

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 8, Page 1, Section title, Line 5,

2 of the title, by striking "tax relief" and inserting in lieu  
3 thereof the following: "economic opportunities"; and

4 Further amend said page, section A, line 6, by  
5 inserting after all of said line the following:

6 "60.301. Whenever the following words and terms are  
7 used in this chapter they shall have the following meaning  
8 unless the context clearly indicates that a different  
9 meaning is intended:

10 (1) "Corners of the United States public land survey",  
11 those points that determine the boundaries of the various  
12 subdivisions represented on the official plat such as the  
13 township corner, the section corner, the quarter-section  
14 corner, grant corner [and], meander corner, and center of  
15 section;

16 (2) "Existent corner", a corner whose position can be  
17 identified by verifying the evidence of the original  
18 monument or its accessories, or by some physical evidence  
19 described in the field notes, or located by an acceptable  
20 supplemental survey record or some physical evidence  
21 thereof, or by testimony. The physical evidence of a corner  
22 may have been entirely obliterated but the corner will be  
23 considered existent if its position can be recovered through  
24 the testimony of one or more witnesses who have a dependable  
25 knowledge of the original location. A legally reestablished  
26 corner shall have the same status as an existent corner;

27           (3) "Lost corner", a corner whose position cannot be  
28 determined, beyond reasonable doubt, either from traces of  
29 the original marks or from acceptable evidence or testimony  
30 that bears upon the original position;

31           (4) "Monument", the physical object which marks the  
32 corner point determined by the surveying process. The  
33 accessories, such as bearing trees, bearing objects,  
34 reference monuments, mounds of stone and other similar  
35 objects that aid in identifying the corner position, are  
36 also considered a part of a corner monument;

37           (5) "Obliterated, decayed or destroyed corner", [an  
38 existent corner] a position at whose point there are no  
39 remaining traces of the original monument or its  
40 accessories, but whose location has been perpetuated by  
41 subsequent surveys, or the point may be recovered beyond  
42 reasonable doubt by the acts and testimony of local  
43 residents, competent surveyors, other qualified local  
44 authorities or witnesses, or by some acceptable record  
45 evidence. A position that depends upon the use of  
46 collateral evidence can be accepted only if duly supported,  
47 generally through proper relation to known corners, and  
48 agreement with the field notes regarding distances to  
49 natural objects, stream crossings, line trees, etc., or  
50 unquestionable testimony;

51           (6) "Original government survey", that survey executed  
52 under the authority of the United States government as  
53 recorded on the official plats and field notes of the United  
54 States public land survey maintained by the Missouri  
55 department of agriculture;

56           (7) "Proportionate measurement", a measurement of a  
57 line that gives equal relative weight to all parts of the  
58 line. The excess or deficiency between two existent corners  
59 is so distributed that the amount of excess or deficiency

60 given to each interval bears the same proportion to the  
61 whole difference as the record length of the interval bears  
62 to the whole record distance:

63 (a) "Single proportionate measurement", a measurement  
64 of a line applied to a new measurement made between known  
65 points on a line to determine one or more positions on that  
66 line;

67 (b) "Double proportionate measurement", a measurement  
68 applied to a new measurement made between four known  
69 corners, two each on intersecting meridional and latitudinal  
70 lines, for the purpose of relating the intersection to

71 both. [The procedure is described as follows: first,  
72 measurements will be made between the nearest existent  
73 corners north and south of the lost corner. A temporary  
74 point will be determined to locate the latitude of the lost  
75 corner on the straight line connecting the existent corners  
76 and at the proper proportionate distance. Second,  
77 measurements will be made between the nearest existent  
78 corners east and west of the lost corner. A temporary point  
79 will be determined to locate the longitude of the lost  
80 corner on the straight line connecting the existent corners  
81 and at the proportionate distance. Third, determine the  
82 location of the lost corner at the intersection of an east-  
83 west line through the point determining the latitude of the  
84 lost corner with a north-south line through the point  
85 determining the longitude of the lost corner.] When the

86 total length of the line between the nearest existing  
87 corners was not measured in the original government survey,  
88 the record distance from one existing corner to the lost  
89 corner will be used instead of the proportionate distance.  
90 This exception will apply to either or both of the east-west  
91 or north-south lines;

92           (8) "Record distance", the distance or length as shown  
93 on the original government survey. In determining record  
94 distances, consideration shall be given as to whether the  
95 distance was measured on a random or true line.

96           60.315. The following rules for the reestablishment of  
97 lost corners shall be applied only when it is determined  
98 that the corner is lost: (The rules utilize proportional  
99 measurement which harmonizes surveying practice with legal  
100 and equitable considerations. This plan of relocating a  
101 lost corner is always employed unless it can be shown that  
102 the corner so located is in substantial disagreement with  
103 the general scheme of the original government survey as  
104 monumented. In such cases the surveyor shall use procedures  
105 that produce results consistent with the original survey of  
106 that township.)

107           (1) Existent original corners shall not be disturbed.  
108 Consequently, discrepancies between the new and record  
109 measurements shall not in any manner affect the measurements  
110 beyond the existent corners; but the differences shall be  
111 distributed proportionately within the several intervals  
112 along the line between the corners;

113           (2) Standard parallels shall be given precedence over  
114 other township exteriors, and, ordinarily, the latter shall  
115 be given precedence over subdivisional lines; section  
116 corners shall be located or reestablished before the  
117 position of lost quarter-section corners can be determined;

118           (3) Lost township corners common to four townships  
119 shall be reestablished by double proportionate measurement  
120 between the nearest existent corners on opposite sides of  
121 the lost township corner;

122           (4) Lost township corners located on standard  
123 parallels and common only to two townships shall be  
124 reestablished by single proportionate measurement between

125 the nearest existent corners on opposite sides of the lost  
126 township corner on the standard parallel;

127 (5) [Lost standard corners shall be reestablished on a  
128 standard or correction line by single proportionate  
129 measurement on the line connecting the nearest identified  
130 standard or closing corners on opposite sides of the lost  
131 corner or corners, as the case may be;

132 (6) All lost section and quarter-section corners on  
133 the township boundary lines shall be reestablished by single  
134 proportionate measurement between the nearest existent  
135 corners on opposite sides of the lost corner according to  
136 the conditions represented upon the original government plat;

137 (7) Lost corners on township exteriors, excluding  
138 corners referenced in subdivision (3) of this section,  
139 whether they are standard or closing corners, shall be  
140 reestablished by single proportionate measurement on the  
141 line connecting the next nearest existent standard or  
142 closing corner on opposite sides of the lost corner;

143 (6) A lost interior corner of four sections shall be  
144 reestablished by double proportionate measurement;

145 [(8) A lost closing corner shall be reestablished on  
146 the true line that was closed upon, and at the proper  
147 proportional interval between the nearest existent corners  
148 on opposite sides of the lost corner;

149 (9) (7) All lost quarter-section corners on the  
150 section boundaries within the township shall be  
151 reestablished by single proportionate measurement between  
152 the adjoining section corners, after the section corners  
153 have been identified or reestablished; and

154 [(10)] (8) Where a line has been terminated with a  
155 measurement in one direction only, a lost corner shall be  
156 reestablished by record bearing and distance, counting from

157 the nearest regular corner, the latter having been duly  
158 identified or reestablished.

159 60.345. The quarter-section corners of sections south  
160 of the township line and east of the range line, and not  
161 established by the original government survey will be  
162 established according to the conditions represented upon the  
163 official government plat using single proportionate  
164 measurement between the [adjoining] section corners  
165 belonging to the same section as the quarter-section corner  
166 being established, the section corners having first been  
167 identified or reestablished. The proportional position  
168 shall be offset, if necessary, in a cardinal direction to  
169 the true line defined by the nearest adjacent corners on  
170 opposite sides of the quarter-section corner to be  
171 established."; and

172 Further amend said bill, page 39, section 144.030, line  
173 640, by inserting after all of said line the following:

174 "275.357. 1. As used in this section, the following  
175 terms mean:

176 (1) "Commodity merchandising council" or "council",  
177 the same definition as in section 275.300 and for soybeans  
178 shall be, as provided under the federal act, the qualified  
179 state soybean board known as the Missouri Soybean  
180 Merchandising Council;

181 (2) "Federal act", the Soybean Promotion, Research,  
182 and Consumer Information Act (7 U.S.C. Section 6301 et  
183 seq.), as amended;

184 (3) "Handler", the same definition as in section  
185 275.300 and for soybeans includes, but is not limited to, a  
186 commodity credit corporation for situations in which  
187 soybeans are pledged as collateral for a loan issued under  
188 any Commodity Credit Corporation price support loan program

189 and the soybeans are forfeited by the producer in lieu of  
190 loan repayment;

191 (4) "Net market price":

192 (a) Except as provided in paragraph (b) of this  
193 subdivision, the sales price or other value received by a  
194 producer for any soybeans after adjustments for any premium  
195 or discount based on grading or quality factors, as  
196 determined by the Secretary of Agriculture of the United  
197 States, the director, or both; or

198 (b) For soybeans pledged as collateral for a loan  
199 issued under any Commodity Credit Corporation price support  
200 loan program and, when the soybeans are forfeited by the  
201 producer in lieu of loan repayment, the principal amount of  
202 the loan;

203 (5) "Processor", the same definition as in section  
204 275.300 and for soybeans includes, but is not limited to, a  
205 producer marketing processed soybeans or soybean products of  
206 such producer's own production.

207 2. As long as an assessment made under the federal act  
208 is equal to one-half of one percent of the net market price  
209 of soybeans grown within this state, the assessment imposed  
210 and levied under section 275.350 shall be one-half of such  
211 national assessment. The state assessment shall not be in  
212 addition to the national assessment but shall correspond to  
213 the state credit or portion of the total assessment paid to  
214 the council.

215 3. If the assessment under the federal act is reduced  
216 to less than one-half of one percent or ceases to be  
217 effective, the state assessment imposed and levied under  
218 this section shall, for as long as such assessment is  
219 reduced or no such assessment is made, be equal to one-half  
220 of one percent of the net market price of soybeans grown

221 within this state less any assessment paid to the United  
222 Soybean Board under the federal act.

223 4. The total of such state assessment and federal  
224 assessment shall be:

225 (1) Collected from a producer by the handler or  
226 processor first acquiring such producer's soybeans and be  
227 remitted to the council; or

228 (2) Remitted by a producer marketing processed  
229 soybeans or soybean products of that producer-processor's  
230 own soybeans to the council.

231 5. State fees collected under this section shall be  
232 subject to the refund provision provided under section  
233 275.360.

234 6. No provision of this section shall be construed as  
235 a change to the amount of any fee collected under section  
236 275.350 or a major change for purposes of section 275.330.

237 301.010. As used in this chapter and sections 304.010  
238 to 304.040, 304.120 to 304.260, and sections 307.010 to  
239 307.175, the following terms mean:

240 (1) "All-terrain vehicle", any motorized vehicle  
241 manufactured and used exclusively for off-highway use, with  
242 an unladen dry weight of one thousand five hundred pounds or  
243 less, traveling on three, four or more nonhighway tires,  
244 with either:

245 (a) A seat designed to be straddled by the operator,  
246 and handlebars for steering control, but excluding an  
247 electric bicycle; or

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

251 (2) "Autocycle", a three-wheeled motor vehicle which  
252 the drivers and passengers ride in a partially or completely  
253 enclosed nonstraddle seating area, that is designed to be



254 controlled with a steering wheel and pedals, and that has  
255 met applicable Department of Transportation National Highway  
256 Traffic Safety Administration requirements or federal  
257 motorcycle safety standards;

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

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

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

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

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

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

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

285 (10) "Cotton trailer", a trailer designed and used  
286 exclusively for transporting cotton at speeds less than

287 forty miles per hour from field to field or from field to  
288 market and return;

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

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

295 (13) "Driveaway operation":

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

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

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

316 (14) "Dromedary", a box, deck, or plate mounted behind  
317 the cab and forward of the fifth wheel on the frame of the  
318 power unit of a truck tractor-semitrailer combination. A  
319 truck tractor equipped with a dromedary may carry part of a

320 load when operating independently or in a combination with a  
321 semitrailer;

322 (15) "Electric bicycle", a bicycle equipped with fully  
323 operable pedals, a saddle or seat for the rider, and an  
324 electric motor of less than 750 watts that meets the  
325 requirements of one of the following three classes:

326 (a) "Class 1 electric bicycle", an electric bicycle  
327 equipped with a motor that provides assistance only when the  
328 rider is pedaling and that ceases to provide assistance when  
329 the bicycle reaches the speed of twenty miles per hour;

330 (b) "Class 2 electric bicycle", an electric bicycle  
331 equipped with a motor that may be used exclusively to propel  
332 the bicycle and that is not capable of providing assistance  
333 when the bicycle reaches the speed of twenty miles per hour;  
334 or

335 (c) "Class 3 electric bicycle", an electric bicycle  
336 equipped with a motor that provides assistance only when the  
337 rider is pedaling and that ceases to provide assistance when  
338 the bicycle reaches the speed of twenty-eight miles per hour;

339 (16) "Farm tractor", a tractor used exclusively for  
340 agricultural purposes;

341 (17) "Fleet", any group of ten or more motor vehicles  
342 owned by the same owner;

343 (18) "Fleet vehicle", a motor vehicle which is  
344 included as part of a fleet;

345 (19) "Fullmount", a vehicle mounted completely on the  
346 frame of either the first or last vehicle in a saddlemount  
347 combination;

348 (20) "Gross weight", the weight of vehicle and/or  
349 vehicle combination without load, plus the weight of any  
350 load thereon;

351 (21) "Hail-damaged vehicle", any vehicle, the body of  
352 which has become dented as the result of the impact of hail;

353 (22) "Highway", any public thoroughfare for vehicles,  
354 including state roads, county roads and public streets,  
355 avenues, boulevards, parkways or alleys in any municipality;

356 (23) "Improved highway", a highway which has been  
357 paved with gravel, macadam, concrete, brick or asphalt, or  
358 surfaced in such a manner that it shall have a hard, smooth  
359 surface;

360 (24) "Intersecting highway", any highway which joins  
361 another, whether or not it crosses the same;

362 (25) "Junk vehicle", a vehicle which:

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

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

368 (26) "Kit vehicle", a motor vehicle assembled by a  
369 person other than a generally recognized manufacturer of  
370 motor vehicles by the use of a glider kit or replica  
371 purchased from an authorized manufacturer and accompanied by  
372 a manufacturer's statement of origin;

373 (27) "Land improvement contractors' commercial motor  
374 vehicle", any not-for-hire commercial motor vehicle the  
375 operation of which is confined to:

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

382 (b) An area that extends not more than a radius of  
383 fifty miles from its home base of operations when  
384 transporting its owner's machinery, equipment, or auxiliary

385 supplies to or from projects not involving soil and water  
386 conservation.

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

390         (28) "Local commercial motor vehicle", a commercial  
391 motor vehicle whose operations are confined to a  
392 municipality and that area extending not more than fifty  
393 miles therefrom, or a commercial motor vehicle whose  
394 property-carrying operations are confined solely to the  
395 transportation of property owned by any person who is the  
396 owner or operator of such vehicle to or from a farm owned by  
397 such person or under the person's control by virtue of a  
398 landlord and tenant lease; provided that any such property  
399 transported to any such farm is for use in the operation of  
400 such farm;

401         (29) "Local log truck", a commercial motor vehicle  
402 which is registered pursuant to this chapter to operate as a  
403 motor vehicle on the public highways of this state[,]; used  
404 exclusively in this state[,]; used to transport harvested  
405 forest products[,]; operated solely at a forested site and  
406 in an area extending not more than a one hundred fifty mile  
407 radius from such site[, carries a load with dimensions not  
408 in excess of twenty-five cubic yards per two axles with dual  
409 wheels,]; and when operated on the national system of  
410 interstate and defense highways described in 23 U.S.C.  
411 Section 103, as amended, or outside the one hundred fifty  
412 mile radius from such site with an extended distance local  
413 log truck permit, [such vehicle shall not exceed the weight  
414 limits of section 304.180,] does not have more than four  
415 axles, and does not pull a trailer which has more than three  
416 axles. Harvesting equipment which is used specifically for  
417 cutting, felling, trimming, delimiting, debarking, chipping,

418 skidding, loading, unloading, and stacking may be  
419 transported on a local log truck[. A local log truck may  
420 not exceed the limits required by law, however, if the truck  
421 does exceed such limits as determined by the inspecting  
422 officer, then notwithstanding any other provisions of law to  
423 the contrary, such truck shall be subject to the weight  
424 limits required by such sections as licensed for eighty  
425 thousand pounds];

426 (30) "Local log truck tractor", a commercial motor  
427 vehicle which is registered under this chapter to operate as  
428 a motor vehicle on the public highways of this state[,];  
429 used exclusively in this state[,]; used to transport  
430 harvested forest products, operated at a forested site and  
431 in an area extending not more than a one hundred fifty mile  
432 radius from such site[, operates with a weight not exceeding  
433 twenty-two thousand four hundred pounds on one axle or with  
434 a weight not exceeding forty-four thousand eight hundred  
435 pounds on any tandem axle,]; and when operated on the  
436 national system of interstate and defense highways described  
437 in 23 U.S.C. Section 103, as amended, or outside the one  
438 hundred fifty mile radius from such site with an extended  
439 distance local log truck permit, [such vehicle does not  
440 exceed the weight limits contained in section 304.180, and]  
441 does not have more than three axles and does not pull a  
442 trailer which has more than three axles[. Violations of  
443 axle weight limitations shall be subject to the load limit  
444 penalty as described for in sections 304.180 to 304.220];

445 (31) "Local transit bus", a bus whose operations are  
446 confined wholly within a municipal corporation, or wholly  
447 within a municipal corporation and a commercial zone, as  
448 defined in section 390.020, adjacent thereto, forming a part  
449 of a public transportation system within such municipal

450 corporation and such municipal corporation and adjacent  
451 commercial zone;

452 (32) "Log truck", a vehicle which is not a local log  
453 truck or local log truck tractor and is used exclusively to  
454 transport harvested forest products to and from forested  
455 sites which is registered pursuant to this chapter to  
456 operate as a motor vehicle on the public highways of this  
457 state for the transportation of harvested forest products;

458 (33) "Major component parts", the rear clip, cowl,  
459 frame, body, cab, front-end assembly, and front clip, as  
460 those terms are defined by the director of revenue pursuant  
461 to rules and regulations or by illustrations;

462 (34) "Manufacturer", any person, firm, corporation or  
463 association engaged in the business of manufacturing or  
464 assembling motor vehicles, trailers or vessels for sale;

465 (35) "Motor change vehicle", a vehicle manufactured  
466 prior to August, 1957, which receives a new, rebuilt or used  
467 engine, and which used the number stamped on the original  
468 engine as the vehicle identification number;

469 (36) "Motor vehicle", any self-propelled vehicle not  
470 operated exclusively upon tracks, except farm tractors and  
471 electric bicycles;

472 (37) "Motor vehicle primarily for business use", any  
473 vehicle other than a recreational motor vehicle, motorcycle,  
474 motortricycle, or any commercial motor vehicle licensed for  
475 over twelve thousand pounds:

476 (a) Offered for hire or lease; or

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

479 (38) "Motorcycle", a motor vehicle operated on two  
480 wheels;

481 (39) "Motorized bicycle", any two-wheeled or three-  
482 wheeled device having an automatic transmission and a motor

483 with a cylinder capacity of not more than fifty cubic  
484 centimeters, which produces less than three gross brake  
485 horsepower, and is capable of propelling the device at a  
486 maximum speed of not more than thirty miles per hour on  
487 level ground, but excluding an electric bicycle;

488 (40) "Motortricycle", a motor vehicle upon which the  
489 operator straddles or sits astride that is designed to be  
490 controlled by handle bars and is operated on three wheels,  
491 including a motorcycle while operated with any conveyance,  
492 temporary or otherwise, requiring the use of a third wheel,  
493 but excluding an electric bicycle. A motortricycle shall  
494 not be included in the definition of all-terrain vehicle;

495 (41) "Municipality", any city, town or village,  
496 whether incorporated or not;

497 (42) "Nonresident", a resident of a state or country  
498 other than the state of Missouri;

499 (43) "Non-USA-std motor vehicle", a motor vehicle not  
500 originally manufactured in compliance with United States  
501 emissions or safety standards;

502 (44) "Operator", any person who operates or drives a  
503 motor vehicle;

504 (45) "Owner", any person, firm, corporation or  
505 association, who holds the legal title to a vehicle or who  
506 has executed a buyer's order or retail installment sales  
507 contract with a motor vehicle dealer licensed under sections  
508 301.550 to 301.580 for the purchase of a vehicle with an  
509 immediate right of possession vested in the transferee, or  
510 in the event a vehicle is the subject of an agreement for  
511 the conditional sale or lease thereof with the right of  
512 purchase upon performance of the conditions stated in the  
513 agreement and with an immediate right of possession vested  
514 in the conditional vendee or lessee, or in the event a  
515 mortgagor of a vehicle is entitled to possession, then such



516 conditional vendee or lessee or mortgagor shall be deemed  
517 the owner;

518 (46) "Public garage", a place of business where motor  
519 vehicles are housed, stored, repaired, reconstructed or  
520 repainted for persons other than the owners or operators of  
521 such place of business;

522 (47) "Rebuilder", a business that repairs or rebuilds  
523 motor vehicles owned by the rebuilder, but does not include  
524 certificated common or contract carriers of persons or  
525 property;

526 (48) "Reconstructed motor vehicle", a vehicle that is  
527 altered from its original construction by the addition or  
528 substitution of two or more new or used major component  
529 parts, excluding motor vehicles made from all new parts, and  
530 new multistage manufactured vehicles;

531 (49) "Recreational motor vehicle", any motor vehicle  
532 designed, constructed or substantially modified so that it  
533 may be used and is used for the purposes of temporary  
534 housing quarters, including therein sleeping and eating  
535 facilities which are either permanently attached to the  
536 motor vehicle or attached to a unit which is securely  
537 attached to the motor vehicle. Nothing herein shall prevent  
538 any motor vehicle from being registered as a commercial  
539 motor vehicle if the motor vehicle could otherwise be so  
540 registered;

541 (50) "Recreational off-highway vehicle", any motorized  
542 vehicle manufactured and used exclusively for off-highway  
543 use which is more than fifty inches but no more than eighty  
544 inches in width, measured from outside of tire rim to  
545 outside of tire rim, with an unladen dry weight of three  
546 thousand five hundred pounds or less, traveling on four or  
547 more nonhighway tires and which may have access to ATV  
548 trails;

549           (51) "Recreational trailer", any trailer designed,  
550 constructed, or substantially modified so that it may be  
551 used and is used for the purpose of temporary housing  
552 quarters, including therein sleeping or eating facilities,  
553 which can be temporarily attached to a motor vehicle or  
554 attached to a unit which is securely attached to a motor  
555 vehicle;

556           (52) "Rollback or car carrier", any vehicle  
557 specifically designed to transport wrecked, disabled or  
558 otherwise inoperable vehicles, when the transportation is  
559 directly connected to a wrecker or towing service;

560           (53) "Saddlemount combination", a combination of  
561 vehicles in which a truck or truck tractor tows one or more  
562 trucks or truck tractors, each connected by a saddle to the  
563 frame or fifth wheel of the vehicle in front of it. The  
564 "saddle" is a mechanism that connects the front axle of the  
565 towed vehicle to the frame or fifth wheel of the vehicle in  
566 front and functions like a fifth wheel kingpin connection.  
567 When two vehicles are towed in this manner the combination  
568 is called a "double saddlemount combination". When three  
569 vehicles are towed in this manner, the combination is called  
570 a "triple saddlemount combination";

571           (54) "Salvage dealer and dismantler", a business that  
572 dismantles used motor vehicles for the sale of the parts  
573 thereof, and buys and sells used motor vehicle parts and  
574 accessories;

575           (55) "Salvage vehicle", a motor vehicle, semitrailer,  
576 or house trailer which:

577           (a) Was damaged during a year that is no more than six  
578 years after the manufacturer's model year designation for  
579 such vehicle to the extent that the total cost of repairs to  
580 rebuild or reconstruct the vehicle to its condition  
581 immediately before it was damaged for legal operation on the

582 roads or highways exceeds eighty percent of the fair market  
583 value of the vehicle immediately preceding the time it was  
584 damaged;

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

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

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

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

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

608 b. Determined pursuant to a market survey of  
609 comparable vehicles with regard to condition and equipment;  
610 and

611 c. Determined by an insurance company using any other  
612 procedure recognized by the insurance industry, including  
613 market surveys, that is applied by the company in a uniform  
614 manner;

615           (56) "School bus", any motor vehicle used solely to  
616 transport students to or from school or to transport  
617 students to or from any place for educational purposes;

618           (57) "Scrap processor", a business that, through the  
619 use of fixed or mobile equipment, flattens, crushes, or  
620 otherwise accepts motor vehicles and vehicle parts for  
621 processing or transportation to a shredder or scrap metal  
622 operator for recycling;

623           (58) "Shuttle bus", a motor vehicle used or maintained  
624 by any person, firm, or corporation as an incidental service  
625 to transport patrons or customers of the regular business of  
626 such person, firm, or corporation to and from the place of  
627 business of the person, firm, or corporation providing the  
628 service at no fee or charge. Shuttle buses shall not be  
629 registered as buses or as commercial motor vehicles;

630           (59) "Special mobile equipment", every self-propelled  
631 vehicle not designed or used primarily for the  
632 transportation of persons or property and incidentally  
633 operated or moved over the highways, including farm  
634 equipment, implements of husbandry, road construction or  
635 maintenance machinery, ditch-digging apparatus, stone  
636 crushers, air compressors, power shovels, cranes, graders,  
637 rollers, well-drillers and wood-sawing equipment used for  
638 hire, asphalt spreaders, bituminous mixers, bucket loaders,  
639 ditchers, leveling graders, finished machines, motor  
640 graders, road rollers, scarifiers, earth-moving carryalls,  
641 scrapers, drag lines, concrete pump trucks, rock-drilling  
642 and earth-moving equipment. This enumeration shall be  
643 deemed partial and shall not operate to exclude other such  
644 vehicles which are within the general terms of this section;

645           (60) "Specially constructed motor vehicle", a motor  
646 vehicle which shall not have been originally constructed  
647 under a distinctive name, make, model or type by a

648 manufacturer of motor vehicles. The term specially  
649 constructed motor vehicle includes kit vehicles;

650 (61) "Stinger-steered combination", a truck tractor-  
651 semitrailer wherein the fifth wheel is located on a drop  
652 frame located behind and below the rearmost axle of the  
653 power unit;

654 (62) "Tandem axle", a group of two or more axles,  
655 arranged one behind another, the distance between the  
656 extremes of which is more than forty inches and not more  
657 than ninety-six inches apart;

658 (63) "Towaway trailer transporter combination", a  
659 combination of vehicles consisting of a trailer transporter  
660 towing unit and two trailers or semitrailers, with a total  
661 weight that does not exceed twenty-six thousand pounds; and  
662 in which the trailers or semitrailers carry no property and  
663 constitute inventory property of a manufacturer,  
664 distributor, or dealer of such trailers or semitrailers;

665 (64) "Tractor", "truck tractor" or "truck-tractor", a  
666 self-propelled motor vehicle designed for drawing other  
667 vehicles, but not for the carriage of any load when  
668 operating independently. When attached to a semitrailer, it  
669 supports a part of the weight thereof;

670 (65) "Trailer", any vehicle without motive power  
671 designed for carrying property or passengers on its own  
672 structure and for being drawn by a self-propelled vehicle,  
673 except those running exclusively on tracks, including a  
674 semitrailer or vehicle of the trailer type so designed and  
675 used in conjunction with a self-propelled vehicle that a  
676 considerable part of its own weight rests upon and is  
677 carried by the towing vehicle. The term trailer shall not  
678 include cotton trailers as defined in this section and shall  
679 not include manufactured homes as defined in section 700.010;

680           (66) "Trailer transporter towing unit", a power unit  
681 that is not used to carry property when operating in a  
682 towaway trailer transporter combination;

683           (67) "Truck", a motor vehicle designed, used, or  
684 maintained for the transportation of property;

685           (68) "Truck-tractor semitrailer-semitrailer", a  
686 combination vehicle in which the two trailing units are  
687 connected with a B-train assembly which is a rigid frame  
688 extension attached to the rear frame of a first semitrailer  
689 which allows for a fifth-wheel connection point for the  
690 second semitrailer and has one less articulation point than  
691 the conventional A-dolly connected truck-tractor semitrailer-  
692 trailer combination;

693           (69) "Truck-trailer boat transporter combination", a  
694 boat transporter combination consisting of a straight truck  
695 towing a trailer using typically a ball and socket  
696 connection with the trailer axle located substantially at  
697 the trailer center of gravity rather than the rear of the  
698 trailer but so as to maintain a downward force on the  
699 trailer tongue;

700           (70) "Used parts dealer", a business that buys and  
701 sells used motor vehicle parts or accessories, but not  
702 including a business that sells only new, remanufactured or  
703 rebuilt parts. Business does not include isolated sales at  
704 a swap meet of less than three days;

705           (71) "Utility vehicle", any motorized vehicle  
706 manufactured and used exclusively for off-highway use which  
707 is more than fifty inches but no more than eighty inches in  
708 width, measured from outside of tire rim to outside of tire  
709 rim, with an unladen dry weight of three thousand five  
710 hundred pounds or less, traveling on four or six wheels, to  
711 be used primarily for landscaping, lawn care, or maintenance  
712 purposes;

713           (72) "Vanpool", any van or other motor vehicle used or  
714 maintained by any person, group, firm, corporation,  
715 association, city, county or state agency, or any member  
716 thereof, for the transportation of not less than eight nor  
717 more than forty-eight employees, per motor vehicle, to and  
718 from their place of employment; however, a vanpool shall not  
719 be included in the definition of the term bus or commercial  
720 motor vehicle as defined in this section, nor shall a  
721 vanpool driver be deemed a chauffeur as that term is defined  
722 by section 303.020; nor shall use of a vanpool vehicle for  
723 ride-sharing arrangements, recreational, personal, or  
724 maintenance uses constitute an unlicensed use of the motor  
725 vehicle, unless used for monetary profit other than for use  
726 in a ride-sharing arrangement;

727           (73) "Vehicle", any mechanical device on wheels,  
728 designed primarily for use, or used, on highways, except  
729 motorized bicycles, electric bicycles, vehicles propelled or  
730 drawn by horses or human power, or vehicles used exclusively  
731 on fixed rails or tracks, or cotton trailers or motorized  
732 wheelchairs operated by handicapped persons;

733           (74) "Wrecker" or "tow truck", any emergency  
734 commercial vehicle equipped, designed and used to assist or  
735 render aid and transport or tow disabled or wrecked vehicles  
736 from a highway, road, street or highway rights-of-way to a  
737 point of storage or repair, including towing a replacement  
738 vehicle to replace a disabled or wrecked vehicle;

739           (75) "Wrecker or towing service", the act of  
740 transporting, towing or recovering with a wrecker, tow  
741 truck, rollback or car carrier any vehicle not owned by the  
742 operator of the wrecker, tow truck, rollback or car carrier  
743 for which the operator directly or indirectly receives  
744 compensation or other personal gain.

745           301.062. 1. The annual registration fee for a local  
746 log truck, registered pursuant to this chapter, is three  
747 hundred dollars.

748           2. A local log truck may receive an extended distance  
749 local log truck permit for an additional fee of three  
750 hundred dollars. A local log truck with an extended  
751 distance local log truck permit shall be allowed to  
752 transport harvested or processed forest products outside of  
753 the [one hundred mile] radius from the forested site  
754 specified in section 301.010 at the weight limits for  
755 commercial vehicles specified in section 304.180. For the  
756 purposes of this section, "processed forest products" shall  
757 mean wood products that are produced from the initial  
758 processing of a round log and have received no additional  
759 manufacturing or packaging to prepare the material for any  
760 retail market including, but not limited to, sawdust, wood  
761 chips, bark, slabs, and green square edged lumber products.

762           304.180. 1. No vehicle or combination of vehicles  
763 shall be moved or operated on any highway in this state  
764 having a greater weight than twenty thousand pounds on one  
765 axle, no combination of vehicles operated by transporters of  
766 general freight over regular routes as defined in section  
767 390.020 shall be moved or operated on any highway of this  
768 state having a greater weight than the vehicle  
769 manufacturer's rating on a steering axle with the maximum  
770 weight not to exceed twelve thousand pounds on a steering  
771 axle, and no vehicle shall be moved or operated on any state  
772 highway of this state having a greater weight than thirty-  
773 four thousand pounds on any tandem axle; the term "tandem  
774 axle" shall mean a group of two or more axles, arranged one  
775 behind another, the distance between the extremes of which  
776 is more than forty inches and not more than ninety-six  
777 inches apart.



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

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

789   Distance in feet between  
 790   the extremes of any group  
 791   of two or more consecutive  
 792   axles, measured to the  
 793   nearest foot, except where  
 794   indicated otherwise

795		Maximum load in pounds				
796	feet	2	3	4	5	6 axles
797		axles	axles	axles	axles	
798	4	34,00				
799		0				
800	5	34,00				
801		0				
802	6	34,00				
803		0				
804	7	34,00				
805		0				
806	8	34,00	34,00			
807		0	0			
808	More than 8	38,00	42,00			
809		0	0			
810	9	39,00	42,50			
811		0	0			

812	10	40,00	43,50			
813		0	0			
814	11	40,00	44,00			
815		0	0			
816	12	40,00	45,00	50,00		
817		0	0	0		
818	13	40,00	45,50	50,50		
819		0	0	0		
820	14	40,00	46,50	51,50		
821		0	0	0		
822	15	40,00	47,00	52,00		
823		0	0	0		
824	16	40,00	48,00	52,50	58,00	
825		0	0	0	0	
826	17	40,00	48,50	53,50	58,50	
827		0	0	0	0	
828	18	40,00	49,50	54,00	59,00	
829		0	0	0	0	
830	19	40,00	50,00	54,50	60,00	
831		0	0	0	0	
832	20	40,00	51,00	55,50	60,50	66,000
833		0	0	0	0	
834	21	40,00	51,50	56,00	61,00	66,500
835		0	0	0	0	
836	22	40,00	52,50	56,50	61,50	67,000
837		0	0	0	0	
838	23	40,00	53,00	57,50	62,50	68,000
839		0	0	0	0	
840	24	40,00	54,00	58,00	63,00	68,500
841		0	0	0	0	
842	25	40,00	54,50	58,50	63,50	69,000
843		0	0	0	0	
844	26	40,00	55,50	59,50	64,00	69,500
845		0	0	0	0	
846	27	40,00	56,00	60,00	65,00	70,000
847		0	0	0	0	

848	28	40,00	57,00	60,50	65,50	71,000
849		0	0	0	0	
850	29	40,00	57,50	61,50	66,00	71,500
851		0	0	0	0	
852	30	40,00	58,50	62,00	66,50	72,000
853		0	0	0	0	
854	31	40,00	59,00	62,50	67,50	72,500
855		0	0	0	0	
856	32	40,00	60,00	63,50	68,00	73,000
857		0	0	0	0	
858	33	40,00	60,00	64,00	68,50	74,000
859		0	0	0	0	
860	34	40,00	60,00	64,50	69,00	74,500
861		0	0	0	0	
862	35	40,00	60,00	65,50	70,00	75,000
863		0	0	0	0	
864	36		60,00	66,00	70,50	75,500
865			0	0	0	
866	37		60,00	66,50	71,00	76,000
867			0	0	0	
868	38		60,00	67,50	72,00	77,000
869			0	0	0	
870	39		60,00	68,00	72,50	77,500
871			0	0	0	
872	40		60,00	68,50	73,00	78,000
873			0	0	0	
874	41		60,00	69,50	73,50	78,500
875			0	0	0	
876	42		60,00	70,00	74,00	79,000
877			0	0	0	
878	43		60,00	70,50	75,00	80,000
879			0	0	0	
880	44		60,00	71,50	75,50	80,000
881			0	0	0	
882	45		60,00	72,00	76,00	80,000
883			0	0	0	

884	46	60,00	72,50	76,50	80,000
885		0	0	0	
886	47	60,00	73,50	77,50	80,000
887		0	0	0	
888	48	60,00	74,00	78,00	80,000
889		0	0	0	
890	49	60,00	74,50	78,50	80,000
891		0	0	0	
892	50	60,00	75,50	79,00	80,000
893		0	0	0	
894	51	60,00	76,00	80,00	80,000
895		0	0	0	
896	52	60,00	76,50	80,00	80,000
897		0	0	0	
898	53	60,00	77,50	80,00	80,000
899		0	0	0	
900	54	60,00	78,00	80,00	80,000
901		0	0	0	
902	55	60,00	78,50	80,00	80,000
903		0	0	0	
904	56	60,00	79,50	80,00	80,000
905		0	0	0	
906	57	60,00	80,00	80,00	80,000
907		0	0	0	

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

913           4. Whenever the state highways and transportation  
914 commission finds that any state highway bridge in the state  
915 is in such a condition that use of such bridge by vehicles  
916 of the weights specified in subsection 3 of this section  
917 will endanger the bridge, or the users of the bridge, the

918 commission may establish maximum weight limits and speed  
919 limits for vehicles using such bridge. The governing body  
920 of any city or county may grant authority by act or  
921 ordinance to the commission to enact the limitations  
922 established in this section on those roadways within the  
923 purview of such city or county. Notice of the weight limits  
924 and speed limits established by the commission shall be  
925 given by posting signs at a conspicuous place at each end of  
926 any such bridge.

927         5. Nothing in this section shall be construed as  
928 permitting lawful axle loads, tandem axle loads or gross  
929 loads in excess of those permitted under the provisions of  
930 P.L. 97-424 codified in Title 23 of the United States Code  
931 (23 U.S.C. Section 101, et al.), as amended.

932         6. Notwithstanding the weight limitations contained in  
933 this section, any vehicle or combination of vehicles  
934 operating on highways other than the interstate highway  
935 system may exceed single axle, tandem axle and gross weight  
936 limitations in an amount not to exceed two thousand pounds.  
937 However, total gross weight shall not exceed eighty thousand  
938 pounds, except as provided in subsections 9, 10, 12, [and]  
939 13, and 14 of this section.

940         7. Notwithstanding any provision of this section to  
941 the contrary, the commission shall issue a single-use  
942 special permit, or upon request of the owner of the truck or  
943 equipment shall issue an annual permit, for the transporting  
944 of any crane or concrete pump truck or well-drillers'  
945 equipment. The commission shall set fees for the issuance  
946 of permits and parameters for the transport of cranes  
947 pursuant to this subsection. Notwithstanding the provisions  
948 of section 301.133, cranes, concrete pump trucks, or well-  
949 drillers' equipment may be operated on state-maintained  
950 roads and highways at any time on any day.

951           8. Notwithstanding the provision of this section to  
952 the contrary, the maximum gross vehicle limit and axle  
953 weight limit for any vehicle or combination of vehicles  
954 equipped with an idle reduction technology may be increased  
955 by a quantity necessary to compensate for the additional  
956 weight of the idle reduction system as provided for in 23  
957 U.S.C. Section 127, as amended. In no case shall the  
958 additional weight increase allowed by this subsection be  
959 greater than five hundred fifty pounds. Upon request by an  
960 appropriate law enforcement officer, the vehicle operator  
961 shall provide proof that the idle reduction technology is  
962 fully functional at all times and that the gross weight  
963 increase is not used for any purpose other than for the use  
964 of idle reduction technology.

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

974           10. Notwithstanding any provision of this section or  
975 any other law to the contrary, any vehicle or combination of  
976 vehicles hauling grain or grain coproducts during times of  
977 harvest may be as much as, but not exceeding, ten percent  
978 over the maximum weight limitation allowable under  
979 subsection 3 of this section while operating on highways  
980 other than the interstate highway system. The provisions of  
981 this subsection shall not apply to vehicles operated and  
982 operating on the Dwight D. Eisenhower System of Interstate  
983 and Defense Highways.

984           11. Notwithstanding any provision of this section or  
985 any other law to the contrary, the commission shall issue  
986 emergency utility response permits for the transporting of  
987 utility wires or cables, poles, and equipment needed for  
988 repair work immediately following a disaster where utility  
989 service has been disrupted. Under exigent circumstances,  
990 verbal approval of such operation may be made either by the  
991 department of transportation motor carrier compliance  
992 supervisor or other designated motor carrier services  
993 representative. Utility vehicles and equipment used to  
994 assist utility companies granted special permits under this  
995 subsection may be operated and transported on state-  
996 maintained roads and highways at any time on any day. The  
997 commission shall promulgate all necessary rules and  
998 regulations for the administration of this section. Any  
999 rule or portion of a rule, as that term is defined in  
1000 section 536.010, that is created under the authority  
1001 delegated in this section shall become effective only if it  
1002 complies with and is subject to all of the provisions of  
1003 chapter 536 and, if applicable, section 536.028. This  
1004 section and chapter 536 are nonseverable and if any of the  
1005 powers vested with the general assembly pursuant to chapter  
1006 536 to review, to delay the effective date, or to disapprove  
1007 and annul a rule are subsequently held unconstitutional,  
1008 then the grant of rulemaking authority and any rule proposed  
1009 or adopted after August 28, 2014, shall be invalid and void.

1010           12. Notwithstanding any provision of this section to  
1011 the contrary, emergency vehicles designed to be used under  
1012 emergency conditions to transport personnel and equipment  
1013 and to support the suppression of fires and mitigate  
1014 hazardous situations may have a maximum gross vehicle weight  
1015 of eighty-six thousand pounds inclusive of twenty-four  
1016 thousand pounds on a single steering axle; thirty-three

1017 thousand five hundred pounds on a single drive axle; sixty-  
1018 two thousand pounds on a tandem axle; or fifty-two thousand  
1019 pounds on a tandem rear-drive steer axle; except that, such  
1020 emergency vehicles shall only operate on the Dwight D.  
1021 Eisenhower National System of Interstate and Defense  
1022 Highways.

1023 13. Notwithstanding any provision of this section to  
1024 the contrary, a vehicle operated by an engine fueled  
1025 primarily by natural gas may operate upon the public  
1026 highways of this state in excess of the vehicle weight  
1027 limits set forth in this section by an amount that is equal  
1028 to the difference between the weight of the vehicle  
1029 attributable to the natural gas tank and fueling system  
1030 carried by that vehicle and the weight of a comparable  
1031 diesel tank and fueling system. In no event shall the  
1032 maximum gross vehicle weight of the vehicle operating with a  
1033 natural gas engine exceed eighty-two thousand pounds.

1034 14. Notwithstanding any provision of law to the  
1035 contrary, local log trucks and local log truck tractors, as  
1036 defined in section 301.010, may be operated with a weight  
1037 not exceeding twenty-two thousand four hundred pounds on one  
1038 axle or a weight not exceeding forty-four thousand eight  
1039 hundred pounds on any tandem axle, except the front steering  
1040 axle shall not exceed fifteen thousand pounds or the gross  
1041 vehicle weight rating set by the manufacturer, and may have  
1042 a total weight of up to one hundred five thousand pounds.  
1043 Provided however, when operating on the national system of  
1044 interstate and defense highways described in 23 U.S.C.  
1045 Section 103, as amended, or outside the radius from the  
1046 forested site specified in section 301.010 with an extended  
1047 distance local log truck permit, the vehicle shall not  
1048 exceed the weight limits otherwise specified in this section.



1049           304.240. 1. Any person, firm, corporation,  
1050 partnership or association violating any of the provisions  
1051 of sections 304.170 to 304.230 shall be deemed guilty of a  
1052 misdemeanor and upon conviction thereof shall be punished by  
1053 a fine of not less than five dollars or by confinement in a  
1054 county jail for not more than twelve months, or by both the  
1055 fine and confinement; provided, however, that where load  
1056 limits as defined in sections 304.180 to 304.220 have been  
1057 violated, the fine shall be two cents for each pound of  
1058 excess weight up to and including five hundred, and five  
1059 cents for each pound of excess weight above five hundred and  
1060 not exceeding one thousand, and ten cents for each pound in  
1061 excess weight above one thousand; provided that, when any  
1062 vehicle is being operated under a special permit as provided  
1063 in section 304.200, the term "excess weight" means only  
1064 weight in excess of the amount permitted in the permit as  
1065 issued. The court may, in its discretion, cause to be  
1066 impounded the motor vehicle operated by any person violating  
1067 the provisions of this section until such time as the fine  
1068 and cost assessed by the court under this section is paid.

1069           2. Notwithstanding subsection 1 of this section, the  
1070 fine for a load-limit violation under sections 304.180 to  
1071 304.220 involving a local log truck or a local log truck  
1072 tractor, as such terms are defined in section 301.010, shall  
1073 be as follows:

1074           (1) If the weight exceeds the limit by one pound to  
1075 four thousand nine hundred ninety-nine pounds, the fine  
1076 shall be ten cents for each pound of excess weight;

1077           (2) If the weight exceeds the limit by five thousand  
1078 pounds to nine thousand nine hundred ninety-nine pounds, the  
1079 fine shall be twenty cents for each pound of excess weight;  
1080 and

1081 (3) If the weight exceeds the limit by ten thousand  
1082 pounds or more, the fine shall be fifty cents for each pound  
1083 of excess weight."; and

1084 Further amend said bill, page 47, section 348.500, line  
1085 70, by inserting after all of said line the following:

1086 "643.050. 1. In addition to any other powers vested  
1087 in it by law the commission shall have the following powers:

1088 (1) Adopt, promulgate, amend and repeal rules and  
1089 regulations consistent with the general intent and purposes  
1090 of sections 643.010 to 643.355, chapter 536, [and] Titles V  
1091 and VI of the federal Clean Air Act, as amended, 42 U.S.C.  
1092 7661[, ] et seq., and 42 U.S.C. Section 7412(r), as amended,  
1093 for covered processes of agricultural stationary sources  
1094 that use, store, or sell anhydrous ammonia, including, but  
1095 not limited to:

1096 (a) Regulation of use of equipment known to be a  
1097 source of air contamination;

1098 (b) Establishment of maximum quantities of air  
1099 contaminants that may be emitted from any air contaminant  
1100 source; [and]

1101 (c) Regulations necessary to enforce the provisions of  
1102 Title VI of the Clean Air Act, as amended, 42 U.S.C. 7671[, ]  
1103 et seq., regarding any Class I or Class II substances as  
1104 defined therein; and

1105 (d) Regulations necessary to implement and enforce the  
1106 risk management plans under 42 U.S.C. Section 7412(r), as  
1107 amended, for agricultural facilities that use, store, or  
1108 sell anhydrous ammonia;

1109 (2) After holding public hearings in accordance with  
1110 section 643.070, establish areas of the state and prescribe  
1111 air quality standards for such areas giving due recognition  
1112 to variations, if any, in the characteristics of different

1113 areas of the state which may be deemed by the commission to  
1114 be relevant;

1115 (3) (a) To require persons engaged in operations  
1116 which result in air pollution to monitor or test emissions  
1117 and to file reports containing information relating to rate,  
1118 period of emission and composition of effluent;

1119 (b) Require submission to the director for approval of  
1120 plans and specifications for any article, machine,  
1121 equipment, device, or other contrivance specified by  
1122 regulation the use of which may cause or control the  
1123 issuance of air contaminants; but any person responsible for  
1124 complying with the standards established under sections  
1125 643.010 to 643.355 shall determine, unless found by the  
1126 director to be inadequate, the means, methods, processes,  
1127 equipment and operation to meet the established standards;

1128 (4) Hold hearings upon appeals from orders of the  
1129 director or from any other actions or determinations of the  
1130 director hereunder for which provision is made for appeal,  
1131 and in connection therewith, issue subpoenas requiring the  
1132 attendance of witnesses and the production of evidence  
1133 reasonably relating to the hearing;

1134 (5) Enter such order or determination as may be  
1135 necessary to effectuate the purposes of sections 643.010 to  
1136 643.355. In making its orders and determinations hereunder,  
1137 the commission shall exercise a sound discretion in weighing  
1138 the equities involved and the advantages and disadvantages  
1139 to the person involved and to those affected by air  
1140 contaminants emitted by such person as set out in section  
1141 643.030. If any small business, as defined by section  
1142 643.020, requests information on what would constitute  
1143 compliance with the requirements of sections 643.010 to  
1144 643.355 or any order or determination of the department or  
1145 commission, the department shall respond with written

1146 criteria to inform the small business of the actions  
1147 necessary for compliance. No enforcement action shall be  
1148 undertaken by the department or commission until the small  
1149 business has had a period of time, negotiated with the  
1150 department, to achieve compliance;

1151 (6) Cause to be instituted in a court of competent  
1152 jurisdiction legal proceedings to compel compliance with any  
1153 final order or determination entered by the commission or  
1154 the director;

1155 (7) Settle or compromise in its discretion, as it may  
1156 deem advantageous to the state, any suit for recovery of any  
1157 penalty or for compelling compliance with the provisions of  
1158 any rule;

1159 (8) Develop such facts and make such investigations as  
1160 are consistent with the purposes of sections 643.010 to  
1161 643.355, and, in connection therewith, to enter or authorize  
1162 any representative of the department to enter at all  
1163 reasonable times and upon reasonable notice in or upon any  
1164 private or public property for the purpose of inspecting or  
1165 investigating any condition which the commission or director  
1166 shall have probable cause to believe to be an air  
1167 contaminant source or upon any private or public property  
1168 having material information relevant to said air contaminant  
1169 source. The results of any such investigation shall be  
1170 reduced to writing, and a copy thereof shall be furnished to  
1171 the owner or operator of the property. No person shall  
1172 refuse entry or access, requested for purposes of inspection  
1173 under this provision, to an authorized representative of the  
1174 department who presents appropriate credentials, nor  
1175 obstruct or hamper the representative in carrying out the  
1176 inspection. A suitably restricted search warrant, upon a  
1177 showing of probable cause in writing and upon oath, shall be  
1178 issued by any judge having jurisdiction to any such

1179 representative for the purpose of enabling him to make such  
1180 inspection;

1181 (9) Secure necessary scientific, technical,  
1182 administrative and operational services, including  
1183 laboratory facilities, by contract or otherwise, with any  
1184 educational institution, experiment station, or any board,  
1185 department, or other agency of any political subdivision or  
1186 state or the federal government;

1187 (10) Classify and identify air contaminants; and

1188 (11) Hold public hearings as required by sections  
1189 643.010 to 643.355.

1190 2. No rule or portion of a rule promulgated under the  
1191 authority of this chapter shall become effective unless it  
1192 has been promulgated pursuant to the provisions of section  
1193 536.024.

1194 3. The commission shall have the following duties with  
1195 respect to the prevention, abatement and control of air  
1196 pollution:

1197 (1) Prepare and develop a general comprehensive plan  
1198 for the prevention, abatement and control of air pollution;

1199 (2) Encourage voluntary cooperation by persons or  
1200 affected groups to achieve the purposes of sections 643.010  
1201 to 643.355;

1202 (3) Encourage political subdivisions to handle air  
1203 pollution problems within their respective jurisdictions to  
1204 the extent possible and practicable and provide assistance  
1205 to political subdivisions;

1206 (4) Encourage and conduct studies, investigations and  
1207 research;

1208 (5) Collect and disseminate information and conduct  
1209 education and training programs;

1210 (6) Advise, consult and cooperate with other agencies  
1211 of the state, political subdivisions, industries, other

1212 states and the federal government, and with interested  
1213 persons or groups;

1214 (7) Represent the state of Missouri in all matters  
1215 pertaining to interstate air pollution including the  
1216 negotiations of interstate compacts or agreements.

1217 4. Nothing contained in sections 643.010 to 643.355  
1218 shall be deemed to grant to the commission or department any  
1219 jurisdiction or authority with respect to air pollution  
1220 existing solely within commercial and industrial plants,  
1221 works, or shops or to affect any aspect of employer-employee  
1222 relationships as to health and safety hazards.

1223 5. Any information relating to secret processes or  
1224 methods of manufacture or production discovered through any  
1225 communication required under this section shall be kept  
1226 confidential.

1227 643.079. 1. Any air contaminant source required to  
1228 obtain a permit issued under sections 643.010 to 643.355  
1229 shall pay annually beginning April 1, 1993, a fee as  
1230 provided herein. For the first year the fee shall be twenty-  
1231 five dollars per ton of each regulated air contaminant  
1232 emitted. Thereafter, the fee shall be set every three years  
1233 by the commission by rule and shall be at least twenty-five  
1234 dollars per ton of regulated air contaminant emitted but not  
1235 more than forty dollars per ton of regulated air contaminant  
1236 emitted in the previous calendar year. If necessary, the  
1237 commission may make annual adjustments to the fee by rule.  
1238 The fee shall be set at an amount consistent with the need  
1239 to fund the reasonable cost of administering sections  
1240 643.010 to 643.355, taking into account other moneys  
1241 received pursuant to sections 643.010 to 643.355. For the  
1242 purpose of determining the amount of air contaminant  
1243 emissions on which the fees authorized under this section  
1244 are assessed, a facility shall be considered one source

1245 [under the definition of] as described in subsection 2 of  
1246 section 643.078, except that a facility with multiple  
1247 operating permits shall pay the emission fees authorized  
1248 under this section separately for air contaminants emitted  
1249 under each individual permit.

1250 2. A source which produces charcoal from wood shall  
1251 pay an annual emission fee under this subsection in lieu of  
1252 the fee established in subsection 1 of this section. The  
1253 fee shall be based upon a maximum fee of twenty-five dollars  
1254 per ton and applied upon each ton of regulated air  
1255 contaminant emitted for the first four thousand tons of each  
1256 contaminant emitted in the amount established by the  
1257 commission pursuant to subsection 1 of this section, reduced  
1258 according to the following schedule:

1259 (1) For fees payable under this subsection in the  
1260 years 1993 and 1994, the fee shall be reduced by one hundred  
1261 percent;

1262 (2) For fees payable under this subsection in the  
1263 years 1995, 1996 and 1997, the fee shall be reduced by  
1264 eighty percent;

1265 (3) For fees payable under this subsection in the  
1266 years 1998, 1999 and 2000, the fee shall be reduced by sixty  
1267 percent.

1268 3. The fees imposed in subsection 2 of this section  
1269 shall not be imposed or collected after the year 2000 unless  
1270 the general assembly reimposes the fee.

1271 4. Each air contaminant source with a permit issued  
1272 under sections 643.010 to 643.355 shall pay the fee for the  
1273 first four thousand tons of each regulated air contaminant  
1274 emitted each year but no air contaminant source shall pay  
1275 fees on total emissions of regulated air contaminants in  
1276 excess of twelve thousand tons in any calendar year. A  
1277 permitted air contaminant source which emitted less than one

1278 ton of all regulated pollutants shall pay a fee equal to the  
1279 amount per ton set by the commission. An air contaminant  
1280 source which pays emission fees to a holder of a certificate  
1281 of authority issued pursuant to section 643.140 may deduct  
1282 such fees from any amount due under this section. The fees  
1283 imposed in this section shall not be applied to carbon oxide  
1284 emissions. The fees imposed in subsection 1 of this section  
1285 and this subsection shall not be applied to sulfur dioxide  
1286 emissions from any Phase I affected unit subject to the  
1287 requirements of Title IV, Section 404, of the federal Clean  
1288 Air Act, as amended, 42 U.S.C. Section 7651[**,**] et seq., any  
1289 sooner than January 1, 2000. The fees imposed on emissions  
1290 from Phase I affected units shall be consistent with and  
1291 shall not exceed the provisions of the federal Clean Air  
1292 Act, as amended, and the regulations promulgated  
1293 thereunder. Any such fee on emissions from any Phase I  
1294 affected unit shall be reduced by the amount of the service  
1295 fee paid by that Phase I affected unit pursuant to  
1296 subsection 8 of this section in that year. Any fees that  
1297 may be imposed on Phase I sources shall follow the  
1298 procedures set forth in subsection 1 of this section and  
1299 this subsection and shall not be applied retroactively.

1300 5. Moneys collected under this section shall be  
1301 transmitted to the director of revenue for deposit in  
1302 appropriate subaccounts of the natural resources protection  
1303 fund created in section 640.220. A subaccount shall be  
1304 maintained for fees paid by air contaminant sources which  
1305 are required to be permitted under Title V of the federal  
1306 Clean Air Act, as amended, 42 U.S.C. Section 7661[**,**] et  
1307 seq., and used, upon appropriation, to fund activities by  
1308 the department to implement the operating permits program  
1309 authorized by Title V of the federal Clean Air Act, as  
1310 amended. Another subaccount shall be maintained for fees



1311 paid by air contaminant sources which are not required to be  
1312 permitted under Title V of the federal Clean Air Act as  
1313 amended, and used, upon appropriation, to fund other air  
1314 pollution control program activities. Another subaccount  
1315 shall be maintained for service fees paid under subsection 8  
1316 of this section by Phase I affected units which are subject  
1317 to the requirements of Title IV, Section 404, of the federal  
1318 Clean Air Act Amendments of 1990 (42 U.S.C. Section 7651c),  
1319 as amended, [42 U.S.C. Section 7651,] and used, upon  
1320 appropriation, to fund air pollution control program  
1321 activities. The provisions of section 33.080 to the  
1322 contrary notwithstanding, moneys in the fund shall not  
1323 revert to general revenue at the end of each biennium.  
1324 Interest earned by moneys in the subaccounts shall be  
1325 retained in the subaccounts. The per-ton fees established  
1326 under subsection 1 of this section may be adjusted annually,  
1327 consistent with the need to fund the reasonable costs of the  
1328 program, but shall not be less than twenty-five dollars per  
1329 ton of regulated air contaminant nor more than forty dollars  
1330 per ton of regulated air contaminant. The first adjustment  
1331 shall apply to moneys payable on April 1, 1994, and shall be  
1332 based upon the general price level for the twelve-month  
1333 period ending on August thirty-first of the previous  
1334 calendar year.

1335         6. The department may initiate a civil action in  
1336 circuit court against any air contaminant source which has  
1337 not remitted the appropriate fees within thirty days. In  
1338 any judgment against the source, the department shall be  
1339 awarded interest at a rate determined pursuant to section  
1340 408.030 and reasonable attorney's fees. In any judgment  
1341 against the department, the source shall be awarded  
1342 reasonable attorney's fees.

1343           7. The department shall not suspend or revoke a permit  
1344 for an air contaminant source solely because the source has  
1345 not submitted the fees pursuant to this section.

1346           8. Any Phase I affected unit which is subject to the  
1347 requirements of Title IV, Section 404, of the federal Clean  
1348 Air Act Amendments of 1990 (42 U.S.C. Section 7651c), as  
1349 amended, [42 U.S.C. Section 7651,] shall pay annually  
1350 beginning April 1, 1993, and terminating December 31, 1999,  
1351 a service fee for the previous calendar year as provided  
1352 herein. For the first year, the service fee shall be twenty-  
1353 five thousand dollars for each Phase I affected generating  
1354 unit to help fund the administration of sections 643.010 to  
1355 643.355. Thereafter, the service fee shall be annually set  
1356 by the commission by rule, following public hearing, based  
1357 on an annual allocation prepared by the department showing  
1358 the details of all costs and expenses upon which such fees  
1359 are based consistent with the department's reasonable needs  
1360 to administer and implement sections 643.010 to 643.355 and  
1361 to fulfill its responsibilities with respect to Phase I  
1362 affected units, but such service fee shall not exceed twenty-  
1363 five thousand dollars per generating unit. Any such Phase I  
1364 affected unit which is located on one or more contiguous  
1365 tracts of land with any Phase II generating unit that pays  
1366 fees under subsection 1 or subsection 2 of this section  
1367 shall be exempt from paying service fees under this  
1368 subsection. A "contiguous tract of land" shall be defined  
1369 to mean adjacent land, excluding public roads, highways and  
1370 railroads, which is under the control of or owned by the  
1371 permit holder and operated as a single enterprise.

1372           9. The department of natural resources shall determine  
1373 the fees due pursuant to this section by the state of  
1374 Missouri and its departments, agencies and institutions,  
1375 including two- and four-year institutions of higher

1376 education. The director of the department of natural  
1377 resources shall forward the various totals due to the joint  
1378 committee on capital improvements and the directors of the  
1379 individual departments, agencies and institutions. The  
1380 departments, as part of the budget process, shall annually  
1381 request by specific line item appropriation funds to pay  
1382 said fees and capital funding for projects determined to  
1383 significantly improve air quality. If the general assembly  
1384 fails to appropriate funds for emissions fees as  
1385 specifically requested, the departments, agencies and  
1386 institutions shall pay said fees from other sources of  
1387 revenue or funds available. The state of Missouri and its  
1388 departments, agencies and institutions may receive  
1389 assistance from the small business technical assistance  
1390 program established pursuant to section 643.173.

1391       10. Each retail agricultural facility that uses,  
1392 stores, or sells anhydrous ammonia that is an air  
1393 contaminant source subject to the risk management plan under  
1394 42 U.S.C. Section 7412(r), as amended, shall pay an annual  
1395 registration fee of two hundred dollars. In addition, each  
1396 retail agricultural facility that uses, stores, or sells  
1397 anhydrous ammonia shall pay an annual tonnage fee calculated  
1398 on the number of tons of anhydrous ammonia sold. The  
1399 initial retail tonnage fee shall be set at one dollar and  
1400 twenty-five cents per ton of anhydrous ammonia used or  
1401 sold. Each distributor or terminal agricultural facility  
1402 that uses, stores, or sells anhydrous ammonia that is an air  
1403 contaminant source subject to the risk management plan  
1404 program 3 under 40 CFR Part 68 shall pay an annual  
1405 registration fee of five thousand dollars and shall not pay  
1406 a tonnage fee. The annual registration fees and tonnage fee  
1407 may be periodically revised under subsection 11 of this  
1408 section. However, the fees collected shall be used

1409 exclusively for the purposes of administering the provisions  
1410 of 42 U.S.C. Section 7412(r), as amended, for such  
1411 agricultural facilities. Fees paid by agricultural air  
1412 contaminant sources that use, store, or sell anhydrous  
1413 ammonia for the purposes of implementing the requirements of  
1414 42 U.S.C. Section 7412(r), as amended, shall be deposited  
1415 into the anhydrous ammonia risk management plan subaccount  
1416 within the natural resources protection fund created in  
1417 section 643.245. If the funding exceeds the reasonable  
1418 costs to administer the programs as set forth in this  
1419 section, the department of natural resources shall reduce  
1420 fees for all registrants if the fees derived exceed the  
1421 reasonable cost of administering the risk management plan  
1422 under 42 U.S.C. Section 7412(r), as amended.

1423 11. Notwithstanding any statutory fee amounts or  
1424 maximums to the contrary, the department of natural  
1425 resources may conduct a comprehensive review and propose  
1426 changes to the fee structure authorized by sections 643.073,  
1427 643.075, 643.079, 643.225, 643.228, 643.232, 643.237, and  
1428 643.242 after holding stakeholder meetings in order to  
1429 solicit stakeholder input from each of the following  
1430 groups: the asbestos industry, electric utilities, mineral  
1431 and metallic mining and processing facilities, cement kiln  
1432 representatives, and any other interested industrial or  
1433 business entities or interested parties. The department  
1434 shall submit a proposed fee structure with stakeholder  
1435 agreement to the air conservation commission. The  
1436 commission shall review such recommendations at the  
1437 forthcoming regular or special meeting, but shall not vote  
1438 on the fee structure until a subsequent meeting. If the  
1439 commission approves, by vote of two-thirds majority or five  
1440 of seven commissioners, the fee structure recommendations,  
1441 the commission shall authorize the department to file a

1442 notice of proposed rulemaking containing the recommended fee  
1443 structure, and after considering public comments, may  
1444 authorize the department to file the order of rulemaking for  
1445 such rule with the joint committee on administrative rules  
1446 pursuant to sections 536.021 and 536.024 no later than  
1447 December first of the same year. If such rules are not  
1448 disapproved by the general assembly in the manner set out  
1449 below, they shall take effect on January first of the  
1450 following calendar year and the previous fee structure shall  
1451 expire upon the effective date of the commission-adopted fee  
1452 structure. Any regulation promulgated under this subsection  
1453 shall be deemed to be beyond the scope and authority  
1454 provided in this subsection, or detrimental to permit  
1455 applicants, if the general assembly, within the first sixty  
1456 calendar days of the regular session immediately following  
1457 the filing of such regulation, by concurrent resolution  
1458 disapproves the regulation by concurrent resolution. If the  
1459 general assembly so disapproves any regulation filed under  
1460 this subsection, the commission shall continue to use the  
1461 previous fee structure. The authority of the commission to  
1462 further revise the fee structure as provided by this  
1463 subsection shall expire on August 28, 2024.

1464         643.245. 1. All moneys received pursuant to sections  
1465 643.225 to 643.245 and any other moneys so designated shall  
1466 be placed in the state treasury and credited to the "Natural  
1467 Resources Protection Fund – Air Pollution Asbestos Fee  
1468 Subaccount", which is hereby created. Such moneys received  
1469 pursuant to sections 643.225 to 643.245 shall, subject to  
1470 appropriation, be used solely for the purpose of  
1471 administering this chapter. Any unexpended balance in such  
1472 fund at the end of any appropriation period shall not be  
1473 transferred to the general revenue fund of the state

1474 treasury and shall be exempt from the provisions of section  
1475 33.080.

1476       2. All moneys received under subsection 10 of section  
1477 643.079 and any other moneys so designated shall be placed  
1478 in the "Natural Resources Protection Fund - Anhydrous  
1479 Ammonia Risk Management Plan Subaccount", which is hereby  
1480 created. Such moneys received under subsection 10 of  
1481 section 643.079 shall, subject to appropriation, be used  
1482 solely for the purpose of administering the provisions of  
1483 section 643.079. Any unexpended balance in such fund at the  
1484 end of any appropriation period shall not be transferred to  
1485 the general revenue fund of the state treasury and shall be  
1486 exempt from the provisions of section 33.080.

1487       3. The state treasurer, with the approval of the board  
1488 of fund commissioners, is authorized to deposit all of the  
1489 moneys in any of the qualified state depositories. All such  
1490 deposits shall be secured in such manner and shall be made  
1491 upon such terms and conditions as are now and may hereafter  
1492 be approved by law relative to state deposits. Any interest  
1493 received on such deposits shall be credited to the natural  
1494 resources protection fund – air pollution asbestos fee  
1495 subaccount."; and

1496       Further amend said bill and page, section B, by  
1497 striking all of said section and inserting in lieu thereof  
1498 the following:

1499       "Section B. Because immediate action is necessary to  
1500 promote agricultural economic opportunities in this state,  
1501 section A this act is deemed necessary for the immediate  
1502 preservation of the public health, welfare, peace, and  
1503 safety, and is hereby declared to be an emergency act within  
1504 the meaning of the constitution, and section A this act  
1505 shall be in full force and effect upon its passage and  
1506 approval."; and

1507 Further amend the title and enacting clause accordingly.