under subsection 2 of this section.

(3) The patient's health carrier shall inform the health care professional of its enrollee's cost-sharing requirements within forty-five processing days of receiving a claim from the health care professional for services provided.

(4) The in-network deductible and out-of-pocket maximum cost-sharing requirements shall apply to the claim for the unanticipated out-of-network care.

4. The director shall ensure access to an external arbitration process when a health care professional and health carrier cannot agree to a reimbursement under subdivision (3) of subsection 2 of this section. In order to ensure access, when notified of a parties' intent to arbitrate, the director shall randomly select an arbitrator for each case from the department's approved list of arbitrators or entities that provide binding arbitration. The director shall specify the criteria for an approved arbitrator or entity by rule. The costs of arbitration shall be shared equally between and will be directly billed to the health care professional and health carrier. These costs will include, but are not limited to, reasonable time necessary for the arbitrator to review materials in preparation for the arbitration, travel expenses and reasonable time following the arbitration for drafting of the final decision.

5. At the conclusion of such arbitration process, the arbitrator shall issue a final decision, which shall be binding on all parties. The arbitrator shall provide a copy of the final decision to the director. The initial request for arbitration, all correspondence and documents received by the department and the final arbitration decision shall be considered a closed record under section 374.071. However, the director may release aggregated summary data regarding the arbitration process. The decision of the arbitrator shall not be considered an agency decision nor shall it be considered a contested case within the meaning of section 536.010.

6. The arbitrator shall determine a dollar amount due under subsection 2 of this section between one hundred twenty percent of the Medicare-allowed amount and the seventieth percentile of the usual and customary rate for the unanticipated out-of-network care, as determined by benchmarks from independent nonprofit organizations that are not affiliated with insurance carriers or provider organizations.

7. When determining a reasonable reimbursement rate, the arbitrator shall consider the following factors if the health care professional believes the payment offered for the unanticipated out-of-network care does not properly recognize:

(1) The health care professional's training, education, or experience;

(2) The nature of the service provided;

(3) The health care professional's usual charge for comparable services provided;

(4) The circumstances and complexity of the particular case, including the time and place the services were provided; and

(5) The average contracted rate for comparable services provided in the same geographic area.

8. The enrollee shall not be required to participate in the arbitration process. The health care professional

and health carrier shall execute a nondisclosure agreement prior to engaging in an arbitration under this section.

9. The department of commerce and insurance may promulgate rules and fees as necessary to implement the provisions of this section, including but not limited to procedural requirements for arbitration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Wieland moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Nasheed, Rizzo, White and Williams.

SA 17 failed of adoption by the following vote:

YEAS—Senators

Arthur	Burlison	Koenig	May	Nasheed	Rizzo	Rowden
Schupp	Sifton	Walsh	Wieland	Williams—12		

NAYS—Senators

Bernskoetter	Cierpiot	Crawford	Cunningham	Eigel	Emery	Hegeman
Hoskins	Hough	Libla	O’Laughlin	Onder	Riddle	Sater
Schatz	Wallingford	White—17				

Absent—Senators

Brown	Luetkemeyer—2
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Absent with leave—Senators—None

Vacancies—3

Senator Rizzo offered SA 18:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 81, Section 610.100, Line 24, by inserting after all of said line the following:

“Section 1. Subject to appropriation, any Missouri resident whose health care provider recommends that he or she receive an active COVID-19 test shall receive such test and the results of the test at no cost. The department of health and senior services shall be authorized to utilize available federal funds to pay for the portion of the expense of such test and resulting analysis that is not covered by the resident’s health insurance provider.”; and

Further amend said bill, page 82, Section B, line 8, by inserting after all of said line the following:

“Section C. Because of the emergence of the novel coronavirus COVID-19 and its devastating impact

on Missouri residents, the enactment of section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted.

Senator Hegeman offered **SA 1 to SA 18**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 18

Amend Senate Amendment No. 18 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 1, Line 3, by inserting immediately after “1.” the following: “**1.**”; and further amend line 10 by inserting immediately after “provider” the following: “, **provided that such expenses do not exceed one hundred fifty dollars per test.**”

2. A health insurance provider shall not reduce a Missouri resident’s health insurance coverage that is related to the testing for severe acute respiratory syndrome coronavirus 2 during a state of emergency declared by the governor. The provisions of this subsection shall not apply to any reduction in health insurance coverage that is a result of nonpayment of premiums”.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Rizzo moved that **SA 18**, as amended, be adopted, which motion prevailed.

President Kehoe assumed the Chair.

Senator Walsh assumed the Chair.

Senator Wieland offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1682, Page 69, Section 376.1578, Line 22, by inserting after “carrier.” the following: “**No practitioner that has submitted an application in accordance with the provisions of this subsection shall send any claim to the patient for charges incurred for care of the patient during the credentialing period with the patient’s health carrier.**”; and further amend line 27, by striking all of said line and inserting in lieu thereof the following:

“**time not to exceed:**

(1) Sixty days if the reason for the absence of the credentialed practitioner is for any of the conditions described in 29 CFR 825.113, 29 CFR 825.115, or 29 CFR 825.120, or any amendments or successor regulations thereto; or

(2) Thirty days if the reason for the absence of the credentialed practitioner is not otherwise provided for under subdivision (1) of this subsection.

Any practitioner authorized to”.

Senator Wieland moved that the above amendment be adopted, which motion prevailed.

Senator Sater moved that **SS** for **SCS** for **HCS** for **HB 1682**, as amended, be adopted, which motion prevailed.

Senator Sater moved that **SS** for **SCS** for **HCS** for **HB 1682**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HCS** for **HB 1682** to the Committee on Fiscal Oversight.

REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 1540**, with **SCS** to the Committee on Fiscal Oversight.

HOUSE BILLS ON THIRD READING

Senator Wallingford moved that **SS** for **SCS** for **HCS** for **HB 2120** be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 2120** was read the ed time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
O’Laughlin	Onder	Riddle	Rizzo	Rowden	Sater	Schatz
Wallingford	Walsh	White	Wieland—25			

NAYS—Senators

Arthur	Schupp	Sifton	Williams—4
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Absent—Senator Nasheed—1

Absent with leave—Senator Libla—1

Vacancies—3

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 551**, as amended. Representatives: Eggleston, Porter, Muntzel, Ellebracht, Carpenter.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS No. 2** for **HB 1693**, and has taken up and passed **CCS** for **SS No. 2** for **HB 1693**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 3** for **SJR 38**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 552**, entitled:

An Act to repeal sections 2.020, 2.110, 36.155, 105.470, 105.485, 115.277, 115.283, 115.306, 115.357, 115.427, 115.621, 115.631, 115.637, 115.642, 115.761, 116.030, 116.040, 116.050, 116.130, 116.160, 116.230, 116.270, 116.332, 116.334, 238.216, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, and to enact in lieu thereof thirty-five new sections relating to elections, with penalty provisions and an emergency clause for certain sections.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment Nos. 2 and 3.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Bill No. 552, Page 5, Line 23, by inserting after the phrase “**syndrome coronavirus 2.**” the following:

“3. Notwithstanding this section, sections 115.650 to 115.660, and other provisions of law to the contrary, no election authority shall prohibit the exercise of the right to vote in person on election day or the right to cast an absentee ballot in person.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 552, Pages 12 to 18, Sections 115.277 and 115.283, Lines 1 - 38 and 1 - 154, by removing all of said sections and lines from the bill and inserting in lieu thereof the following:

“115.302. 1. As used in this section, the terms “absent uniformed services voter” and “overseas voter” shall be defined under 52 U.S.C. Section 20310. The term “mail-in-ballot” shall mean any ballot that can be cast by United States mail, other than an absentee ballot.

2. Application for a mail-in-ballot may be made by the applicant in person, or by United States mail, or on behalf of the applicant by his or her guardian or relative within the second degree of consanguinity or affinity.

3. Each application for a mail-in-ballot shall be made to the election authority of the jurisdiction in which the person is registered. Each application shall be in writing and shall state the applicant’s name, address at which he or she is registered, the address to which the ballot is to be mailed, and, in the case of absent uniformed services and overseas applicants, the electronic mail address if

electronic transmission is requested.

4. All applications for mail-in-ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed under section 115.281. No application for a mail-in-ballot received in the office of the election authority after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority.

5. Each application for a mail-in-ballot shall be signed by the applicant or, if the application is made by a guardian or relative under this section, then the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian, or relative is blind, unable to read or write the English language, or physically incapable of signing the application, he or she shall sign by mark that is witnessed by the signature of an election official or person of his or her choice. Any person who knowingly makes, delivers, or mails a fraudulent mail-in-ballot application shall be guilty of a class one election offense.

6. (1) Notwithstanding any other provision of law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the United States Armed Forces or members of their immediate family living with them may request a mail-in-ballot.

(2) If an election authority rejects an application or request, then the election authority shall provide each absent uniformed services voter and each overseas voter who submits a voter registration application or a mail-in-ballot request with the reasons for the rejection.

(3) Notwithstanding any other provision of law to the contrary, if a standard oath regarding material misstatements of fact is adopted for uniformed and overseas voters under the Help America Vote Act of 2002, then the election authority shall accept such oath for voter registration, mail-in-ballot, or other election-related materials.

(4) Not later than sixty days after the date of each regularly scheduled general election for federal office, each election authority which administered the election shall submit to the secretary of state, in a format prescribed by the secretary, a report on the combined number of mail-in ballots transmitted to, and returned by, absent uniformed services voters and overseas voters for the election. The secretary shall submit to the Election Assistance Commission a combined report of such information not later than ninety days after the date of each regularly scheduled general election for federal office in a format developed by the Commission under the Help America Vote Act of 2002. The secretary shall make the report available to the general public.

7. Except as provided under section 115.914, not later than the sixth Tuesday prior to each election, or within fourteen days after candidate names or questions are certified under section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of mail-in ballots, ballot envelopes, and mailing envelopes. As soon as possible after a proper official calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of mail-in ballots, ballot envelopes, and mailing envelopes.

8. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, voting address, and mailing address. On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has personally marked the voter's

ballot in secret or supervised the marking of the voter’s ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter’s supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the mail-in voter shall include a statement on the envelope identifying the person providing such assistance under penalties of perjury. Persons authorized to vote only for federal and statewide offices shall also state their former Missouri residence.

9. The statement for persons voting mail-in ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas City), declare under the penalties of perjury that: I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

**Signature of Person
Assisting Voter
(If applicable)**

**Subscribed and sworn to before me this
_____ day of _____, _____.**

**Signature of notary or other officer authorized
to administer oaths.**

**Mailing Addresses
(If different)**

10. Upon receipt of a signed application for a mail-in ballot and if satisfied that the applicant is

entitled to vote by mail-in ballot, the election authority shall, within three working days after receiving the application, or if mail-in ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter a mail-in ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made by first class, registered, or certified mail at the discretion of the election authority, or in the case of a covered voter under section 115.902, the method of transmission prescribed under section 115.914. If the election authority is not satisfied that any applicant is entitled to vote by mail-in ballot, the authority shall not deliver a mail-in ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by mail-in ballot. The applicant may file a complaint with the elections division of the secretary of state's office under section 115.219.

11. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

12. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with a mail-in ballot.

13. Upon receiving a mail-in ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting a mail-in ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public, or other officer authorized by law to administer oaths. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, any person who assists a voter and in any manner coerces or initiates a request or suggestion that the voter vote for or against, or refrain from voting on, any question or candidate, shall be guilty of a class one election offense. If, upon counting, challenge, or election contest, it is ascertained that any mail-in ballot was voted with unlawful assistance, the ballot shall be rejected.

14. Each mail-in ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter by United States mail; except that covered voters who are sending ballots from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their mail-in ballots cast by use of facsimile transmission or under a program approved by the United States Department of Defense for the electronic transmission of election materials.

15. No election authority shall refuse to accept and process any otherwise valid marked mail-in ballot submitted in any manner by a covered voter solely on the basis of restrictions on envelope type.

16. The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law or postal regulations. Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage-free mail for all ballots cast shall be paid by the secretary of state through state appropriations.

17. All proper votes on each mail-in ballot received by an election authority at or before the time fixed by law for the closing of the polls on election day shall be counted. Except as provided under section 115.920, no votes on any mail-in ballot received by an election authority after the time fixed by law for the closing of the polls on election day shall be counted.

18. If sufficient evidence is shown to an election authority that any mail-in voter has died prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected if it is still sealed in the ballot envelope. Any such rejected ballot, still sealed in its ballot envelope, shall be sealed with the application and any other papers connected therewith in an envelope marked “Rejected ballot of _____, a mail-in voter of _____ voting district”. The reason for rejection shall be noted on the envelope, which shall be kept by the election authority with the other ballots from the election until the ballots are destroyed according to law.

19. As each mail-in ballot is received by the election authority, the election authority shall indicate its receipt on the list.

20. If the statements on any mail-in ballot envelope have not been completed, the mail-in ballot in the envelope shall be rejected.

21. All mail-in ballot envelopes received by the election authority shall be kept together in a safe place and shall not be opened except as provided under this chapter.

22. Mail-in ballots shall be counted using the procedures set out in sections 115.297, 115.299, 115.300, and 115.303.

23. The false execution of a mail-in ballot application shall be a class one election offense. The attorney general or any prosecuting or circuit attorney shall have the authority to prosecute such offense either in the county of residence of the person or in the circuit court of Cole County.

24. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this section shall be and remain valid.

25. This section is enacted notwithstanding any other provision of law including, but not limited to, sections 115.650 to 115.660.

26. The provisions of this section shall apply only to an election that occurs during the year 2020 to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2.

27. The provisions of this section terminate and shall be repealed on December 31, 2020, and shall not apply to any election conducted after that date.”; and

Further amend said bill, Page 34, Section 115.642, Line 31, by inserting after all of said section and line the following:

“115.652. **1.** An election shall not be conducted under sections 115.650 to 115.660 unless:

(1) The officer or agency calling the election submits a written request that the election be conducted by mail. Such request shall be submitted not later than the date specified in section 115.125 for submission of the notice of election and sample ballot;

(2) The election authority responsible for conducting the election authorizes the use of mailed ballots for the election;

(3) The election is nonpartisan;

(4) The election is not one at which any candidate is elected, retained or recalled; and

(5) The election is an issue election at which all of the qualified voters of any one political subdivision are the only voters eligible to vote.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law to the contrary, an election may be conducted by mail as authorized under section 115.302, during a state of emergency declared by the governor during the year 2020, to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2.”; and

Further amend said bill, Page 48, Section 1, Lines 2 and 8, by deleting the phrase “115.277, 115.283,” on said lines; and

Further amend said bill and page, Section C, Lines 1 - 6, by removing all of said section and lines from the bill and inserting in lieu thereof the following:

“Section C. Because immediate action is necessary to ensure citizens can safely exercise the right to vote and avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2, the enactment of section 115.302 and the repeal and reenactment of section 115.652 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 115.302 and the repeal and reenactment of section 115.652 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 552, Page 2, Section 36.155, Line 20, by inserting after all of said line the following:

“105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) “Governing body”, the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) “Political subdivision”, any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the

report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements herein above mentioned shall be considered to be public records.

8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275.

9. Any political subdivision that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine of five hundred dollars per day.

10. The state auditor shall report any violation of subsection 9 of this section to the department of revenue. Upon notification from the state auditor's office that a political subdivision failed to timely submit a copy of the annual financial statement, the department of revenue shall notify such political subdivision by certified mail that the statement has not been received. Such notice shall clearly set forth the following:

(1) The name of the political subdivision;

(2) That the political subdivision shall be subject to a fine of five hundred dollars per day if the political subdivision does not submit a copy of the annual financial statement to the state auditor's office within thirty days from the postmarked date stamped on the certified mail envelope;

(3) That the fine will be enforced and collected as provided under subsection 11 of this section; and

(4) That the fine will begin accruing on the thirty-first day from the postmarked date stamped on the certified mail envelope and will continue to accrue until the state auditor's office receives a copy of the financial statement.

In the event a copy of the annual financial statement is received within such thirty-day period, no fine shall accrue or be imposed. The state auditor shall report receipt of the financial statement to the department of revenue within ten business days. Failure of the political subdivision to submit the required annual financial statement within such thirty-day period shall cause the fine to be collected as provided under subsection 11 of this section.

11. The department of revenue may collect the fine authorized under the provisions of subsection 9 of this section by offsetting any sales or use tax distributions due to the political subdivision. The director of revenue shall retain two percent for the cost of such collection. The remaining revenues collected from such violations shall be distributed annually to the schools of the county in the same manner that proceeds for all penalties, forfeitures, and fines collected for any breach of the penal laws of the state are distributed.

12. Any [transportation development district organized under sections 238.200 to 238.275 having] **political subdivision that has** gross revenues of less than five thousand dollars **or that has not levied or collected sales or use taxes** in the fiscal year for which the annual financial statement was not timely filed shall not be subject to the fine authorized in this section.

13. If a failure to timely submit the annual financial statement is the result of fraud or other illegal conduct by an employee or officer of the political subdivision, the failure shall not be subject to a fine authorized under this section if the statement is filed within thirty days of the discovery of the fraud or illegal conduct. If a fine is assessed and paid prior to the filing of the statement, the department of revenue shall refund the fine upon notification from the political subdivision.

14. If a political subdivision has an outstanding balance for fines or penalties at the time it files its first annual financial statement after January 1, 2021, the director of revenue shall make a one-time downward adjustment to such outstanding balance in an amount that reduces the outstanding balance by ninety percent.

15. The director of revenue shall have the authority to make a one-time downward adjustment to any outstanding penalty imposed under this section on a political subdivision if the director determines the fine is uncollectable. The director of revenue may prescribe rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

16. If a political subdivision with an outstanding balance for fines or penalties:

(1) Fails to file an annual financial statement after August 28, 2020, and before January 1, 2021; or

(2) Files an annual financial statement after August 28, 2020, and before January 1, 2021, but fails to file any annual financial statement thereafter,

then the director of revenue shall initiate the process to disincorporate the political subdivision as prescribed by law.

17. If any resident of a political subdivision believes or knows that the political subdivision has failed to file the annual financial report required under subsection 2 of this section, the resident may file an affidavit with the director of revenue that attests to the alleged failure. The director of revenue shall evaluate the allegation and, if true, notify the political subdivision and any municipality or county encompassing the political subdivision by both certified mail and first-class mail that the political subdivision has ninety days to comply with subsection 2 of this section. If the political subdivision has not complied after ninety days, the director of revenue shall initiate the process to disincorporate the political subdivision as prescribed by law.

18. (1) The question of whether a political subdivision subject to possible disincorporation under subsection 16 or 17 of this section shall be disincorporated shall be submitted to the voters of the political subdivision. The election upon the question shall be held on the next general election day.

(2) No later than five o'clock p.m. on the tenth Tuesday prior to the election, the director of revenue shall notify the election authorities responsible for conducting the election according to the provisions of section 115.125 and the county governing body in which the political subdivision is located.

(3) The election authority shall give notice of the election for eight consecutive weeks prior to the election by publication in a newspaper of general circulation published in the political subdivision or, if there is no such newspaper in the political subdivision, in the newspaper in the county published nearest the political subdivision.

(4) Any costs of submitting the question shall be paid by the political subdivision.

(5) The question shall be submitted to the voters of such city, town, or village in substantially the following form:

The (city/town/village) of _____ (has an outstanding balance for fines or penalties and) has failed to file an annual financial statement, as required by law. Shall the (city/town/village) of _____ be disincorporated?

YES

NO

Upon the affirmative vote of a majority of the qualified voters voting on the question, the director of revenue shall file an action to disincorporate the political subdivision in the circuit court with jurisdiction over the political subdivision.

19. In an action to disincorporate a political subdivision, the circuit court shall order:

(1) The appointment of an administrative authority for the political subdivision, which may be another political subdivision, the state, a qualified private party, or other qualified entity;

(2) All financial and other institutions holding funds of the political subdivision, as identified by the director of revenue, to honor the directives of the administrative authority;

(3) The director of revenue or other party charged with distributing tax revenue to distribute the revenues and funds of the political subdivision to the administrative authority; and

(4) The disincorporation of the political subdivision and the effective date of the disincorporation, taking into consideration a reasonable transition period.

The administrative authority shall administer all revenues under the name of the political subdivision or its agents and administer all funds collected on behalf of the political subdivision. The administrative authority shall use the revenues and existing funds to pay all debts and obligations of the political subdivision other than the penalties accrued under this section. The circuit court shall have ongoing jurisdiction to enforce its orders and carry out the remedies under this subsection.

20. The attorney general shall have the authority to file an action in a court of competent jurisdiction against any political subdivision that fails to comply with this section in order to force the political subdivision into compliance.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 552, Page 2, Section 2.110, Line 6, by inserting after all of said section and line the following:

“27.010. The attorney general for the state of Missouri shall be elected at each general election at which a governor and other state officers are elected, and his term shall begin at 12:00 noon on the second Monday in January next succeeding his election, and shall continue for four years, or until his successor is elected

and qualified. The attorney general shall [reside at the seat of government and] keep his office in the supreme court building, and receive an annual salary of sixty-five thousand dollars plus any salary adjustment provided pursuant to section 105.005, payable out of the state treasury. The salary shall constitute the total compensation for all duties to be performed by him and there shall be no further payments made to or accepted by him for the performance of any duty now required of him under any existing law. The attorney general shall devote his full time to his office, and, except in the performance of his official duties, shall not engage in the practice of law.”; and

Further amend said bill, Page 2, Section 36.155, Line 20, by inserting after all of said section and line the following:

“51.050. No person shall be elected or appointed clerk of the county commission unless such person be a citizen of the United States, [over the age of twenty-one years] **twenty-one years of age or older**, and shall have resided within the state one whole year, and within the county for which the person is elected one year just prior to such person’s election; and every clerk shall after the election continue to reside within the county for which such person is clerk.

55.060. No person shall be elected or appointed county auditor of a county of the first class not having a charter form of government or of a county of the second class unless he **or she** is a citizen of the United States [above the age of twenty-one years], **twenty-one years of age or older**, and has resided within the state for one whole year and within the county for which he **or she** is elected or appointed for three months immediately preceding the election or his **or her** appointment. He **or she** shall also be a person familiar with the theory and practice of accounting by education, training, and experience and able to perform the duties imposed upon the county auditor by the provisions of this chapter. The county auditor shall, after his **or her** appointment or election, reside in the county for which he **or she** is auditor.

58.030. No person shall be elected or appointed to the office of coroner unless he **or she** be a citizen of the United States, [over the age of twenty-one years] **twenty-one years of age or older**, and shall have resided within the state one whole year, and within the county for which he **or she** is elected, six months next preceding the election.

60.010. 1. At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in counties of the second, third, and fourth classification shall elect a registered land surveyor as county surveyor, who shall hold office for four years and until a successor is duly elected, commissioned and qualified. The person elected shall be commissioned by the governor.

2. No person shall be elected or appointed surveyor unless such person is a citizen of the United States, [over the age of twenty-one years] **twenty-one years of age or older**, a registered land surveyor, and shall have resided within the state one whole year. An elected surveyor shall have resided within the county for which the person is elected six months immediately prior to election and shall after election continue to reside within the county for which the person is surveyor. An appointed surveyor need not reside within the county for which the person is surveyor.

3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the contrary, the county commission of any county of the third or fourth classification may appoint a surveyor following the deadline for filing for the office of surveyor, if no qualified candidate files for the office in the general election in which the office would have been on the ballot, provided that the notice required by section 115.345 has been published in at least one newspaper of general circulation in the county. The appointed surveyor shall serve at the pleasure of the county commission, however, an appointed surveyor shall forfeit

said office once a qualified individual, who has been duly elected at a regularly scheduled general election where the office of surveyor is on the ballot and who has been commissioned by the governor, takes office. The county commission shall fix appropriate compensation, which need not be equal to that of an elected surveyor.

77.230. No person shall be mayor unless he be at least [thirty] **twenty-one** years of age, a citizen of the United States and a resident of such city at the time of and for two years next preceding his election. When two or more persons shall have an equal number of votes for the office of mayor, the matter shall be determined by the council.

79.080. No person shall be mayor unless he be at least [twenty-five] **twenty-one** years of age, a citizen of the United States and a resident of the city at the time of and for at least one year next preceding his election.

105.035. No person shall be appointed to an elected public office in the state of Missouri who is delinquent in the payment of state income tax, personal property tax, municipal tax, or real property tax on the person's place of residence. A candidate for such appointed public office shall provide the appointing authority thereof with a signed and notarized affidavit stating that all state income taxes and property taxes, both personal property and real property, have been paid or the fact that no taxes were owed for the two fiscal years immediately prior to the filing deadline for the requisite elective public office.

115.357. 1. Except as provided in subsections 3 and 4 of this section, each candidate for federal, state or county office shall, before filing his **or her** declaration of candidacy, pay to the treasurer of the state or county committee of the political party upon whose ticket he **or she** seeks nomination a certain sum of money as follows:

(1) To the treasurer of the state central committee, two hundred dollars if he or she is a candidate for statewide office or for United States senator, one hundred dollars if he or she is a candidate for representative in Congress, circuit judge or state senator, and fifty dollars if he or she is a candidate for state representative;

(2) To the treasurer of the county central committee, fifty dollars if he or she is a candidate for county office.

2. The required sum may be submitted by the candidate to the official accepting his **or her** declaration of candidacy. All sums so submitted shall be forwarded promptly by the official to the treasurer of the appropriate party committee.

3. Any person who cannot pay the fee required to file as a candidate may have the fee waived by filing a declaration of inability to pay and a petition with his **or her** declaration of candidacy. Each such declaration shall be in substantially the following form:

DECLARATION OF INABILITY TO PAY FILING FEE

I, _____, do hereby swear that I am financially unable to pay the fee of _____ (amount of fee) to file as a candidate for nomination to the office of _____ at the primary election to be held on the _____ day of _____, 20_____.

Signature of candidate

Subscribed and sworn
to before me this
_____ day of
_____, 20_____.

Residence address

Signature of election
official or officer
authorized to
administer oaths

If the candidate’s declaration of candidacy is to be filed in person, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the election official who witnesses the candidate’s declaration of candidacy. If his **or her** declaration of candidacy is to be filed by certified mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the notary or other officer who witnesses the candidate’s declaration of candidacy. With his **or her** declaration of inability to pay, the candidate shall submit a petition endorsing his **or her** candidacy. Except for the number of signatures required, each such petition shall, insofar as practicable, be in the form provided in sections 115.321 and 115.325. If the person filing declaration of indigence is to be a candidate for statewide office, his **or her** petition shall be signed by the number of registered voters in the state equal to at least one-half of one percent of the total number of votes cast in the state for the office at the last election in which a candidate ran for the office. If the person filing a declaration of indigence is to be a candidate for any other office, the petition shall be signed by the number of registered voters in the district or political subdivision which is equal to at least one percent of the total number of votes cast for the office at the last election in which a candidate ran for the office. The candidate’s declaration of inability to pay and the petition shall be filed at the same time and in the same manner as his **or her** declaration of candidacy is filed. The petition shall be checked and its sufficiency determined in the same manner as new party and independent candidate petitions.

4. No filing fee shall be required of any person who proposes to be an independent candidate, the candidate of a new party or a candidate for presidential elector.

5. Except as provided in subsections 3 and 4 of this section, no candidate’s name shall be printed on any official ballot until the required fee has been paid.”; and

Further amend said bill, Page 44, Section 116.334, Line 21, by inserting after all of said section and line the following:

“162.291. The voters of each seven-director district other than urban districts shall, at municipal elections, elect two directors who are citizens of the United States and resident taxpayers of the district, who have resided in this state for one year next preceding their election or appointment, and who are [at least twenty-four years of age] **twenty-one years of age or older.**

190.050. 1. After the ambulance district has been declared organized, the declaring county commission,

except in counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which has a population of over nine hundred thousand inhabitants, shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county commission shall cause an election to be held in the ambulance district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for one director from the ambulance election district in which the voter resides. The directors elected from districts one and four shall serve for a term of one year, the directors elected from districts two and five shall serve for a term of two years, and the directors from districts three and six shall serve for a term of three years; thereafter, the terms of all directors shall be three years. All directors shall serve the term to which they were elected or appointed, and until their successors are elected and qualified, except in cases of resignation or disqualification. The county commission shall reapportion the ambulance districts within sixty days after the population of the county is reported to the governor for each decennial census of the United States. Notwithstanding any other provision of law, if the number of candidates for the office of director is no greater than the number of directors to be elected, no election shall be held, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they have been elected.

2. In all counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which has a population of over nine hundred thousand inhabitants, the voters shall vote for six directors elected at large from within the district for a term of three years. Those directors holding office in any district in such a county on August 13, 1976, shall continue to hold office until the expiration of their terms, and their successors shall be elected from the district at large for a term of three years. In any district formed in such counties after August 13, 1976, the governing body of the county shall cause an election to be held in that district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for six directors. The two candidates receiving the highest number of votes at such election shall be elected for a term of three years, the two candidates receiving the third and fourth highest number of votes shall be elected for a term of two years, the two candidates receiving the fifth and sixth highest number of votes shall be elected for a term of one year; thereafter, the term of all directors shall be three years.

3. A candidate for director of the ambulance district shall, at the time of filing, be a citizen of the United States, a qualified voter of the election district as provided in subsection 1 of this section, a resident of the district for two years next preceding the election, and shall be [at least twenty-four years of age] **twenty-one years of age or older**. In an established district which is located within the jurisdiction of more than one election authority, the candidate shall file his or her declaration of candidacy with the secretary of the board. In all other districts, a candidate shall file a declaration of candidacy with the county clerk of the county in which he or she resides. A candidate shall file a statement under oath that he or she possesses the required qualifications. No candidate's name shall be printed on any official ballot unless the candidate has filed a written declaration of candidacy pursuant to subsection 5 of section 115.127. If the time between the county commission's call for a special election and the date of the election is not sufficient to allow compliance with subsection 5 of section 115.127, the county commission shall, at the time it calls the special election, set the closing date for filing declarations of candidacy.

204.610. 1. There shall be five trustees, appointed or elected as provided for in the circuit court decree or amended decree of incorporation for a reorganized common sewer district, who shall reside within the

boundaries of the district. Each trustee shall be a voter of the district and shall have resided in said district for twelve months immediately prior to the trustee's election or appointment. A trustee shall be [at least twenty-five years of age] **twenty-one years of age or older** and shall not be delinquent in the payment of taxes at the time of the trustee's election or appointment. Regardless of whether or not the trustees are elected or appointed, in the event the district extends into any county bordering the county in which the greater portion of the district lies, the presiding commissioner or other chief executive officer of the adjoining county shall be an additional member of the board of trustees, or the governing body of such bordering county may appoint a citizen from such county to serve as an additional member of the board of trustees. Said additional trustee shall meet the qualifications set forth in this section for a trustee.

2. The trustees shall receive no compensation for their services but may be compensated for reasonable expenses normally incurred in the performance of their duties. The board of trustees may employ and fix the compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. The board of trustees may employ and fix the duties and compensation of an administrator for the district. The administrator shall be the chief executive officer of the district subject to the supervision and direction of the board of trustees. The administrator of the district may, with the approval of the board of trustees, retain consulting engineers for the district under such terms and conditions as may be necessary to discharge the business and purposes of the district.

3. Except as provided in subsection 1 of this section, the term of office of a trustee shall be five years. The remaining trustees shall appoint a person qualified under this section to fill any vacancy on the board. The initial trustees appointed by the circuit court shall serve until the first Tuesday after the first Monday in June or until the first Tuesday after the first Monday in April, depending upon the resolution of the trustees. In the event that the trustees are elected, said elections shall be conducted by the appropriate election authority under chapter 115. Otherwise, trustees shall be appointed by the county commission in accordance with the qualifications set forth in subsection 1 of this section.

4. Notwithstanding any other provision of law, if there is only one candidate for the post of trustee, then no election shall be held, and the candidate shall assume the responsibilities of office at the same time and in the same manner as if elected. If there is no candidate for the post of trustee, then no election shall be held for that post and it shall be considered vacant, to be filled under the provisions of subsection 3 of this section.”; and

Further amend said bill, Page 47, Section 238.216, Line 114, by inserting after all of said section and line the following:

“247.060. 1. The management of the business and affairs of the district is hereby vested in a board of directors, who shall have all the powers conferred upon the district except as herein otherwise provided. It shall be composed of five members, each of whom shall be a voter of the district and shall have resided in said district one whole year immediately prior to his or her election. A member shall be [at least twenty-five years of age] **twenty-one years of age or older** and shall not be delinquent in the payment of taxes at the time of his **or her** election. Except as provided in subsection 2 of this section, the term of office of a member of the board shall be three years. The remaining members of the board shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve on the board, the board may appoint an otherwise qualified person who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

2. After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.

3. The initial members of the board shall be appointed by the circuit court and one shall serve until the immediately following first Tuesday after the first Monday in April, two shall serve until the first Tuesday after the first Monday in April on the second year following their appointment and the remaining appointees shall serve until the first Tuesday after the first Monday in April on the third year following their appointment. On the expiration of such terms and on the expiration of any subsequent term, elections shall be held as otherwise provided by law, and such elections shall be held in April pursuant to section 247.180.

4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first Tuesday after the first Monday in June until the first Tuesday in April of the third year following the year of their election. All directors elected thereafter shall serve from the first Tuesday in April until the first Tuesday in April of the third year following the year of their election.

5. Each member of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification, a member shall not be paid for attending more than four meetings in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than one board meeting in a calendar week. In addition, the president of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting, but shall not be paid the additional fee for attending more than two meetings in any calendar month. Each member of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.

6. In no event, however, shall a board member receive any attendance fees or additional compensation authorized in subsection 5 of this section until after such board member has completed a minimum of six hours training regarding the responsibilities of the board and its members concerning the basics of water treatment and distribution, budgeting and rates, water utility planning, the funding of capital improvements, the understanding of water utility financial statements, the Missouri sunshine law, and this chapter.

7. The circuit court of the county having jurisdiction over the district shall have jurisdiction over the members of the board of directors to suspend any member from exercising his or her office, whensoever it appears that he or she has abused his or her trust or become disqualified; to remove any member upon proof or conviction of gross misconduct or disqualification for his or her office; or to restrain and prevent any alienation of property of the district by members, in cases where it is threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of the district.

8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon petition, filed by or at the instance of any member of the board, or at the instance of any ten voters residing in the district who join in the petition, verified by the affidavit of at least one of them. The petition shall be heard in a summary manner after ten days' notice in writing to the member or officer complained of. An appeal shall lie from the judgment of the circuit court as in other causes, and shall be speedily determined; but an appeal does not operate under any condition as a supersedeas of a judgment of suspension or removal from office.

249.140. 1. Any candidate for the office of trustee in the district shall be an American citizen [over the

age of twenty-five years] **twenty-one years of age or older** and shall have been a resident within the county within which the district is situated for more than four whole years next before the date of the election at which he is a candidate and shall be a voter of the district. Any person desiring to become a candidate for the office of trustee at the election held on the original incorporation of the district, as provided in section 249.070, shall file with the county commission or with the election commissioners a statement, under oath, that he possesses the qualifications required by sections 249.010 to 249.420 for trustee and shall pay a filing fee of five dollars, whereupon his **or her** name shall be placed on the ballot as candidate for trustee. Any person desiring to become a candidate for the office of trustee in any subsequent election shall file such statement, under oath, with and pay such filing fee to the secretary of the board of trustees, whereupon his **or her** name shall be placed on the ballot as candidate for the office of trustee.

2. At such initial election the candidate who receives the highest number of votes shall be elected for a six-year term as trustee; the candidate who receives the second highest number of votes shall be elected for a four-year term as trustee; the candidate who receives the third highest number of votes shall be elected for a two-year term as trustee.

3. After his **or her** election each trustee shall take and subscribe [his] **an** oath or affirmation before the clerk of the circuit court to the effect that he **or she** is qualified to act as trustee under the provisions of sections 249.010 to 249.420 and that he **or she** will perform his **or her** duties as such trustee to the best of his **or her** ability and impartially in the interest of the whole district.

321.130. A person, to be qualified to serve as a director, shall be a resident and voter of the district for at least one year before the election or appointment and [be over the age of twenty-four years] **shall be twenty-one years of age or older**. In the event the person is no longer a resident of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a filing fee equal to the amount of a candidate for county office as set forth under section 115.357, and filing a statement under oath that such person possesses the required qualifications. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director."; and

Further amend said bill, Page 48, Section 417.018, Line 4, by inserting after all of said section and line the following:

"483.010. No person shall be appointed or elected clerk of any court, unless he [be] **or she is** a citizen of the United States, [above the age of twenty-one years] **twenty-one years of age or older**, and shall have resided within the state one whole year, and within the geographical area over which the court has jurisdiction or, in the case of circuit clerks, within the county from which elected, three months before the appointment or election; and every clerk shall, after his **or her** appointment or election, reside in the geographical area over which the court he **or she** serves has jurisdiction or, in the case of circuit clerks, in the county for which he **or she** is clerk."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SB 782**, entitled:

An Act to repeal sections 32.056, 32.300, 68.075, 136.055, 137.115, 143.441, 144.070, 144.805, 227.600, 301.010, 301.030, 301.032, 301.451, 301.560, 301.564, 301.3139, 301.3174, 302.170, 302.171, 302.181, 302.188, 304.170, 304.172, 304.180, 306.127, and 407.1329, RSMo, and to enact in lieu thereof thirty-eight new sections relating to transportation, with delayed effective dates for certain sections.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, as amended, House Amendment Nos. 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6, as amended; and House Amendment Nos. 7 and 8.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 782, Page 5, Section 68.075, Line 57, by inserting after all of said line the following:

“135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2020] **2026**. In no event shall the aggregate amount of all tax credits allowed under sections 135.300 to 135.311 exceed six million dollars in any given fiscal year. There shall be no tax credits authorized under sections 135.300 to 135.311 unless an appropriation is made for such tax credits.

137.1018. 1. The commission shall ascertain the statewide average rate of property taxes levied the preceding year, based upon the total assessed valuation of the railroad and street railway companies and the total property taxes levied upon the railroad and street railway companies. It shall determine total property taxes levied from reports prescribed by the commission from the railroad and street railway companies. Total taxes levied shall not include revenues from the surtax on subclass three real property.

2. The commission shall report its determination of average property tax rate for the preceding year, together with the taxable distributable assessed valuation of each freight line company for the current year to the director no later than October first of each year.

3. Taxes on property of such freight line companies shall be collected at the state level by the director on behalf of the counties and other local public taxing entities and shall be distributed in accordance with sections 137.1021 and 137.1024. The director shall tax such property based upon the distributable assessed valuation attributable to Missouri of each freight line company, using the average tax rate for the preceding year of the railroad and street railway companies certified by the commission. Such tax shall be due and payable on or before December thirty-first of the year levied and, if it becomes delinquent, shall be subject to a penalty equal to that specified in section 140.100.

4. (1) As used in this subsection, the following terms mean:

(a) “Eligible expenses”, expenses incurred in this state to manufacture, maintain, or improve a freight line company’s qualified rolling stock;

(b) “Qualified rolling stock”, any freight, stock, refrigerator, or other railcars subject to the tax levied

under this section.

(2) For all taxable years beginning on or after January 1, 2009, a freight line company shall, subject to appropriation, be allowed a credit against the tax levied under this section for the applicable tax year. The tax credit amount shall be equal to the amount of eligible expenses incurred during the calendar year immediately preceding the tax year for which the credit under this section is claimed. The amount of the tax credit issued shall not exceed the freight line company's liability for the tax levied under this section for the tax year for which the credit is claimed.

(3) A freight line company may apply for the credit by submitting to the commission an application in the form prescribed by the state tax commission.

(4) Subject to appropriation, the state shall reimburse, on an annual basis, any political subdivision of this state for any decrease in revenue due to the provisions of this subsection.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire on August 28, [2020] **2027**; and

(2) This section shall terminate on September 1, [2021] **2028**.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 782, Page 1, Line 8, by inserting after all of said line the following:

“Further amend said bill, Page 5, Section, 136.055, Lines 1 to 72, by removing all of said section and lines from the bill; and”; and

Further amend said amendment, Page 1, Lines 19 to 35 and Page 2, Lines 1 to 8, by removing all of said lines from the amendment; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 782, Pages 1-2, Section 32.056, Lines 1-27, by removing all of said section from the bill; and

Further amend said bill, Page 2, Section 32.300, Lines 1-27, by removing all of said section from the bill; and

Further amend said bill, Pages 2-3, Section 32.450, Lines 1-26, by removing all of said section from the bill; and

Further amend said bill, Pages 7-12, Section 137.115, Lines 1-194, by removing all of said section from the bill; and

Further amend said bill, Pages 44-48, Section 302.170, Lines 1-170, by removing all of said section from the bill; and

Further amend said bill, Pages 52-55, Section 302.181, Lines 1-119, by removing all of said section from the bill; and

Further amend said bill, Pages 57-61, Section 304.170, Lines 1-130, by removing all of said section from the bill; and

Further amend said bill, Page 61, Section 304.172, Lines 1-6, by removing all of said section from the bill; and

Further amend said bill, Pages 61-65, Section 304.180, Lines 1-157, by removing all of said section from the bill; and

Further amend said bill, Page 65, Section 305.800, Lines 1-10, by removing all of said section from the bill; and

Further amend said bill, Page 66, Section 305.802, Lines 1-34, by removing all of said section from the bill; and

Further amend said bill, Pages 66-67, Section 305.804, Lines 1-30, by removing all of said section from the bill; and

Further amend said bill, Page 67-68, Section 305.806, Lines 1-23, by removing all of said section from the bill; and

Further amend said bill, Page 68, Section 305.808, Lines 1-7, by removing all of said section from the bill; and

Further amend said bill, Page 68, Section 305.810, Lines 1-7, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 782, Page 65, Section 305.800, Lines 1-10, by deleting all of said section and lines and inserting in lieu thereof the following:

“305.800. As used in sections 305.800 to 305.810, the following terms mean:

(1) “Abandoned aircraft”, an aircraft left in a wrecked, inoperative, or partially dismantled condition at an airport; or an aircraft that has remained in an idle state at an airport for forty-five consecutive calendar days without a contractual agreement between the owner or operator of the aircraft and the airport for use of the airport premises;

(2) “Airport superintendent”, the person or group of people authorized to make decisions on behalf of an airport, including but not limited to , an airport operated by a city, county, or other political subdivision;

(3) “Derelict aircraft”, any aircraft that is not in a flyable condition, does not have a current certificate of airworthiness issued by the Federal Aviation Administration, and is not in the process of actively being repaired.”; and

Further amend said bill, Page 66, Section 305.802, Lines 1-34, by deleting all of said section and lines and inserting in lieu thereof the following:

“305.802. 1. If a derelict aircraft or abandoned aircraft is discovered on airport property, the airport superintendent shall:

(1) Make a record of the date the aircraft was discovered on the airport property; and

(2) Inquire as to the name and address of any person having an equitable or legal interest in the aircraft, including the owner and any lienholders, by:

(a) Contacting the Federal Aviation Administration, aircraft registration branch, and making a diligent search of the appropriate records; or

(b) Contacting an aircraft title search company.

2. Within ten business days of receiving the information requested under subsection 1 of this section, the airport superintendent shall notify the owner and all other interested parties by certified mail, return receipt requested:

(1) Of the location of the derelict or abandoned aircraft on the airport property;

(2) That fees and charges for the use of the airport by the aircraft have accrued and the amount of those fees and charges;

(3) That the aircraft is subject to a lien under section 305.806 for any unpaid and accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft;

(4) That the lien is subject to enforcement under this section;

(5) That the airport may use, trade, sell, or remove the aircraft as described in section 305.804 if, within thirty calendar days after the date of receipt of the notice, the owner or other interested party has not removed the aircraft from the airport and paid in full all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft; and

(6) That the airport superintendent may remove the aircraft in less than thirty calendar days if the aircraft poses a danger to the health or safety of users of the airport, as determined by the airport superintendent.

3. (1) If the owner of the aircraft is unknown or cannot be found after the inquiry required under subdivision (1) of subsection 2 of this section, the airport superintendent shall place a notice upon the aircraft in a conspicuous place containing the information required under subdivisions (2), (3), (4), (5), and (6) of subsection 2 of this section.

(2) The notice required under subdivision (1) of this subsection shall be not less than eight inches by ten inches and shall be laminated or otherwise sufficiently weatherproof to withstand normal exposure to rain, snow, and other conditions.”; and

Further amend said bill, Pages 66-67, Section 305.804, Lines 1-30, by deleting all of said section and lines and inserting in lieu thereof the following:

“305.804. 1. If the owner or other interested party has not removed the aircraft from the airport and paid in full all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for the failure to do so within thirty calendar days of the airport superintendent posting notice under section 305.802, the airport superintendent may:

(1) Retain the aircraft for use by the airport, the state, or the unit of local government owning or operating the airport;

(2) Trade the aircraft to another unit of local government or a state agency;

(3) Sell the aircraft; or

(4) Dispose of the aircraft through an appropriate refuse removal company or a company that provides salvage services for aircraft.

2. If the airport superintendent elects to sell the aircraft in accordance with subdivision (3) of subsection 1 of this section, the aircraft shall be sold at public auction after giving notice of the time and place of sale, at least ten calendar days prior to the date of sale, in a newspaper of general circulation within the county where the airport is located and after providing written notice of the intended sale to all parties known to have an interest in the aircraft.

3. If the airport superintendent elects to dispose of the aircraft in accordance with subdivision (4) of subsection 1 of this section, the airport superintendent shall be entitled to negotiate with the company for a price to be received from the company in payment for the aircraft, or, if circumstances so warrant, a price to be paid to the company by the airport superintendent for the costs of disposing of the aircraft. All information and records pertaining to the establishment of the price and the justification for the amount of the price shall be prepared and maintained by the airport superintendent.

4. If the sale price or the negotiated price is less than the airport superintendent's current fees and charges against the aircraft, the owner of the aircraft shall remain liable to the airport superintendent for the fees and charges that are not offset by the sale price or negotiated price.

5. All costs incurred by the airport superintendent in the removal, storage, and sale of any aircraft shall be recoverable against the owner of the aircraft.”; and

Further amend said bill, Pages 67-68, Section 305.806, Lines 1-23, by deleting all of said section and lines and inserting in lieu thereof the following:

“305.806. 1. The airport superintendent shall have a lien on a derelict or abandoned aircraft for all unpaid fees and charges for the use of the airport by the aircraft and for all unpaid costs incurred by the airport superintendent for the transportation, storage, and removal of the aircraft. As a prerequisite to perfecting a lien under this section, the airport superintendent shall serve a notice on the last registered owner and all persons having an equitable or legal interest in the aircraft.

2. (1) For the purpose of perfecting a lien under this section, the airport superintendent shall file a claim of lien that states:

(a) The name and address of the airport;

(b) The name of the last registered owner of the aircraft and all persons having a legal or equitable interest in the aircraft;

(c) The fees and charges incurred by the aircraft for the use of the airport and the costs for the transportation, storage, and removal of the aircraft; and

(d) A description of the aircraft sufficient for identification.

(2) The claim of lien shall be signed and sworn to or affirmed by the airport superintendent's director or the director's designee.

(3) The claim of lien shall be served on the last registered owner of the aircraft and all persons having an equitable or legal interest in the aircraft. The claim of lien shall be served before filing.

(4) The claim of lien shall be filed with the proper office according to section 400-9.501. The filing of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim. The lien shall attach at the time of filing and shall take priority as of that time.”; and

Further amend said bill, Page 68, Section 305.808, Lines 1-7, by deleting all of said section and lines and inserting in lieu thereof the following:

“305.808. 1. If the aircraft is sold, the airport superintendent shall satisfy the airport superintendent’s lien, plus the reasonable expenses of notice, advertisement, and sale from the proceeds of the sale.

2. The balance of the proceeds of the sale, if any, shall be held by the airport superintendent and delivered on demand to the owner of the aircraft.

3. If no person claims the balance within twelve months of the date of sale, the airport shall retain the funds and use the funds for airport operations.”; and

Further amend said bill and page, Section 305.810, Lines 1-7, by deleting all of said section and lines and inserting in lieu thereof the following:

“305.810. 1. Any person acquiring a legal interest in an aircraft under sections 305.800 to 305.810 shall be the lawful owner of the aircraft and all other legal or equitable interests in that aircraft shall be divested; provided that, the holder of any legal or equitable interest was notified of the intended disposal of the aircraft as required under sections 305.800 to 305.810.

2. The airport superintendent may issue documents of disposition to the purchaser or recipient of an aircraft disposed of under sections 305.800 to 305.810.”; and

Further amend said bill, Page 71, Section 407.1329, Line 39, by inserting after all of said section and line the following:

“640.500. Any county historical society, or county commission in a county without a historical society, may designate certain real property as historic farm property if such property has been used for agricultural or horticultural purposes and the historical society or county commission deems the property historically significant or significant to agriculture. The provisions of subdivision (3) of section 523.039 shall apply to any property designated as a historic farm property under the provisions of this section. The county historical society, or county commission in a county without a historical society, may develop an application and approval process for historic farm property designations and may offer appropriate signage for historic farm property owners to display on their property or for counties to display along their roads and highways.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 782, Page 19, Section 227.600, Line 77, by inserting after all of said line the following:

“300.010. The following words and phrases when used in this ordinance mean:

- (1) “Alley” or “alleyway”, any street with a roadway of less than twenty feet in width;
- (2) “All-terrain vehicle”, any motorized vehicle manufactured and used exclusively for off-highway use [which is fifty inches or less in width], with an unladen dry weight of [six] **one thousand five** hundred pounds or less, traveling on three, four or more [low pressure] **nonhighway** tires, with **either**:
 - (a) A seat designed to be straddled by the operator, and handlebars for steering control; **or**
 - (b) **A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;**
- (3) “Authorized emergency vehicle”, a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls;
- (4) “Business district”, the territory contiguous to and including a highway when within any six hundred feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;
- (5) “Central business (or traffic) district”, all streets and portions of streets within the area described by city ordinance as such;
- (6) “Commercial vehicle”, every vehicle designed, maintained, or used primarily for the transportation of property;
- (7) “Controlled access highway”, every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway;
- (8) “Crosswalk”,
 - (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;
 - (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (9) “Curb loading zone”, a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;
- (10) “Driver”, every person who drives or is in actual physical control of a vehicle;
- (11) “Freight curb loading zone”, a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers);
- (12) “Highway”, the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;
- (13) “Intersection”,
 - (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then

the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(14) "Laned roadway", a roadway which is divided into two or more clearly marked lanes for vehicular traffic;

(15) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles;

(16) "Motorcycle", every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor;

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

(18) "Official time standard", whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the city;

(19) "Official traffic control devices", all signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

(20) "Park" or "parking", the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(21) "Passenger curb loading zone", a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers;

(22) "Pedestrian", any person afoot;

(23) "Person", every natural person, firm, copartnership, association or corporation;

(24) "Police officer", every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

(25) "Private road" or "driveway", every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

(26) "Railroad", a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

(27) "Railroad train", a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(28) "Residence district", the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main

improved with residences or residences and buildings in use for business;

(29) “Right-of-way”, the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

(30) “Roadway”, that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term “roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively;

(31) “Safety zone”, the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;

(32) “Sidewalk”, that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;

(33) “Stand” or “standing”, the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;

(34) “Stop”, when required, complete cessation from movement;

(35) “Stop” or “stopping”, when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;

(36) “Street” or “highway”, the entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. “State highway”, a highway maintained by the state of Missouri as a part of the state highway system;

(37) “Through highway”, every highway or portion thereof on which vehicular traffic is given preferential rights-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield rights-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this ordinance;

(38) “Traffic”, pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel;

(39) “Traffic control signal”, any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed;

(40) “Traffic division”, the traffic division of the police department of the city, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of the city;

(41) “Vehicle”, any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.”

Further amend said bill, Page 19, Section 301.010, Lines 4 and 5, by deleting all of said lines and inserting in lieu thereof the following:

“off-highway use [which is fifty inches or less in width], with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, **with either:**

(a) A seat designed to be straddled by the operator, and handlebars for steering control; or

(b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;”; and

Further amend said section, Page 24, Lines 179 and 180, by deleting all of said lines and inserting in lieu thereof the following:

“exclusively for off-highway use which is more than fifty inches but no more than [sixty-seven] **eighty** inches in width, **measured from outside of tire rim to outside of tire rim**, with an unladen dry weight of [two] **three thousand five hundred** pounds or less, traveling on four”>; and

Further amend said section, Page 27, Lines 284 and 285, by deleting all of said lines and inserting in lieu thereof the following:

“off-highway use which is more than fifty inches but no more than [sixty-seven] **eighty** inches in width, **measured from outside of tire rim to outside of tire rim**, with an unladen dry weight of [two] **three thousand five hundred** pounds or less, traveling on four or six wheels, to”>; and

Further amend said bill, Page 70, Section 306.127, Line 72, by inserting after all of said line the following:

“407.815. As used in sections 407.810 to 407.835, unless the context otherwise requires, the following terms mean:

(1) “Administrative hearing commission”, the body established in chapter 621 to conduct administrative hearings;

(2) “All-terrain vehicle”, any motorized vehicle manufactured and used exclusively for off-highway use [which is fifty inches or less in width], with an unladen dry weight of [six] **one thousand five** hundred pounds or less, traveling on three, four or more [low pressure] **nonhighway** tires, with **either:**

(a) A seat designed to be straddled by the operator, and handlebars for steering control; or

(b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;

(3) “Coerce”, to compel or attempt to compel a person to act in a given manner by pressure, intimidation, or threat of harm, damage, or breach of contract, but shall not include the following:

(a) Good faith recommendations, exposition, argument, persuasion or attempts at persuasion without unreasonable conditions;

(b) Notice given in good faith to any franchisee of such franchisee’s violation of terms or provisions of such franchise or contractual agreement; or

(c) Any conduct set forth in sections 407.810 to 407.835 that is permitted of the franchisor;

(4) “Common entity”, a person:

(a) Who is either controlled or owned, beneficially or of record, by one or more persons who also control or own more than forty percent of the voting equity interest of a franchisor; or

(b) Who shares directors or officers or partners with a franchisor;

(5) “Control”, to possess, directly or indirectly, the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, by contract, or otherwise; except that “control” does not include the relationship between a franchisor and a franchisee under a franchise agreement;

(6) “Dealer-operator”, the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business;

(7) “Distributor”, a person, resident or nonresident, who, in whole or in part, sells or distributes new motor vehicles to motor vehicle dealers in this state;

(8) “Franchise” or “franchise agreement”, a written arrangement or contract for a definite or indefinite period, in which a person grants to another person a license to use, or the right to grant to others a license to use, a trade name, trademark, service mark, or related characteristics, in which there is a community of interest in the marketing of goods or services, or both, at wholesale or retail, by agreement, lease or otherwise, and in which the operation of the franchisee’s business with respect to such franchise is substantially reliant on the franchisor for the continued supply of franchised new motor vehicles, parts and accessories for sale at wholesale or retail. The franchise includes all portions of all agreements between a franchisor and a franchisee, including but not limited to a contract, new motor vehicle franchise, sales and service agreement, or dealer agreement, regardless of the terminology used to describe the agreement or relationship between the franchisor and franchisee, and also includes all provisions, schedules, attachments, exhibits and agreements incorporated by reference therein;

(9) “Franchisee”, a person to whom a franchise is granted;

(10) “Franchisor”, a person who grants a franchise to another person;

(11) “Good faith”, the duty of each party to any franchise and all officers, employees, or agents thereof, to act in a fair and equitable manner toward each other so as to guarantee the one party freedom from coercion, intimidation, or threat of coercion or intimidation from the other party;

(12) “Importer”, a person who has written authorization from a foreign manufacturer of a line-make of motor vehicles to grant a franchise to a motor vehicle dealer in this state with respect to that line-make;

(13) “Line-make”, a collection of models, series, or groups of motor vehicles manufactured by or for a particular manufacturer, distributor or importer offered for sale, lease or distribution pursuant to a common brand name or mark; provided, however:

(a) Multiple brand names or marks may constitute a single line-make, but only when included in a common dealer agreement and the manufacturer, distributor or importer offers such vehicles bearing the multiple names or marks together only, and not separately, to its authorized dealers; and

(b) Motor vehicles bearing a common brand name or mark may constitute separate line-makes when pertaining to motor vehicles subject to separate dealer agreements or when such vehicles are intended for different types of use;

(14) “Manufacturer”, any person, whether a resident or nonresident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipment which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. The term “manufacturer” includes a central or principal sales corporation

or other entity, other than a franchisee, through which, by contractual agreement or otherwise, it distributes its products;

(15) “Motor vehicle”, for the purposes of sections 407.810 to 407.835, any motor-driven vehicle required to be registered pursuant to the provisions of chapter 301, except that, motorcycles and all-terrain vehicles as defined in section 301.010 shall not be included. The term “motor vehicle” shall also include any engine, transmission, or rear axle, regardless of whether attached to a vehicle chassis, that is manufactured for the installation in any motor-driven vehicle with a gross vehicle weight rating of more than sixteen thousand pounds that is registered for the operations on the highways of this state under chapter 301;

(16) “New”, when referring to motor vehicles or parts, means those motor vehicles or parts which have not been held except as inventory, as that term is defined in subdivision (4) of section 400.9-109;

(17) “Person”, a natural person, sole proprietor, partnership, corporation, or any other form of business entity or organization;

(18) “Principal investor”, the owner of the majority interest of any franchisee;

(19) “Reasonable”, shall be based on the circumstances of a franchisee in the market served by the franchisee;

(20) “Require”, to impose upon a franchisee a provision not required by law or previously agreed to by a franchisee in a franchise agreement;

(21) “Successor manufacturer”, any manufacturer that succeeds, or assumes any part of the business of, another manufacturer, referred to as the “predecessor manufacturer”, as the result of:

(a) A change in ownership, operation, or control of the predecessor manufacturer by sale or transfer of assets, corporate stock, or other equity interest, assignment, merger, consolidation, combination, joint venture, redemption, court-approved sale, operation of law, or otherwise;

(b) The termination, suspension or cessation of a part or all of the business operations of the predecessor manufacturer;

(c) The noncontinuation of the sale of the product line; or

(d) A change in distribution system by the predecessor manufacturer, whether through a change in distributor or the predecessor manufacturer’s decision to cease conducting business through a distributor altogether.

407.1025. As used in sections 407.1025 to 407.1049, unless the context otherwise requires, the following terms mean:

(1) “Administrative hearing commission”, the body established in chapter 621 to conduct administrative hearings;

(2) “All-terrain vehicle”, any motorized vehicle manufactured and used exclusively for off-highway use [which is fifty inches or less in width], with an unladen dry weight of [six] **one thousand five** hundred pounds or less, traveling on three, four or more [low pressure] **nonhighway** tires, with **either:**

(a) A seat designed to be straddled by the operator, and handlebars for steering control; **or**

(b) **A width of fifty inches or less, measured from outside of tire rim to outside of tire rim,**

regardless of seating or steering arrangement;

(3) “Coerce”, to force a person to act in a given manner or to compel by pressure or threat but shall not be construed to include the following:

(a) Good faith recommendations, exposition, argument, persuasion or attempts at persuasion;

(b) Notice given in good faith to any franchisee of such franchisee’s violation of terms or provisions of such franchise or contractual agreement;

(c) Any other conduct set forth in section 407.1043 as a defense to an action brought pursuant to sections 407.1025 to 407.1049; or

(d) Any other conduct set forth in sections 407.1025 to 407.1049 that is permitted of the franchisor or is expressly excluded from coercion or a violation of sections 407.1025 to 407.1049;

(4) “Franchise”, a written arrangement or contract for a definite or indefinite period, in which a person grants to another person a license to use, or the right to grant to others a license to use, a trade name, trademark, service mark, or related characteristics, in which there is a community of interest in the marketing of goods or services, or both, at wholesale or retail, by agreement, lease or otherwise, and in which the operation of the franchisee’s business with respect to such franchise is substantially reliant on the franchisor for the continued supply of franchised new motorcycles or all-terrain vehicles, parts and accessories for sale at wholesale or retail;

(5) “Franchisee”, a person to whom a franchise is granted;

(6) “Franchisor”, a person who grants a franchise to another person;

(7) “Motorcycle”, a motor vehicle operated on two wheels;

(8) “New”, when referring to motorcycles or all-terrain vehicles or parts, means those motorcycles or all-terrain vehicles or parts which have not been held except as inventory, as that term is defined in subdivision (4) of section 400.9-109;

(9) “Person”, a sole proprietor, partnership, corporation, or any other form of business organization.”; and

Further amend said bill, Page 71, Section 407.1329, Line 39, by inserting after all of said line the following:

“577.001. As used in this chapter, the following terms mean:

(1) “Aggravated offender”, a person who has been found guilty of:

(a) Three or more intoxication-related traffic offenses committed on separate occasions; or

(b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(2) “Aggravated boating offender”, a person who has been found guilty of:

(a) Three or more intoxication-related boating offenses; or

(b) Two or more intoxication-related boating offenses committed on separate occasions where at least

one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(3) “All-terrain vehicle”, any motorized vehicle manufactured and used exclusively for off-highway use [which is fifty inches or less in width], with an unladen dry weight of one thousand **five hundred** pounds or less, traveling on three, four or more [low pressure] **nonhighway** tires, with **either**:

(a) A seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control; **or**

(b) **A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;**

(4) “Court”, any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or treatment court;

(5) “Chronic offender”, a person who has been found guilty of:

(a) Four or more intoxication-related traffic offenses committed on separate occasions; or

(b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(6) “Chronic boating offender”, a person who has been found guilty of:

(a) Four or more intoxication-related boating offenses; or

(b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(7) “Continuous alcohol monitoring”, automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;

(8) “Controlled substance”, a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;

(9) “Drive”, “driving”, “operates” or “operating”, physically driving or operating a vehicle or vessel;

(10) “Flight crew member”, the pilot in command, copilots, flight engineers, and flight navigators;

(11) “Habitual offender”, a person who has been found guilty of:

(a) Five or more intoxication-related traffic offenses committed on separate occasions; or

(b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(12) “Habitual boating offender”, a person who has been found guilty of:

(a) Five or more intoxication-related boating offenses; or

(b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(d) While boating while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vessel operated by the defendant, including the death of an individual that results from the defendant’s vessel leaving the water; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person’s blood;

(13) “Intoxicated” or “intoxicated condition”, when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

(14) “Intoxication-related boating offense”, operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(15) “Intoxication-related traffic offense”, driving while intoxicated, driving with excessive blood alcohol content, driving under the influence of alcohol or drugs in violation of a state law, county or municipal ordinance, any federal offense, or any military offense, or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law,

county or municipal ordinance, any federal offense, or any military offense;

(16) “Law enforcement officer” or “arresting officer”, includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;

(17) “Operate a vessel”, to physically control the movement of a vessel in motion under mechanical or sail power in water;

(18) “Persistent offender”, a person who has been found guilty of:

(a) Two or more intoxication-related traffic offenses committed on separate occasions; or

(b) One intoxication-related traffic offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(19) “Persistent boating offender”, a person who has been found guilty of:

(a) Two or more intoxication-related boating offenses committed on separate occasions; or

(b) One intoxication-related boating offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(20) “Prior offender”, a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

(21) “Prior boating offender”, a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Bill No. 782, Page 1, Line 1, by inserting after the number “782,”, the following:

“Page 19, Section 227.600, Line 77, by inserting after said section and line the following:

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

(1) Green indication

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

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

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

(2) Steady yellow indication

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

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

(3) Steady red indication

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

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

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

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

(4) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their

nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

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

(1) Green indication

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

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

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

(2) Steady yellow indication

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

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

(3) Steady red indication

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

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

(c) **The driver of a vehicle which is in the left-most lane on a one-way street and stopped as close**

as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a left turn onto a one-way street but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the state highways and transportation commission with reference to an intersection involving a state highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such left turn against a red signal at any intersection where safety conditions so require and such prohibition shall be effective when a sign is erected at such intersection giving notice thereof;

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

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

2. Notwithstanding the provisions of section 304.361, violation of this section is a class C misdemeanor.”; and

Further amend said bill,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 782, Page 24, Section 301.010, Line 159, by inserting after the first occurrence of the word, “vehicle” the words, **“or who has executed a buyer’s order or retail installment sales contract with a motor vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle with an immediate right of possession vested in the transferee,”**; and

Further amend said bill, Page 32, Section 301.032, Line 94, by inserting after all of said line the following:

“301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days, or no more than ninety days if the dealer is selling the motor vehicle under the provisions of section 301.213, **or no more than sixty days if the dealer is selling the motor vehicle under the provisions of subsection 5 of section 301.210.** As used in this subsection, the term “trade-in motor vehicle or trailer” shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

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

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

4. The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days, or no more than ninety days if issued by a dealer selling the motor vehicle under the provisions of section 301.213, **or no more than sixty days if issued by a dealer selling the motor vehicle under the provisions of subsection 5 of section 301.210**, from the date of purchase. The temporary permit authorized under this section may be purchased by the purchaser of a motor vehicle or trailer from the central office of the department of revenue or from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director of the department of revenue or a producer authorized by the director of the department of revenue may make temporary permits available to registered dealers in this state, authorized agents of the department of revenue or the department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer, authorized

agent or the department of revenue shall charge more than five dollars for each permit issued. The permit shall be valid for a period of thirty days, or no more than ninety days if issued by a dealer selling the motor vehicle under the provisions of section 301.213, **or no more than sixty days if issued by a dealer selling the motor vehicle under the provisions of subsection 5 of section 301.210**, from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.

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

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

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

8. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other

item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 4 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

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

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

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

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer, unless the motor vehicle was acquired under section 301.213 **or subsection 5 of section 301.210** in which case the applicant shall make application within thirty days after receiving title from the dealer, upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, together with a statement of the applicant's source

of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536 indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, or where the motor vehicle was acquired under section 301.213 or **subsection 5 of section 301.210** and the applicant fails to make application within thirty days after receiving title from the dealer, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total

of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer, or where the motor vehicle was acquired under section 301.213 **or subsection 5 of section 301.210** and the applicant fails to make application within thirty days after receiving title from the dealer, or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle which has been issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the

application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and only the fees required by section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and

which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles.

The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

301.210. 1. In the event of a sale or transfer of ownership of a motor vehicle or trailer for which a certificate of ownership has been issued, the holder of such certificate shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, and prescribed by the director of revenue, with a statement of all liens or encumbrances on such motor vehicle or trailer, and deliver the same to the buyer at the time of the delivery to him of such motor vehicle or trailer; provided that, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.575, the provisions of subdivision (3) of subsection 7 of section 144.070 shall not apply.

2. The buyer shall then present such certificate, assigned as aforesaid, to the director of revenue, at the time of making application for the registration of such motor vehicle or trailer, whereupon a new certificate of ownership shall be issued to the buyer, the fee therefor being that prescribed in subsection 5 of section 301.190.

3. If such motor vehicle or trailer is sold to a resident of another state or country, or if such motor vehicle or trailer is destroyed or dismantled, the owner thereof shall immediately notify the director of revenue. Certificates when so signed and returned to the director of revenue shall be retained by the director of revenue and all certificates shall be appropriately indexed so that at all times it will be possible for him to expeditiously trace the ownership of the motor vehicle or trailer designated therein.

4. It shall be unlawful for any person to buy or sell in this state any motor vehicle or trailer registered under the laws of this state, unless, at the time of the delivery thereof, there shall pass between the parties such certificates of ownership with an assignment thereof, as provided in this section, and the sale of any motor vehicle or trailer registered under the laws of this state, without the assignment of such certificate of ownership, shall be **presumed** fraudulent and void **unless the parties have executed a written agreement for delayed delivery of certificate of ownership as provided in subsection 5 of this section.**

5. A motor vehicle dealer licensed under sections 301.550 to 301.580 may deliver a motor vehicle or trailer to a purchaser with a written agreement to pass the certificate of ownership with an assignment to the purchaser within thirty days after delivery, inclusive of weekends and holidays.

(1) The form of the agreement shall be prescribed by the director of revenue. The agreement shall provide that if the motor vehicle dealer does not pass the certificate of ownership with an assignment to the purchaser within thirty days that the sale shall be voidable at purchaser's option and, in such case, dealer shall re-purchase the vehicle by paying and satisfying in full any purchase money lien against the vehicle, including accrued penalties and fees, with the remainder of one hundred percent of the sale price refunded and paid by the dealer to the buyer. As used in this subdivision, the term "sale price" shall include the negotiated price of the vehicle, the down payment, the trade-in allowance even if the allowance reflected negative equity, and the price of all optional services and products sold to the buyer under the sales and finance transaction.

(2) In the event a motor vehicle subject to this subsection has suffered physical damage covered by the purchaser's vehicle insurance policy and the vehicle is determined by the insurance company to be a total loss, the insurance company may satisfy the claim in full, with respect to the damage to the vehicle, by transferring all proceeds to such purchaser and any secured lienholder of record. The purchaser shall not assign the purchaser's corresponding insurance benefits to any party without the express written permission of the insurer. In conjunction with such satisfaction of the claim, if as part of such claim settlement the insurance company is to receive the vehicle under subdivision (3) of this subsection, but clear title never vests with the purchaser within the thirty-day period after the date of sale prescribed by subdivision (1) of this subsection or within ten days of the claim settlement date, whichever is later, the insurance company shall notify the dealer that clear title never vested with the purchaser and the dealer shall reimburse the insurance company for the salvage value of such vehicle as determined in the claims settlement with the purchaser, and in exchange the insurance company shall assign its rights to the vehicle back to the dealer. If the dealer fails to make payment to the insurance company within fifteen days of receiving notice, the dealer shall be liable to the insurance company for the value of the salvage as determined in the claims settlement with the purchaser, plus any actual damages and any applicable court costs, in return for the right to acquire the title and apply for a salvage title under this chapter.

(3) Notwithstanding any provision of law to the contrary, completion of the requirements of this subsection shall constitute prima facie evidence of an ownership interest vested in the purchaser of the vehicle for all purposes other than for a subsequent transfer of ownership of the vehicle by the purchaser, subject to the rights of any secured lienholder of record; however, the purchaser may use the dealer-supplied copy of the agreement to transfer his or her ownership of the vehicle to an insurance company in situations where the vehicle has been declared salvage or a total loss by the insurance company as a result of a settlement of a claim. Such insurance company may apply for a salvage certificate of title or junking certificate under subsection 3 of section 301.193 in order to transfer its interest in such vehicle. The purchaser may also use the dealer-supplied copy of the agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lender or insurance company may rely upon a copy of the signed written agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lien placed upon a vehicle based upon such signed written agreement shall be valid and enforceable, notwithstanding the absence of a certificate of ownership.

(4) No motor vehicle dealer shall be authorized under this subsection to enter and have outstanding any such written agreements until such dealer has provided to the director of revenue a surety bond or irrevocable letter of credit in amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the fifty thousand dollar bond otherwise required for licensure as a motor vehicle dealer.

301.213. 1. Notwithstanding the provisions of sections 301.200 and 301.210, any person licensed as a motor vehicle dealer under sections 301.550 to 301.580 that has provided to the director of revenue a surety bond or irrevocable letter of credit in an amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the fifty thousand dollar bond otherwise required for licensure as a motor vehicle dealer shall be authorized to purchase or accept in trade any motor vehicle for which there has been issued a certificate of ownership, and to receive such vehicle subject to any existing liens thereon created and perfected under sections 301.600 to 301.660 provided the licensed dealer receives the following:

(1) A signed written contract between the licensed dealer and the owner of the vehicle outlining the terms of the sale or acceptance in trade of such motor vehicle without transfer of the certificate of ownership; and

(2) Physical delivery of the vehicle to the licensed dealer; and

(3) A power of attorney from the owner to the licensed dealer, in accordance with subsection 4 of section 301.300, authorizing the licensed dealer to obtain a duplicate or replacement title in the owner's name and sign any title assignments on the owner's behalf.

2. If the dealer complies with the requirements of subsection 1 of this section, the sale or trade of the vehicle to the dealer shall be considered final, subject to any existing liens created and perfected under sections 301.600 to 301.660. Once the prior owner of the motor vehicle has physically delivered the motor vehicle to the licensed dealer, the prior owners' insurable interest in such vehicle shall cease to exist.

3. If a licensed dealer complies with the requirements of subsection 1 of this section, and such dealer has provided to the director of revenue a surety bond or irrevocable letter of credit in amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the fifty thousand dollar bond otherwise required for licensure as a motor vehicle dealer, such dealer may sell such vehicle prior to receiving and assigning to the purchaser the certificate of ownership, provided such dealer complies with the following:

(1) All outstanding liens created on the vehicle pursuant to sections 301.600 to 301.660 have been paid in full, and the dealer provides a copy of proof or other evidence to the purchaser; and

(2) The dealer has obtained proof or other evidence from the department of revenue confirming that no outstanding child support liens exist upon the vehicle at the time of sale and provides a copy of said proof or other evidence to the purchaser; and

(3) The dealer has obtained proof or other evidence from the department of revenue confirming that all applicable state sales tax has been satisfied on the sale of the vehicle to the previous owner and provides a copy of said proof or other evidence to the purchaser; and

(4) The dealer has signed an application for duplicate or replacement title for the vehicle under subsection 4 of section 301.300 and provides a copy of the application to the purchaser, along with a copy

of the power of attorney required by subsection 1 of this section, and the dealer has prepared and delivered to the purchaser an application for title for the vehicle in the purchaser's name; and

(5) The dealer and the purchaser have entered into a written agreement for the subsequent assignment and delivery of such certificate of ownership, on a form prescribed by the director of revenue, to take place at a time, not to exceed sixty calendar days, after the time of delivery of the motor vehicle to the purchaser. Such agreement shall require the purchaser to provide to the dealer proof of financial responsibility in accordance with chapter 303 and proof of comprehensive and collision coverage on the motor vehicle. Such dealer shall maintain the original or an electronic copy of the signed agreement and deliver a copy of the signed agreement to the purchaser. Such dealer shall also complete and deliver to the director of revenue such form as the director shall prescribe demonstrating that the purchaser has purchased the vehicle without contemporaneous delivery of the title.

Notwithstanding any provision of law to the contrary, completion of the requirements of this subsection shall constitute prima facie evidence of an ownership interest vested in the purchaser of the vehicle for all purposes other than for a subsequent transfer of ownership of the vehicle by the purchaser, subject to the rights of any secured lienholder of record; however, the purchaser may use the dealer-supplied copy of the agreement to transfer his or her ownership of the vehicle to an insurance company in situations where the vehicle has been declared salvage or a total loss by the insurance company as a result of a settlement of a claim. Such insurance company may apply for a salvage certificate of title or junking certificate pursuant to the provisions of subsection 3 of section 301.193 in order to transfer its interest in such vehicle. The purchaser may also use the dealer-supplied copy of the agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lender or insurance company may rely upon a copy of the signed written agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lien placed upon a vehicle based upon such signed written agreement shall be valid and enforceable, notwithstanding the absence of a certificate of ownership.

4. Following a sale or other transaction in which a certificate of ownership has not been assigned from the owner to the licensed dealer, the dealer shall, within ten business days, apply for a duplicate or replacement certificate of ownership. Upon receipt of a duplicate or replacement certificate of ownership applied for under subsection 4 of section 301.300, the dealer shall assign and deliver said certificate of ownership to the purchaser of the vehicle within five business days. The dealer shall maintain proof of the assignment and delivery of the certificate of ownership to the purchaser. For purposes of this subsection, a dealer shall be deemed to have delivered the certificate of ownership to the purchaser upon either:

(1) Physical delivery of the certificate of ownership to any of the purchasers identified in the contract with such dealer; or

(2) Mailing of the certificate, postage prepaid, return receipt requested, to any of the purchasers at any of their addresses identified in the contract with such dealer.

5. If a licensed dealer fails to comply with subsection 3 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees.

6. If a licensed dealer fails or is unable to comply with subsection 4 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees. If the dealer cannot be found by the purchaser after

making reasonable attempts, or if the dealer fails to assign and deliver the duplicate or replacement certificate of ownership to the purchaser by the date agreed upon by the dealer and the purchaser, as required by subsection 4 of this section, then the purchaser may deliver to the director a copy of the contract for sale of the vehicle, a copy of the application for duplicate title provided by the dealer to the purchaser, a copy of the secure power of attorney allowing the dealer to assign the duplicate title, and the proof or other evidence obtained by the purchaser from the dealer under subsection 3 of this section. Thereafter, the director shall mail by certified mail, return receipt requested, a notice to the dealer at the last address given to the department by that dealer. That notice shall inform the dealer that the director intends to cancel any prior certificate of title which may have been issued to the dealer on the vehicle and issue to the purchaser a certificate of title in the name of the purchaser, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle, unless the dealer, within ten business days from the date of the director's notice, files with the director a written objection to the director taking such action. If the dealer does file a timely, written objection with the director, then the director shall not take any further action without an order from a court of competent jurisdiction. However, if the dealer does not file a timely, written objection with the director, then the director shall cancel the prior certificate of title issued to the dealer on the vehicle and issue a certificate of title to the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle and subject to the purchaser satisfying all applicable taxes and fees associated with registering the vehicle.

7. If a seller misrepresents to a dealer that the seller is the owner of a vehicle and the dealer, the owner, any subsequent purchaser, or any prior or subsequent lienholder is thereby damaged, then the seller shall be liable to each such party for actual and punitive damages, plus court costs and reasonable attorney fees.

8. When a lienholder is damaged as a result of a licensed dealer's acts, errors, omissions, or violations of this section, then the dealer shall be liable to the lienholder for actual damages, plus court costs and reasonable attorney fees.

9. No court costs or attorney fees shall be awarded under this section unless, prior to filing any such action, the following conditions have been met:

(1) The aggrieved party seeking damages has delivered an itemized written demand of the party's actual damages to the party from whom damages are sought; and

(2) The party from whom damages are sought has not satisfied the written demand within thirty days after receipt of the written demand.

10. The department of revenue may use a dealer's repeated or intentional violation of this section as a cause to suspend, revoke, or refuse to issue or renew any license required pursuant to sections 301.550 to 301.580, in addition to the causes set forth in section 301.562. The hearing process shall be the same as that established in subsection 6 of section 301.562.

11. No dealer shall enter into a contract under this section after December 31, 2020. Any contract entered into prior to December 31, 2020, shall be enforceable as provided in this section. This section shall be repealed effective December 31, 2020.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to the department of revenue, on blanks to be prescribed by the department of revenue, giving the following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model of vehicle; vehicle identification number;

style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection 10 of section 144.070 shall also include the amount of state and local sales tax collected for each motor vehicle sold if sales tax was due. The odometer reading is not required when reporting the sale of any motor vehicle that is ten years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The sale of all temporary permits shall be recorded in the appropriate space on the dealer's monthly sales report, unless the sale of the temporary permit is already recorded by electronic means as determined by the department. **The monthly sales report shall include a statement of motor vehicles or trailers sold during the month under subsection 5 of section 301.210.** The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and actually received by the department of revenue on or before the fifteenth day of the month succeeding the month for which the sales are being reported. If no sales occur in any given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer who fails to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales report as part of the records to be maintained at the dealership location and shall hold them available for inspection by appropriate law enforcement officials and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with the department in an electronic format. Any dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice of transfer required by section 301.196. For any dealer not filing electronically, the notice of transfer required by section 301.196 shall be submitted with the monthly sales report as prescribed by the director.

2. Every dealer and every person operating a public garage shall keep a correct record of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with the name and address of the person delivering such motor vehicle or trailer to the dealer or public garage keeper, and the person delivering such motor vehicle or trailer shall record such information in a file kept by the dealer or garage keeper. The record shall be kept for five years and be open for inspection by law enforcement officials, members or authorized or designated employees of the Missouri highway patrol, and persons, agencies and officials designated by the director of revenue.

3. Every dealer and every person operating a public garage in which a motor vehicle remains unclaimed for a period of fifteen days shall, within five days after the expiration of that period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and address are known to the dealer or his employee or person operating a public garage or his employee is not considered unclaimed. Any dealer or person operating a public garage who fails to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking or storing.

4. The director of revenue shall maintain appropriately indexed cumulative records of unclaimed vehicles reported to the director. Such records shall be kept open to public inspection during reasonable business hours.

5. The alteration or obliteration of the vehicle identification number on any such motor vehicle shall be

prima facie evidence of larceny, and the dealer or person operating such public garage shall upon the discovery of such obliteration or alteration immediately notify the highway patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period of forty-eight hours for the purpose of an investigation by the officer so notified.

6. Any person who knowingly makes a false statement or omission of a material fact in a monthly sales report to the department of revenue, as described in subsection 1 of this section, shall be deemed guilty of a class A misdemeanor.”; and

Further amend said bill, Page 34, Section 301.560, Lines 65-71, by deleting all of said lines and inserting in lieu thereof the following:

“irrevocable letter of credit. [The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.] Additionally, every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy number and name of the insurer and the insured. **The proceeds of the bond or irrevocable letter of credit furnished by an applicant shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. The proceeds of the bond or irrevocable letter of credit furnished by an applicant shall be paid at the order of the department and in the amount determined by the department to any buyer or interested lienholder up to the greater of the amount required for the release of the purchase money lien or the sales price paid by the buyer where a dealer has failed to fulfill the dealer’s obligations under an agreement to assign and deliver title to the buyer within thirty days under a contract entered into pursuant to subsection 5 of section 301.210. The department shall direct release of the bond or irrevocable letter of credit proceeds upon presentation of a written agreement entered into pursuant to subsection 5 of section 301.210, copies of the associated sales and finance documents, and the affidavit or affidavits of the buyer or lienholder stating that the certificate of title with assignment thereof has not been passed to the buyer within thirty days of the date of the contract entered into under subsection 5 of section 301.210, that the dealer has not fulfilled the agreement under the contract to re-purchase the vehicle, that the buyer or the lienholder has notified the dealer of the claim on the bond or letter of credit, and the amount claimed by the purchaser or lienholder. In addition, prior to directing release and payment of the proceeds of a bond or irrevocable letter of credit, the department shall ensure that there is satisfactory evidence to establish that the vehicle which is subject to the written agreement has been returned by the buyer to the dealer or that the buyer has represented to the department that the buyer will surrender possession of the vehicle to the dealer upon payment of the proceeds of the bond or letter of credit directed by the department. Excepting ordinary wear and tear or mechanical failures not caused by the buyer, the amount of proceeds to be paid to the buyer under the bond or irrevocable letter of credit shall be reduced by an amount equivalent to any damage, abuse, or destruction incurred by the vehicle while the vehicle was in the buyer’s possession as agreed between the buyer and the dealer. The dealer may apply to a court of competent jurisdiction to contest the claim on the bond or letter of credit, including the amount of the claim and the amount of any adjustment for any damage, abuse, or destruction, by filing a petition with the court within thirty days of the notification by the buyer or lienholder. If the dealer does not fulfill the agreement or file**

a petition to request judicial relief from the terms of the agreement or contest the amount of the claim, the bond or letter of credit shall be released by the department and directed paid in the amount or amounts presented by the lienholder or buyer;”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.”; and

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Bill No. 782, Page 2, Line 7, by inserting after all of said line the following:

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 867, Page 17, Section 144.805, Line 34, by inserting the following after all of said section and line:

“227.484. The portion of State Highway 67 from State Highway D to PVT Monsanto Access Drive/Bayer Drive in St. Louis County shall be designated the “Myrtle Hilliard Davis Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 782, Page 17, Section 144.805, Line 34, by inserting after all of said section and line the following:

“227.470. The portion of State Highway 13 from County Road NE 1000 continuing south to County Road NE 800 in St. Clair County shall be designated as “J.D. Stehwein Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.474. The portion of U.S. State Highway 54 from State Highway 87 continuing west to State Highway 52 in Miller County shall be designated as “Deputy Sheriff Casey L Shoemate Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.475. The portion of State Highway 17 from Broadway Street continuing south to Dogwood Drive through the city of Waynesville in Pulaski County shall be designated as “Chief of Police Ferman R Raines Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.476. The portion of State Highway 9 from Nodaway Street to Park College Entrance Drive in Platte County shall be designated as “Bill Grigsby Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.477. The portion of U.S. Business 71 from State Highway 76 West to State Highway EE in McDonald County shall be designated as “Army PFC Christopher Lee Marion Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.478. The portion of U.S. State Highway 160 from West BYP to County Road 115 in Greene County shall be designated as “Otis E Moore Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.479. The portion of State Highway D from the intersection with State Highway 84 continuing north to County Road 321 in Pemiscot County shall be designated as “Duane S Michie Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.480. The bridge on State Highway 13 crossing over the Osage River (Truman Lake Osage Arm) in St. Clair County in the city of Osceola shall be designated as “NASA Scientist Dr Charles T Bourland Memorial Bridge”. The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.482. The portion of U.S. State Highway 36 from the intersection of U.S. State Highway 61 continuing west to Shinn Lane in Marion County shall be designated as “George Poage Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.483. The portion of U.S. State Highway 36 from the Illinois/Missouri state line continuing to the intersection of U.S. State Highway 61 in Marion County shall be designated as “Mark Twain Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.485. The portion of State Highway H from Interstate 44 West continuing north to County Road 88 in Greene County shall be designated as “Deputy Sheriff Aaron P Roberts Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 782, Page 17, Section 144.805, Line 34, by inserting after all of said section and line the following:

“227.463. The portion of Interstate 29 from its intersection of Interstate 70/U.S. State Highway 71/40 in Jackson County north to the bridge crossing over Nishnabotna River in Atchison County, except for those portions of Interstate 29 previously designated as of August 28, 2019, shall be designated the “Purple Heart Trail”. Costs for such designation shall be paid by private donations.

227.464. The portion of Interstate 55 from State Highway O in Pemiscot County to U.S. Highway 40 in St. Louis City, except for those portions of Interstate 55 previously designated as of August 28, 2019, shall be designated the “Purple Heart Trail”. Costs for such designation shall be paid by private donations.

227.465. The portion of Interstate 57 from the Missouri/Illinois state line in Mississippi County continuing south to U.S. State Highway 60/State Highway AA in Scott County shall be designated the “Purple Heart Trail”. Costs for such designation shall be paid by private donations.

227.466. The portion of Interstate 64 from Interstate 70 from the city of Wentzville in St. Charles County continuing east to Interstate 55 at the Missouri/Illinois state line in St. Louis City, except for those portions of Interstate 64/US40/US61 previously designated as of August 28, 2020, shall be designated the “Purple Heart Trail”. Costs for such designation shall be paid by private donations.

227.467. Notwithstanding any provision of this chapter to the contrary, a highway’s classification as a “Purple Heart Trail” shall not prevent a segment of such highway from being additionally designated as a memorial highway.”; and

Further amend said bill, Page 70, Section 306.127, Line 72, by inserting after all of said section and line the following:

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

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

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

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 782, Page 44, Section 301.3176, Line 29, by inserting after all of said section and line the following:

“301.3177. 1. Any vehicle owner may apply for “Negro Leagues Baseball Museum” license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a ten dollar contribution to the Negro Leagues Baseball Museum, the vehicle owner may apply for the “Negro Leagues Baseball Museum” plate. If the contribution is made directly to the Negro Leagues Baseball Museum, the organization shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the “Negro Leagues Baseball Museum” license plate. If the contribution is made directly to the director of revenue pursuant to section 301.3031, the director shall note the contribution and the owner may then apply for the “Negro Leagues Baseball Museum” plate. The applicant for such plate shall pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of “Negro Leagues Baseball Museum” plates issued pursuant to this section.

Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The “Negro Leagues Baseball Museum” plate shall bear the emblem of the Negro Leagues Baseball Museum as prescribed by the director of revenue and shall have the words “NEGRO LEAGUES BASEBALL MUSEUM”. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

2. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Sater offered Senate Resolution No. 1462, regarding Faye Davis, Noel, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 1463, regarding Rita Smith, Jefferson City, which was adopted.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

—————
FIFTY-SIXTH DAY—THURSDAY, MAY 14, 2020
—————

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1403-Hudson

HJR 78-Eggleston

HOUSE BILLS ON THIRD READING

HCS for HBs 1387 & 1482 (Wallingford)

HB 1386-Murphy, with SCS (Wieland)

HCS for HB 2555, with SCS (O’Laughlin)

HCS for HB 1540, with SCS (O’Laughlin)

(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 522-Sater	SB 633-Hegeman
SB 524-Sater	SB 636-Wieland
SB 525-Emery, with SCS, SS for SCS & SA 1 (pending)	SB 639-Riddle
SB 526-Emery, with SCS	SB 640-Onder
SB 529-Cunningham, with SCS	SB 645-Hoskins, with SCS
SB 530-Cunningham, with SCS, SS for SCS & SA 1 (pending)	SB 646-Koenig
SB 531-Wallingford, with SS & SA 1 (pending)	SB 647-Koenig, with SCS
SB 537-Libla	SB 648-Koenig, with SCS, SS#2 for SCS & SA 1 (pending)
SBs 538, 562 & 601-Libla, with SCS, SS for SCS & SA 1 (pending)	SB 649-Eigel
SB 539-Libla, with SA 1 (pending)	SB 661-Bernskoetter, with SCS
SB 542-Nasheed, with SCS	SB 665-Burlison
SB 548-Hegeman	SB 670-Hough, with SCS, SS for SCS & SA 1 (pending)
SB 555-Riddle	SB 674-Brown
SB 557-Schatz, with SCS	SBs 675 & 705-Luetkemeyer, with SCS
SB 558-Schatz, with SCS	SB 677-Luetkemeyer
SB 559-Schatz, with SCS	SB 690-Cunningham
SB 568-Hoskins, with SCS	SB 696-Sifton
SB 572-Rowden	SB 699-Riddle, with SCS
SB 575-Eigel, with SS#2 & SA 2 (pending)	SB 701-Onder
SB 576-Crawford, with SCS	SB 703-Hoskins, with SCS
SB 581-Cierpiot, with SCS	SB 714-Burlison, with SCS
SB 583-Arthur, with SCS	SB 716-Burlison
SB 586-Bernskoetter, with SCS	SB 748-White
SB 590-Burlison, with SCS	SB 756-Sifton, with SCS
SB 592-White	SB 764-Onder, with SCS
SB 595-Hough, with SCS	SB 768-Onder, with SCS
SBs 602, 778 & 561-Luetkemeyer, with SCS	SB 779-Crawford
SB 605-O'Laughlin, with SCS	SB 780-Hough, with SCS
SB 608-May, with SCS	SB 784-Wallingford
SB 612-Emery, with SCS	SB 797-Wieland, with SCS
SB 613-Emery, with SCS	SB 802-Hegeman
SB 615-Cunningham	SB 809-Brown, with SCS
SB 625-Libla, with SCS	SB 857-Luetkemeyer, with SCS
	SB 885-Walsh

SB 896-Eigel
SB 996-Onder, with SCS
SJR 31-Sater
SJR 32-Sater
SJR 33-Emery, with SCS

SJR 40-Koenig
SJR 44-Eigel
SJRs 48, 41 & 43-Luetkemeyer, with SCS
SJR 59-Eigel
SJR 61-Nasheed, with SCS

HOUSE BILLS ON THIRD READING

HB 1383-Washington, with SCS (Onder)
HB 1559-Remole, with SCS (Hoskins)
HB 1640-Taylor (Bernskoetter)
SS for SCS for HCS for HB 1682 (Sater)
(In Fiscal Oversight)
HCS for HB 1683, with SCS (Wallingford)

HB 1700-Fishel, with SCS, SS for SCS &
SA 1 (pending) (Hough)
HB 1963-Fitzwater, with SCS, SS for SCS,
SA 7 & SA 1 to SA 7 (pending) (Libla)
HCS for HB 2049, with SCS (Emery)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 552-Wieland, with HCS, as amended
SCS for SB 662-Bernskoetter, with HCS,
as amended

SB 782-Brown, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 551-Wieland, with HCS, as amended
SS for SB 618-Wallingford, with HCS,
as amended
SCS for SB 653-Crawford, with HCS,
as amended
(Senate adopted CCR and passed CCS)

HB 1450, HB 1296, HCS for HB 1331 &
HCS for HB 1898-Schroer, with
SS# 2 for SCS, as amended (Luetkemeyer)
(House adopted CCR and passed CCS)
HB 1693-Rehder, with SS#2 (Luetkemeyer)
(House adopted CCR and passed CCS)

RESOLUTIONS

Reported from Committee

SCR 28-Luetkemeyer
SCR 29-Wallingford
SCR 30-Schupp
SCR 31-Emery

SCR 33-May
SCR 34-Hoskins
SCR 35-Hoskins