

ORIGINAL COPY

1235L20.1LR

CONFERENCE COMMITTEE REPORT

ON

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 430

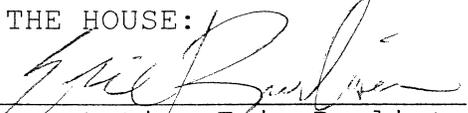
The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, with Senate Amendment Nos. 1, 2, 3, 4, 7, 8, 9, 11, and 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

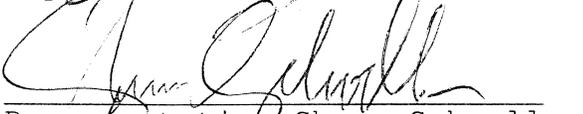
1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 430;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, be Third Read and Finally Passed.

FOR THE HOUSE:

  
Representative Eric Burlison

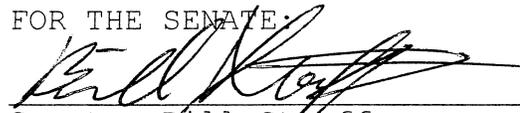
  
Representative Shane Schoeller

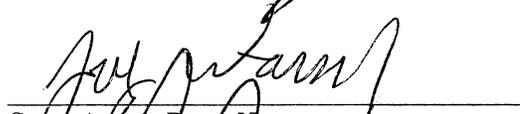
  
Representative Charlie Denison

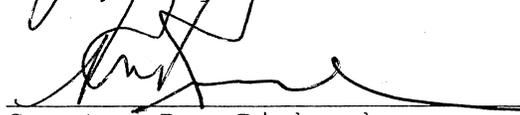
  
Representative Jill Schupp

  
Representative Tishaura Jones

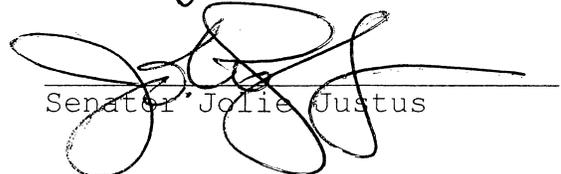
FOR THE SENATE:

  
Senator Bill Stouffer

  
Senator Jay Wasson

  
Senator Ron Richard

  
Senator Ryan McKenna

  
Senator Jolie Justus



CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 430

AN ACT

1  
2 To repeal sections 21.795, 70.441, 226.540, 227.107,  
3 301.010, 301.147, 301.225, 301.559, 301.560, 301.562,  
4 301.3084, 302.302, 302.309, 302.341, 302.700, 304.120,  
5 304.180, 304.200, 387.040, 387.050, 387.080, 387.110,  
6 387.207, 390.051, 390.061, 390.116, 390.280, and  
7 577.023, RSMo, and to enact in lieu thereof forty-two  
8 new sections relating to transportation, with penalty  
9 provisions, a contingent effective dates for certain  
10 sections, and effective dates for certain sections.

---

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
12 AS FOLLOWS:

13 Section A. Sections 21.795, 70.441, 226.540, 227.107,  
14 301.010, 301.147, 301.225, 301.559, 301.560, 301.562, 301.3084,  
15 302.302, 302.309, 302.341, 302.700, 304.120, 304.180, 304.200,  
16 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061,  
17 390.116, 390.280, and 577.023, RSMo, are repealed and forty-two  
18 new sections enacted in lieu thereof, to be known as sections  
19 21.795, 70.441, 226.540, 226.541, 227.107, 301.010, 301.147,  
20 301.225, 301.425, 301.559, 301.560, 301.562, 301.3084, 301.4036,  
21 302.302, 302.309, 302.341, 302.700, 302.768, 304.120, 304.180,

1 304.200, 304.890, 304.892, 304.894, 387.040, 387.050, 387.080,  
2 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054,  
3 390.061, 390.116, 390.280, 444.771, 537.293, 577.023, and 1, to  
4 read as follows:

5 21.795. 1. There is established a permanent joint  
6 committee of the general assembly to be known as the "Joint  
7 Committee on Transportation Oversight" to be composed of seven  
8 members of the standing transportation committees of both the  
9 senate and the house of representatives and three nonvoting ex  
10 officio members. Of the fourteen members to be appointed to the  
11 joint committee, the seven senate members of the joint committee  
12 shall be appointed by the president pro tem of the senate and  
13 minority leader of the senate and the seven house members shall  
14 be appointed by the speaker of the house of representatives and  
15 the minority floor leader of the house of representatives. The  
16 seven senate members shall be composed, as nearly as may be, of  
17 majority and minority party members in the same proportion as the  
18 number of majority and minority party members in the senate bears  
19 to the total membership of the senate. No major party shall be  
20 represented by more than four members from the house of  
21 representatives [nor more than four members from the senate].  
22 The ex officio members shall be the state auditor, the director  
23 of the oversight division of the committee on legislative  
24 research, and the commissioner of the office of administration or  
25 the designee of such auditor, director or commissioner. The  
26 joint committee shall be chaired jointly by both chairs of the  
27 senate and house transportation committees. A majority of the  
28 committee shall constitute a quorum, but the concurrence of a  
29 majority of the members, other than the ex officio members, shall

1 be required for the determination of any matter within the  
2 committee's duties.

3 2. The department of transportation shall submit a written  
4 report prior to [November tenth] December thirty-first of each  
5 year to the governor, lieutenant governor, and every member of  
6 the senate and house of representatives. The report shall be  
7 posted to the department's Internet website so that general  
8 assembly members may elect to access a copy of the report  
9 electronically. The written report shall contain the following:

10 (1) A comprehensive financial report of all funds for the  
11 preceding state fiscal year which shall include a report by  
12 independent certified public accountants, selected by the  
13 commissioner of the office of administration, attesting that the  
14 financial statements present fairly the financial position of the  
15 department in conformity with generally accepted government  
16 accounting principles. This report shall include amounts of:

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

23 (b) Any other revenues available to the department by  
24 source;

25 (c) Funds appropriated, the amount the department has  
26 budgeted and expended for the following: contracts, right-of-way  
27 purchases, preliminary and construction engineering, maintenance  
28 operations and administration;

29 (d) Total state and federal revenue compared to the revenue

1 estimate in the fifteen-year highway plan as adopted in 1992.  
2 All expenditures made by, or on behalf of, the department for  
3 personal services including fringe benefits, all categories of  
4 expense and equipment, real estate and capital improvements shall  
5 be assigned to the categories listed in this subdivision in  
6 conformity with generally accepted government accounting  
7 principles;

8 (2) A detailed explanation of the methods or criteria  
9 employed to select construction projects, including a listing of  
10 any new or reprioritized projects not mentioned in a previous  
11 report, and an explanation as to how the new or reprioritized  
12 projects meet the selection methods or criteria;

13 (3) The proposed allocation and expenditure of moneys and  
14 the proposed work plan for the current fiscal year, at least the  
15 next four years, and for any period of time expressed in any  
16 public transportation plan approved by either the general  
17 assembly or by the voters of Missouri. This proposed allocation  
18 and expenditure of moneys shall include the amounts of proposed  
19 allocation and expenditure of moneys in each of the categories  
20 listed in subdivision (1) of this subsection;

21 (4) The amounts which were planned, estimated and expended  
22 for projects in the state highway and bridge construction program  
23 or any other projects relating to other modes of transportation  
24 in the preceding state fiscal year and amounts which have been  
25 planned, estimated or expended by project for construction work  
26 in progress;

27 (5) The current status as to completion, by project, of the  
28 fifteen-year road and bridge program adopted in 1992. The first  
29 written report submitted pursuant to this section shall include

1 the original cost estimate, updated estimate and final completed  
2 cost by project. Each written report submitted thereafter shall  
3 include the cost estimate at the time the project was placed on  
4 the most recent five-year highway and bridge construction plan  
5 and the final completed cost by project;

6 (6) The reasons for cost increases or decreases exceeding  
7 five million dollars or ten percent relative to cost estimates  
8 and final completed costs for projects in the state highway and  
9 bridge construction program or any other projects relating to  
10 other modes of transportation completed in the preceding state  
11 fiscal year. Cost increases or decreases shall be determined by  
12 comparing the cost estimate at the time the project was placed on  
13 the most recent five-year highway and bridge construction plan  
14 and the final completed cost by project. The reasons shall  
15 include the amounts resulting from inflation, department-wide  
16 design changes, changes in project scope, federal mandates, or  
17 other factors;

18 (7) Specific recommendations for any statutory or  
19 regulatory changes necessary for the efficient and effective  
20 operation of the department;

21 (8) An accounting of the total amount of state, federal and  
22 earmarked federal highway funds expended in each district of the  
23 department of transportation; and

24 (9) Any further information specifically requested by the  
25 joint committee on transportation oversight.

26 3. Prior to [December first] February fifteenth of each  
27 year, the committee shall hold an annual meeting and call before  
28 its members, officials or employees of the state highways and  
29 transportation commission or department of transportation, as

1 determined by the committee, for the sole purpose of receiving  
2 and examining the report required pursuant to subsection 2 of  
3 this section. The committee shall not have the power to modify  
4 projects or priorities of the state highways and transportation  
5 commission or department of transportation. The committee may  
6 make recommendations to the state highways and transportation  
7 commission or the department of transportation. Disposition of  
8 those recommendations shall be reported by the commission or the  
9 department to the joint committee on transportation oversight.

10 4. In addition to the annual meeting required by subsection  
11 3 of this section, the committee shall meet two times each year.  
12 The co-chairs of the committee shall establish an agenda for each  
13 meeting that may include, but not be limited to, the following  
14 items to be discussed with the committee members throughout the  
15 year during the scheduled meeting:

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

18 (2) Discussion of department efficiencies and expenditure  
19 of cost-savings within the department;

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

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

1 transportation.

2 5. The committee shall also review all applications for the  
3 development of specialty plates submitted to it by the department  
4 of revenue. The committee shall approve such application by a  
5 majority vote. The committee shall approve any application  
6 unless the committee receives:

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

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

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

15 (4) A proposed license plate not meeting the requirements  
16 of any reason promulgated by rule. The committee shall notify  
17 the director of the department of revenue upon approval or denial  
18 of an application for the development of a specialty plate.

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

22 70.441. 1. As used in this section, the following terms  
23 have the following meanings:

24 (1) "Agency", the bi-state development agency created by  
25 compact under section 70.370;

26 (2) "Conveyance" includes bus, paratransit vehicle, rapid  
27 transit car or train, locomotive, or other vehicle used or held  
28 for use by the agency as a means of transportation of passengers;

29 (3) "Facilities" includes all property and equipment,

1 including, without limitation, rights-of-way and related  
2 trackage, rails, signals, power, fuel, communication and  
3 ventilation systems, power plants, stations, terminals, signage,  
4 storage yards, depots, repair and maintenance shops, yards,  
5 offices, parking lots and other real estate or personal property  
6 used or held for or incidental to the operation, rehabilitation  
7 or improvement of any public mass transportation system of the  
8 agency;

9 (4) "Person", any individual, firm, copartnership,  
10 corporation, association or company; and

11 (5) "Sound production device" includes, but is not limited  
12 to, any radio receiver, phonograph, television receiver, musical  
13 instrument, tape recorder, cassette player, speaker device and  
14 any sound amplifier.

15 2. In interpreting or applying this section, the following  
16 provisions shall apply:

17 (1) Any act otherwise prohibited by this section is lawful  
18 if specifically authorized by agreement, permit, license or other  
19 writing duly signed by an authorized officer of the agency or if  
20 performed by an officer, employee or designated agent of the  
21 agency acting within the scope of his or her employment or  
22 agency;

23 (2) Rules shall apply with equal force to any person  
24 assisting, aiding or abetting another, including a minor, in any  
25 of the acts prohibited by the rules or assisting, aiding or  
26 abetting another in the avoidance of any of the requirements of  
27 the rules; and

28 (3) The singular shall mean and include the plural; the  
29 masculine gender shall mean the feminine and the neuter genders;

1 and vice versa.

2 3. (1) No person shall use or enter upon the light rail  
3 conveyances of the agency without payment of the fare or other  
4 lawful charges established by the agency. Any person on any such  
5 conveyance must have properly validated fare media in his  
6 possession. This ticket must be valid to or from the station the  
7 passenger is using, and must have been used for entry for the  
8 trip then being taken;

9 (2) No person shall use any token, pass, badge, ticket,  
10 document, transfer, card or fare media to gain entry to the  
11 facilities or conveyances of, or make use of the services of, the  
12 agency, except as provided, authorized or sold by the agency and  
13 in accordance with any restriction on the use thereof imposed by  
14 the agency;

15 (3) No person shall enter upon parking lots designated by  
16 the agency as requiring payment to enter, either by electronic  
17 gate or parking meters, where the cost of such parking fee is  
18 visibly displayed at each location, without payment of such fees  
19 or other lawful charges established by the agency;

20 (4) Except for employees of the agency acting within the  
21 scope of their employment, no person shall sell, provide, copy,  
22 reproduce or produce, or create any version of any token, pass,  
23 badge, ticket, document, transfer, card or any other fare media  
24 or otherwise authorize access to or use of the facilities,  
25 conveyances or services of the agency without the written  
26 permission of an authorized representative of the agency;

27 (5) No person shall put or attempt to put any paper,  
28 article, instrument or item, other than a token, ticket, badge,  
29 coin, fare card, pass, transfer or other access authorization or

1 other fare media issued by the agency and valid for the place,  
2 time and manner in which used, into any fare box, pass reader,  
3 ticket vending machine, parking meter, parking gate or other fare  
4 collection instrument, receptacle, device, machine or location;

5 (6) Tokens, tickets, fare cards, badges, passes, transfers  
6 or other fare media that have been forged, counterfeited,  
7 imitated, altered or improperly transferred or that have been  
8 used in a manner inconsistent with this section shall be  
9 confiscated;

10 (7) No person may perform any act which would interfere  
11 with the provision of transit service or obstruct the flow of  
12 traffic on facilities or conveyances or which would in any way  
13 interfere or tend to interfere with the safe and efficient  
14 operation of the facilities or conveyances of the agency;

15 (8) All persons on or in any facility or conveyance of the  
16 agency shall:

17 (a) Comply with all lawful orders and directives of any  
18 agency employee acting within the scope of his employment;

19 (b) Obey any instructions on notices or signs duly posted  
20 on any agency facility or conveyance; and

21 (c) Provide accurate, complete and true information or  
22 documents requested by agency personnel acting within the scope  
23 of their employment and otherwise in accordance with law;

24 (9) No person shall falsely represent himself or herself as  
25 an agent, employee or representative of the agency;

26 (10) No person on or in any facility or conveyance shall:

27 (a) Litter, dump garbage, liquids or other matter, or  
28 create a nuisance, hazard or unsanitary condition, including, but  
29 not limited to, spitting and urinating, except in facilities

1 provided;

2 (b) Drink any alcoholic beverage or possess any opened or  
3 unsealed container of alcoholic beverage, except on premises duly  
4 licensed for the sale of alcoholic beverages, such as bars and  
5 restaurants;

6 (c) Enter or remain in any facility or conveyance while his  
7 ability to function safely in the environment of the agency  
8 transit system is impaired by the consumption of alcohol or by  
9 the taking of any drug;

10 (d) Loiter or stay on any facility of the agency;

11 (e) Consume foods or liquids of any kind, except in those  
12 areas specifically authorized by the agency;

13 (f) Smoke or carry an open flame or lighted match, cigar,  
14 cigarette, pipe or torch, except in those areas or locations  
15 specifically authorized by the agency; or

16 (g) Throw or cause to be propelled any stone, projectile or  
17 other article at, from, upon or in a facility or conveyance;

18 (11) No weapon or other instrument intended for use as a  
19 weapon may be carried in or on any facility or conveyance, except  
20 for law enforcement personnel. For the purposes hereof, a weapon  
21 shall include, but not be limited to, a firearm, switchblade  
22 knife, sword, or any instrument of any kind known as blackjack,  
23 billy club, club, sandbag, metal knuckles, leather bands studded  
24 with metal, wood impregnated with metal filings or razor blades;  
25 except that this subdivision shall not apply to a rifle or  
26 shotgun which is unloaded and carried in any enclosed case, box  
27 or other container which completely conceals the item from view  
28 and identification as a weapon;

29 (12) No explosives, flammable liquids, acids, fireworks or

1 other highly combustible materials or radioactive materials may  
2 be carried on or in any facility or conveyance, except as  
3 authorized by the agency;

4 (13) No person, except as specifically authorized by the  
5 agency, shall enter or attempt to enter into any area not open to  
6 the public, including, but not limited to, motorman's cabs,  
7 conductor's cabs, bus operator's seat location, closed-off areas,  
8 mechanical or equipment rooms, concession stands, storage areas,  
9 interior rooms, tracks, roadbeds, tunnels, plants, shops, barns,  
10 train yards, garages, depots or any area marked with a sign  
11 restricting access or indicating a dangerous environment;

12 (14) No person may ride on the roof, the platform between  
13 rapid transit cars, or on any other area outside any rapid  
14 transit car or bus or other conveyance operated by the agency;

15 (15) No person shall extend his hand, arm, leg, head or  
16 other part of his or her person or extend any item, article or  
17 other substance outside of the window or door of a moving rapid  
18 transit car, bus or other conveyance operated by the agency;

19 (16) No person shall enter or leave a rapid transit car,  
20 bus or other conveyance operated by the agency except through the  
21 entrances and exits provided for that purpose;

22 (17) No animals may be taken on or into any conveyance or  
23 facility except the following:

24 (a) An animal enclosed in a container, accompanied by the  
25 passenger and carried in a manner which does not annoy other  
26 passengers; and

27 (b) Working dogs for law enforcement agencies, agency dogs  
28 on duty, dogs properly harnessed and accompanying blind or  
29 hearing-impaired persons to aid such persons, or dogs

1 accompanying trainers carrying a certificate of identification  
2 issued by a dog school;

3 (18) No vehicle shall be operated carelessly, or  
4 negligently, or in disregard of the rights or safety of others or  
5 without due caution and circumspection, or at a speed in such a  
6 manner as to be likely to endanger persons or property on  
7 facilities of the agency. The speed limit on parking lots and  
8 access roads shall be posted as fifteen miles per hour unless  
9 otherwise designated.

10 4. (1) Unless a greater penalty is otherwise provided by  
11 the laws of the state, any violation of this section shall  
12 constitute a misdemeanor, and any person committing a violation  
13 thereof shall be subject to arrest and, upon conviction in a  
14 court of competent jurisdiction, shall pay a fine in an amount  
15 not less than twenty-five dollars and no greater than two hundred  
16 fifty dollars per violation, in addition to court costs. Any  
17 default in the payment of a fine imposed pursuant to this section  
18 without good cause shall result in imprisonment for not more than  
19 thirty days;

20 (2) Unless a greater penalty is provided by the laws of the  
21 state, any person convicted a second or subsequent time for the  
22 same offense under this section shall be guilty of a misdemeanor  
23 and sentenced to pay a fine of not less than fifty dollars nor  
24 more than five hundred dollars in addition to court costs, or to  
25 undergo imprisonment for up to sixty days, or both such fine and  
26 imprisonment;

27 (3) Any person failing to pay the proper fare, fee or other  
28 charge for use of the facilities and conveyances of the agency  
29 shall be subject to payment of such charge as part of the

1 judgment against the violator. All proceeds from judgments for  
2 unpaid fares or charges shall be directed to the appropriate  
3 agency official;

4 (4) All juvenile offenders violating the provisions of this  
5 section shall be subject to the jurisdiction of the juvenile  
6 court as provided in chapter 211;

7 (5) As used in this section, the term "conviction" shall  
8 include all pleas of guilty and findings of guilt.

9 5. Any person who is convicted, pleads guilty, or pleads  
10 nolo contendere for failing to pay the proper fare, fee, or other  
11 charge for the use of the facilities and conveyances of the bi-  
12 state development agency, as described in subdivision (3) of  
13 subsection 4 of this section, shall, in addition to the unpaid  
14 fares or charges and any fines, penalties, or sentences imposed  
15 by law, be required to reimburse the reasonable costs  
16 attributable to the enforcement, investigation, and prosecution  
17 of such offense by the bi-state development agency. The court  
18 shall direct the reimbursement proceeds to the appropriate agency  
19 official.

20 6. (1) Stalled or disabled vehicles may be removed from  
21 the roadways of the agency property by the agency and parked or  
22 stored elsewhere at the risk and expense of the owner;

23 (2) Motor vehicles which are left unattended or abandoned  
24 on the property of the agency for a period of over seventy-two  
25 hours may be removed as provided for in section 304.155, except  
26 that the removal may be authorized by personnel designated by the  
27 agency under section 70.378.

28 226.540. Notwithstanding any other provisions of sections  
29 226.500 to 226.600, outdoor advertising shall be permitted within

1 six hundred and sixty feet of the nearest edge of the  
2 right-of-way of highways located on the interstate, federal-aid  
3 primary system as it existed on June 1, 1991, or the national  
4 highway system as amended in areas zoned industrial, commercial  
5 or the like and in unzoned commercial and industrial areas as  
6 defined in this section, subject to the following regulations  
7 which are consistent with customary use in this state:

8 (1) Lighting:

9 (a) No revolving or rotating beam or beacon of light that  
10 simulates any emergency light or device shall be permitted as  
11 part of any sign. No flashing, intermittent, or moving light or  
12 lights will be permitted except scoreboards and other illuminated  
13 signs designating public service information, such as time, date,  
14 or temperature, or similar information, will be allowed;  
15 tri-vision, projection, and other changeable message signs shall  
16 be allowed subject to Missouri highways and transportation  
17 commission regulations;

18 (b) External lighting, such as floodlights, thin line and  
19 gooseneck reflectors are permitted, provided the light source is  
20 directed upon the face of the sign and is effectively shielded so  
21 as to prevent beams or rays of light from being directed into any  
22 portion of the main traveled way of the federal-aid primary  
23 highways as of June 1, 1991, and all highways designated as part  
24 of the National Highway System by the National Highway System  
25 Designation Act of 1995 and those highways subsequently  
26 designated as part of the National Highway System and the lights  
27 are not of such intensity so as to cause glare, impair the vision  
28 of the driver of a motor vehicle, or otherwise interfere with a  
29 driver's operation of a motor vehicle;

1 (c) No sign shall be so illuminated that it interferes with  
2 the effectiveness of, or obscures, an official traffic sign,  
3 device, or signal;

4 (2) Size of signs:

5 (a) The maximum area for any one sign shall be eight  
6 hundred square feet with a maximum height of thirty feet and a  
7 maximum length of seventy-two feet, inclusive of border and trim  
8 but excluding the base or apron, supports, and other structural  
9 members. The area shall be measured as established herein and in  
10 rules promulgated by the commission. In determining the size of  
11 a conforming or nonconforming sign structure, temporary cutouts  
12 and extensions installed for the length of a specific display  
13 contract shall not be considered a substantial increase to the  
14 size of the permanent display; provided the actual square footage  
15 of such temporary cutouts or extensions may not exceed  
16 thirty-three percent of the permanent display area. Signs  
17 erected in accordance with the provisions of sections 226.500 to  
18 226.600 prior to August 28, 2002, which fail to meet the  
19 requirements of this provision shall be deemed legally  
20 nonconforming as defined herein;

21 (b) The maximum size limitations shall apply to each side  
22 of a sign structure, and signs may be placed back to back, double  
23 faced, or in V-type construction with not more than two displays  
24 to each facing, but such sign structure shall be considered as  
25 one sign;

26 (c) After August 28, 1999, no new sign structure shall be  
27 erected in which two or more displays are stacked one above the  
28 other. Stacked structures existing on or before August 28, 1999,  
29 in accordance with sections 226.500 to 226.600 shall be deemed

1 legally nonconforming and may be maintained in accordance with  
2 the provisions of sections 226.500 to 226.600. Structures  
3 displaying more than one display on a horizontal basis shall be  
4 allowed, provided that total display areas do not exceed the  
5 maximum allowed square footage for a sign structure pursuant to  
6 the provisions of paragraph (a) of this subdivision;

7 (3) Spacing of signs:

8 (a) On all interstate highways, freeways, and nonfreeway  
9 federal-aid primary highways as of June 1, 1991, and all highways  
10 designated as part of the National Highway System by the National  
11 Highway System Designation Act of 1995 and those highways  
12 subsequently designated as part of the National Highway System:

13 a. No sign structure shall be erected within one thousand  
14 four hundred feet of an existing sign on the same side of the  
15 highway;

16 b. Outside of incorporated municipalities, no structure may  
17 be located adjacent to or within five hundred feet of an  
18 interchange, intersection at grade, or safety rest area. Such  
19 five hundred feet shall be measured from the beginning or ending  
20 of the pavement widening at the exit from or entrance to the main  
21 traveled way. For purpose of this subparagraph, the term  
22 "incorporated municipalities" shall include "urban areas", except  
23 that such "urban areas" shall not be considered "incorporated  
24 municipalities" if it is finally determined that such would have  
25 the effect of making Missouri be in noncompliance with the  
26 requirements of Title 23, United States Code, Section 131;

27 (b) The spacing between structure provisions of this  
28 subdivision do not apply to signs which are separated by  
29 buildings, natural surroundings, or other obstructions in such

1 manner that only one sign facing located within such distance is  
2 visible at any one time. Directional or other official signs or  
3 those advertising the sale or lease of the property on which they  
4 are located, or those which advertise activities on the property  
5 on which they are located, including products sold, shall not be  
6 counted, nor shall measurements be made from them for the purpose  
7 of compliance with spacing provisions;

8 (c) No sign shall be located in such manner as to obstruct  
9 or otherwise physically interfere with the effectiveness of an  
10 official traffic sign, signal, or device or obstruct or  
11 physically interfere with a motor vehicle operator's view of  
12 approaching, merging, or intersecting traffic;

13 (d) The measurements in this section shall be the minimum  
14 distances between outdoor advertising sign structures measured  
15 along the nearest edge of the pavement between points directly  
16 opposite the signs along each side of the highway and shall apply  
17 only to outdoor advertising sign structures located on the same  
18 side of the highway involved;

19 (4) As used in this section, the words "unzoned commercial  
20 and industrial land" shall be defined as follows: that area not  
21 zoned by state or local law or ordinance and on which there is  
22 located one or more permanent structures used for a commercial  
23 business or industrial activity or on which a commercial or  
24 industrial activity is actually conducted together with the area  
25 along the highway extending outwardly seven hundred fifty feet  
26 from and beyond the edge of such activity. All measurements  
27 shall be from the outer edges of the regularly used improvements,  
28 buildings, parking lots, landscaped, storage or processing areas  
29 of the commercial or industrial activity and along and parallel

1 to the edge of the pavement of the highway. Unzoned land shall  
2 not include:

3 (a) Land on the opposite side of the highway from an  
4 unzoned commercial or industrial area as defined in this section  
5 and located adjacent to highways located on the interstate,  
6 federal-aid primary system as it existed on June 1, 1991, or the  
7 national highway system as amended, unless the opposite side of  
8 the highway qualifies as a separate unzoned commercial or  
9 industrial area; or

10 (b) Land zoned by a state or local law, regulation, or  
11 ordinance;

12 (5) "Commercial or industrial activities" as used in this  
13 section means those which are generally recognized as commercial  
14 or industrial by zoning authorities in this state, except that  
15 none of the following shall be considered commercial or  
16 industrial:

17 (a) Outdoor advertising structures;

18 (b) Agricultural, forestry, ranching, grazing, farming, and  
19 related activities, including seasonal roadside fresh produce  
20 stands;

21 (c) Transient or temporary activities;

22 (d) Activities more than six hundred sixty feet from the  
23 nearest edge of the right-of-way or not visible from the main  
24 traveled way;

25 (e) Activities conducted in a building principally used as  
26 a residence;

27 (f) Railroad tracks and minor sidings;

28 (6) The words "unzoned commercial or industrial land" shall  
29 also include all areas not specified in this section which

1 constitute an "unzoned commercial or industrial area" within the  
2 meaning of the present Section 131 of Title 23 of the United  
3 States Code, or as such statute may be amended. As used in this  
4 section, the words "zoned commercial or industrial area" shall  
5 refer to those areas zoned commercial or industrial by the duly  
6 constituted zoning authority of a municipality, county, or other  
7 lawfully established political subdivision of the state, or by  
8 the state and which is within seven hundred fifty feet of one or  
9 more permanent commercial or industrial activities. Commercial or  
10 industrial activities as used in this section are limited to  
11 those activities:

12 (a) In which the primary use of the property is commercial  
13 or industrial in nature;

14 (b) Which are clearly visible from the highway and  
15 recognizable as a commercial business;

16 (c) Which are permanent as opposed to temporary or  
17 transitory and of a nature that would customarily be restricted  
18 to commercial or industrial zoning in areas comprehensively  
19 zoned; and

20 (d) In determining whether the primary use of the property  
21 is commercial or industrial pursuant to paragraph (a) of this  
22 subdivision, the state highways and transportation commission  
23 shall consider the following factors:

24 a. The presence of a permanent and substantial building;

25 b. The existence of utilities and local business licenses,  
26 if any, for the commercial activity;

27 c. On-premise signs or other identification;

28 d. The presence of an owner or employee on the premises for  
29 at least twenty hours per week;

1           (7) In zoned commercial and industrial areas, whenever a  
2 state, county or municipal zoning authority has adopted laws or  
3 ordinances which include regulations with respect to the size,  
4 lighting and spacing of signs, which regulations are consistent  
5 with the intent of sections 226.500 to 226.600 and with customary  
6 use, then from and after the effective date of such regulations,  
7 and so long as they shall continue in effect, the provisions of  
8 this section shall not apply to the erection of signs in such  
9 areas. Notwithstanding any other provisions of this section,  
10 after August 28, 1992, with respect to any outdoor advertising  
11 which is regulated by the provisions of subdivision (1), (3) or  
12 (4) of section 226.520 or subsection 1 of section 226.527:

13           (a) No county or municipality shall issue a permit to allow  
14 a regulated sign to be newly erected without a permit issued by  
15 the state highways and transportation commission;

16           (b) A county or municipality may charge a reasonable  
17 one-time permit or inspection fee to assure compliance with local  
18 wind load and electrical requirements when the sign is first  
19 erected, but a county or municipality may not charge a permit or  
20 inspection fee for such sign after such initial fee. Changing  
21 the display face or performing routine maintenance shall not be  
22 considered as erecting a new sign;

23           (c) Local regulations adopted pursuant to this section or  
24 section 71.288 may be more restrictive than the size, height,  
25 lighting, and spacing provisions specified in this section,  
26 provided such local regulations allow for customary usage and  
27 comply with the intent of this section. Local regulations may  
28 not prohibit off-premise outdoor advertising structures on  
29 commercial or industrial property within six hundred sixty feet

1 of federal aid primary or interstate highways. The term  
2 "prohibit" as used in this subsection shall only mean an absolute  
3 prohibition of outdoor advertising, and shall not be interpreted  
4 as limiting local authorities' discretion in determining  
5 appropriate size, height, lighting, and spacing provisions, or in  
6 determining appropriate zoning districts for outdoor advertising  
7 or imposing other regulations deemed necessary by the local  
8 authorities;

9 (8) The state highways and transportation commission on  
10 behalf of the state of Missouri, may seek agreement with the  
11 Secretary of Transportation of the United States under Section  
12 131 of Title 23, United States Code, as amended, that sections  
13 226.500 to 226.600 are in conformance with that Section 131 and  
14 provides effective control of outdoor advertising signs as set  
15 forth therein. If such agreement cannot be reached and the  
16 penalties under subsection (b) of Section 131 are invoked, the  
17 attorney general of this state shall institute proceedings  
18 described in subsection (1) of that Section 131.

19 226.541. 1. As used in this section, the following words  
20 or phrases mean:

21 (1) "Conforming out of standard signs", signs that fail to  
22 meet the current statutory and administrative rule requirements  
23 for outdoor advertising but currently comply with the terms of  
24 the federal/state agreement and meet the August 27, 1999,  
25 statutory and administrative rule requirements that governed  
26 outdoor advertising and the highway beautification act of 1965;

27 (2) "Federal/state agreement", an agreement executed  
28 between the United States Department of Transportation and the  
29 state highways and transportation commission on February 22,

1 1972, for carrying out national policy relative to control of  
2 outdoor advertising in areas adjacent to the national system of  
3 interstate and defense highways and the federal-aid primary  
4 system;

5 (3) "Reset", movement of a sign structure from one location  
6 to another location on the same or adjoining property, if the  
7 adjoining property is zoned commercial or industrial and the  
8 owner of the sign has obtained the legal right to erect a sign on  
9 the adjoining property from its owner, as authorized by a sign  
10 permit amendment and the terms of an executed written partial  
11 waiver and reset agreement between the permit owner and the state  
12 highways and transportation commission;

13 (4) "Substantially rebuilt", any reconstruction or repair  
14 of a sign that requires the replacement of fifty-one percent or  
15 more of the sign structure's support poles in a twelve-month  
16 period.

17 2. Subject to the provisions of this section, and if  
18 allowed by applicable local regulations, conforming out of  
19 standard signs shall be treated as conforming signs under  
20 commission administrative rules, including new display  
21 technologies, lighting, cutouts, and extensions, except that such  
22 signs shall not be substantially rebuilt except in accordance  
23 with the provisions of this section. If allowed by applicable  
24 local regulations, new technologies, lighting, cutouts, and  
25 extensions may be utilized on conforming and conforming out of  
26 standard signs in accordance with Missouri department of  
27 transportation regulations.

28 3. On the date the commission approves funding for any  
29 phase or portion of construction or reconstruction of any street

1 or highway, the rules in effect for outdoor advertising on August  
2 27, 1999, shall be reinstated for that section of highway  
3 scheduled for construction and there shall immediately be a  
4 moratorium imposed on the issuance of state sign permits for new  
5 sign structures.

6 4. Owners of existing signs which meet the requirements for  
7 outdoor advertising in effect on August 27, 1999, and the  
8 requirements of the federal/state agreement and who voluntarily  
9 execute a partial waiver and reset agreement may reset such signs  
10 on the same or adjoining property. Such reset agreements shall  
11 be contingent upon obtaining any required local approval to reset  
12 the sign structure. Any sign which has been reset must still  
13 comply with the August 27, 1999, outdoor advertising regulations  
14 after it has been reset.

15 5. Owners of existing signs who elect to reset qualifying  
16 signs shall receive compensation representing the actual cost to  
17 reset the existing sign. Signs which have been reset under these  
18 provisions must be reconstructed of the same type materials and  
19 may not exceed the square footage of the original sign structure.

20 6. Sign owners may elect to reset existing qualifying signs  
21 by executing a partial waiver and reset agreement with the  
22 commission. Such agreement shall specify the size, type, and  
23 location of the rebuilt sign and the reset expenses to be paid to  
24 the owner by the commission. In the event the owner fails to  
25 execute such an agreement within one hundred twenty days of  
26 receiving written notice the sign will be displaced by  
27 construction, the commission shall have the right at its sole  
28 discretion to initiate normal condemnation procedures for the  
29 compensated removal of the sign.

1           7. Immediately upon the completion of construction on any  
2 section of highway, the moratorium on new permits shall be lifted  
3 and the rules for outdoor advertising in effect on the date the  
4 construction is completed shall apply to such section of highway.

5           8. Local zoning authorities may prohibit the resetting of  
6 qualifying signs which fail to comply with local regulations.

7           9. All signs shall be subject to the biennial inspection  
8 fees under section 226.550.

9           227.107. 1. Notwithstanding any provision of section  
10 227.100 to the contrary, as an alternative to the requirements  
11 and procedures specified by sections 227.040 to 227.100, the  
12 state highways and transportation commission is authorized to  
13 enter into highway design-build project contracts. The total  
14 number of highway design-build project contracts awarded by the  
15 commission in any state fiscal year shall not exceed two percent  
16 of the total number of all state highway system projects awarded  
17 to contracts for construction from projects listed in the  
18 commission's approved statewide transportation improvement  
19 project for that state fiscal year. Authority to enter into  
20 design-build projects granted by this section shall expire on  
21 July 1, [2012] 2018, unless extended by statute.

22           2. Notwithstanding provisions of subsection 1 of this  
23 section to the contrary, the state highways and transportation  
24 commission is authorized to enter into additional design-build  
25 contracts for the design, construction, reconstruction, or  
26 improvement of Missouri Route 364 as contained in any county with  
27 a charter form of government and with more than two hundred fifty  
28 thousand but fewer than three hundred fifty thousand inhabitants  
29 and in any county with a charter form of government and with more

1 than one million inhabitants, and the State Highway 169 and 96th  
2 Street intersection located within a home rule city with more  
3 than four hundred thousand inhabitants and located in more than  
4 one county. The state highways and transportation commission is  
5 authorized to enter into an additional design-build contract for  
6 the design, construction, reconstruction, or improvement of State  
7 Highway 92, contained in a county of the first classification  
8 with more than one hundred eighty-four thousand but fewer than  
9 one hundred eighty-eight thousand inhabitants, from its  
10 intersection with State Highway 169, east to its intersection  
11 with State Highway E. The state highways and transportation  
12 commission is authorized to enter into an additional design-build  
13 contract for the design, construction, reconstruction, or  
14 improvement of US 40/61 I-64 Missouri River Bridge as contained  
15 in any county with a charter form of government and with more  
16 than one million inhabitants and any county with a charter form  
17 of government and with more than two hundred fifty thousand but  
18 fewer than three hundred fifty thousand inhabitants. The  
19 authority to enter into a design-build highway project under this  
20 subsection shall not be subject to the time limitation expressed  
21 in subsection 1 of this section.

22 3. For the purpose of this section a "design-builder" is  
23 defined as an individual, corporation, partnership, joint venture  
24 or other entity, including combinations of such entities making a  
25 proposal to perform or performing a design-build highway project  
26 contract.

27 4. For the purpose of this section, "design-build highway  
28 project contract" is defined as the procurement of all materials  
29 and services necessary for the design, construction,

1 reconstruction or improvement of a state highway project in a  
2 single contract with a design-builder capable of providing the  
3 necessary materials and services.

4 5. For the purpose of this section, "highway project" is  
5 defined as the design, construction, reconstruction or  
6 improvement of highways or bridges under contract with the state  
7 highways and transportation commission, which is funded by state,  
8 federal or local funds or any combination of such funds.

9 6. In using a design-build highway project contract, the  
10 commission shall establish a written procedure by rule for  
11 prequalifying design-builders before such design-builders will be  
12 allowed to make a proposal on the project.

13 7. In any design-build highway project contract, whether  
14 involving state or federal funds, the commission shall require  
15 that each person submitting a request for qualifications provide  
16 a detailed disadvantaged business enterprise participation plan.  
17 The plan shall provide information describing the experience of  
18 the person in meeting disadvantaged business enterprise  
19 participation goals, how the person will meet the department of  
20 transportation's disadvantaged business enterprise participation  
21 goal and such other qualifications that the commission considers  
22 to be in the best interest of the state.

23 8. The commission is authorized to issue a request for  
24 proposals to a maximum of five design-builders prequalified in  
25 accordance with subsection 6 of this section.

26 9. The commission may require approval of any person  
27 performing subcontract work on the design-build highway project.

28 10. Notwithstanding the provisions of sections 107.170, and  
29 227.100, to the contrary, the commission shall require the

1 design-builder to provide to the commission directly such bid,  
2 performance and payment bonds, or such letters of credit, in such  
3 terms, durations, amounts, and on such forms as the commission  
4 may determine to be adequate for its protection and provided by a  
5 surety or sureties authorized to conduct surety business in the  
6 state of Missouri or a federally insured financial institution or  
7 institutions, satisfactory to the commission, including but not  
8 limited to:

9 (1) A bid or proposal bond, cash or a certified or  
10 cashier's check;

11 (2) A performance bond or bonds for the construction period  
12 specified in the design-build highway project contract equal to a  
13 reasonable estimate of the total cost of construction work under  
14 the terms of the design-build highway project contract. If the  
15 commission determines in writing supported by specific findings  
16 that the reasonable estimate of the total cost of construction  
17 work under the terms of the design-build highway project contract  
18 is expected to exceed two-hundred fifty million dollars and a  
19 performance bond or bonds in such amount is impractical, the  
20 commission shall set the performance bond or bonds at the largest  
21 amount reasonably available, but not less than two-hundred fifty  
22 million dollars, and may require additional security, including  
23 but not limited to letters of credit, for the balance of the  
24 estimate not covered by the performance bond or bonds;

25 (3) A payment bond or bonds that shall be enforceable under  
26 section 522.300 for the protection of persons supplying labor and  
27 material in carrying out the construction work provided for in  
28 the design-build highway project contract. The aggregate amount  
29 of the payment bond or bonds shall equal a reasonable estimate of

1 the total amount payable for the cost of construction work under  
2 the terms of the design-build highway project contract unless the  
3 commission determines in writing supported by specific findings  
4 that a payment bond or bonds in such amount is impractical, in  
5 which case the commission shall establish the amount of the  
6 payment bond or bonds; except that the amount of the payment bond  
7 or bonds shall not be less than the aggregate amount of the  
8 performance bond or bonds and any additional security to such  
9 performance bond or bonds; and

10 (4) Upon award of the design-build highway project  
11 contract, the sum of the performance bond and any required  
12 additional security established under subdivisions (2) and (3) of  
13 this subsection shall be stated, and shall be a matter of public  
14 record.

15 11. The commission is authorized to prescribe the form of  
16 the contracts for the work.

17 12. The commission is empowered to make all final decisions  
18 concerning the performance of the work under the design-build  
19 highway project contract, including claims for additional time  
20 and compensation.

21 13. The provisions of sections 8.285 to 8.291 shall not  
22 apply to the procurement of architectural, engineering or land  
23 surveying services for the design-build highway project, except  
24 that any person providing architectural, engineering or land  
25 surveying services for the design-builder on the design-build  
26 highway project must be licensed in Missouri to provide such  
27 services.

28 14. The commission shall pay a reasonable stipend to  
29 prequalified responsive design-builders who submit a proposal,

1 but are not awarded the design-build highway project.

2 15. The commission shall comply with the provisions of any  
3 act of congress or any regulations of any federal administrative  
4 agency which provides and authorizes the use of federal funds for  
5 highway projects using the design-build process.

6 16. The commission shall promulgate administrative rules to  
7 implement this section or to secure federal funds. Such rules  
8 shall be published for comment in the Missouri Register and shall  
9 include prequalification criteria, the make-up of the  
10 prequalification review team, specifications for the design  
11 criteria package, the method of advertising, receiving and  
12 evaluating proposals from design-builders, the criteria for  
13 awarding the design-build highway project based on the design  
14 criteria package and a separate proposal stating the cost of  
15 construction, and other methods, procedures and criteria  
16 necessary to administer this section.

17 17. The commission shall make a status report to the  
18 members of the general assembly and the governor following the  
19 award of the design-build project, as an individual component of  
20 the annual report submitted by the commission to the joint  
21 transportation oversight committee in accordance with the  
22 provisions of section 21.795. The annual report prior to  
23 advertisement of the design-build highway project contracts shall  
24 state the goals of the project in reducing costs and/or the time  
25 of completion for the project in comparison to the  
26 design-bid-build method of construction and objective  
27 measurements to be utilized in determining achievement of such  
28 goals. Subsequent annual reports shall include: the time  
29 estimated for design and construction of different phases or

1 segments of the project and the actual time required to complete  
2 such work during the period; the amount of each progress payment  
3 to the design-builder during the period and the percentage and a  
4 description of the portion of the project completed regarding  
5 such payment; the number and a description of design change  
6 orders issued during the period and the cost of each such change  
7 order; upon substantial and final completion, the total cost of  
8 the design-build highway project with a breakdown of costs for  
9 design and construction; and such other measurements as specified  
10 by rule. The annual report immediately after final completion of  
11 the project shall state an assessment of the advantages and  
12 disadvantages of the design-build method of contracting for  
13 highway and bridge projects in comparison to the design-bid-build  
14 method of contracting and an assessment of whether the goals of  
15 the project in reducing costs and/or the time of completion of  
16 the project were met.

17 18. The commission shall give public notice of a request  
18 for qualifications in at least two public newspapers that are  
19 distributed wholly or in part in this state and at least one  
20 construction industry trade publication that is distributed  
21 nationally.

22 19. The commission shall publish its cost estimates of the  
23 design-build highway project award and the project completion  
24 date along with its public notice of a request for qualifications  
25 of the design-build project.

26 20. If the commission fails to receive at least two  
27 responsive submissions from design-builders considered qualified,  
28 submissions shall not be opened and it shall readvertise the  
29 project.

1           21. For any highway design-build project constructed under  
2 this section, the commission shall negotiate and reach agreements  
3 with affected railroads. Such agreements shall include  
4 clearance, safety, insurance, and indemnification provisions, but  
5 are not required to include provisions on right-of-way  
6 acquisitions.

7           301.010. As used in this chapter and sections 304.010 to  
8 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the  
9 following terms mean:

10           (1) "All-terrain vehicle", any motorized vehicle  
11 manufactured and used exclusively for off-highway use which is  
12 fifty inches or less in width, with an unladen dry weight of one  
13 thousand five hundred pounds or less, traveling on three, four or  
14 more nonhighway tires, with a seat designed to be straddled by  
15 the operator, or with a seat designed to carry more than one  
16 person, and handlebars for steering control;

17           (2) "Automobile transporter", any vehicle combination  
18 designed and used specifically for the transport of assembled  
19 motor vehicles;

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

24           (4) "Boat transporter", any vehicle combination designed  
25 and used specifically to transport assembled boats and boat  
26 hulls;

27           (5) "Body shop", a business that repairs physical damage on  
28 motor vehicles that are not owned by the shop or its officers or  
29 employees by mending, straightening, replacing body parts, or

1 painting;

2 (6) "Bus", a motor vehicle primarily for the transportation  
3 of a driver and eight or more passengers but not including  
4 shuttle buses;

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

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

12 (9) "Dealer", any person, firm, corporation, association,  
13 agent or subagent engaged in the sale or exchange of new, used or  
14 reconstructed motor vehicles or trailers;

15 (10) "Director" or "director of revenue", the director of  
16 the department of revenue;

17 (11) "Driveaway operation":

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

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

28 (c) The movement of a motor vehicle by any person who is  
29 lawfully engaged in the business of transporting or delivering

1 vehicles that are not the person's own and vehicles of a type  
2 otherwise required to be registered, by the driveaway or towaway  
3 methods, from a point of manufacture, assembly or distribution or  
4 from the owner of the vehicles to a dealer or sales agent of a  
5 manufacturer or to any consignee designated by the shipper or  
6 consignor;

7 (12) "Dromedary", a box, deck, or plate mounted behind the  
8 cab and forward of the fifth wheel on the frame of the power unit  
9 of a truck tractor-semitrailer combination. A truck tractor  
10 equipped with a dromedary may carry part of a load when operating  
11 independently or in a combination with a semitrailer;

12 (13) "Farm tractor", a tractor used exclusively for  
13 agricultural purposes;

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

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

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

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

22 (18) "Hail-damaged vehicle", any vehicle, the body of which  
23 has become dented as the result of the impact of hail;

24 (19) "Highway", any public thoroughfare for vehicles,  
25 including state roads, county roads and public streets, avenues,  
26 boulevards, parkways or alleys in any municipality;

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

1 (21) "Intersecting highway", any highway which joins  
2 another, whether or not it crosses the same;

3 (22) "Junk vehicle", a vehicle which is incapable of  
4 operation or use upon the highways and has no resale value except  
5 as a source of parts or scrap, and shall not be titled or  
6 registered;

7 (23) "Kit vehicle", a motor vehicle assembled by a person  
8 other than a generally recognized manufacturer of motor vehicles  
9 by the use of a glider kit or replica purchased from an  
10 authorized manufacturer and accompanied by a manufacturer's  
11 statement of origin;

12 (24) "Land improvement contractors' commercial motor  
13 vehicle", any not-for-hire commercial motor vehicle the operation  
14 of which is confined to:

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

21 (b) An area that extends not more than a radius of fifty  
22 miles from its home base of operations when transporting its  
23 owner's machinery, equipment, or auxiliary supplies to or from  
24 projects not involving soil and water conservation. Nothing in  
25 this subdivision shall be construed to prevent any motor vehicle  
26 from being registered as a commercial motor vehicle or local  
27 commercial motor vehicle;

28 (25) "Local commercial motor vehicle", a commercial motor  
29 vehicle whose operations are confined solely to a municipality

1 and that area extending not more than fifty miles therefrom, or a  
2 commercial motor vehicle whose property-carrying operations are  
3 confined solely to the transportation of property owned by any  
4 person who is the owner or operator of such vehicle to or from a  
5 farm owned by such person or under the person's control by virtue  
6 of a landlord and tenant lease; provided that any such property  
7 transported to any such farm is for use in the operation of such  
8 farm;

9 (26) "Local log truck", a commercial motor vehicle which is  
10 registered pursuant to this chapter to operate as a motor vehicle  
11 on the public highways of this state, used exclusively in this  
12 state, used to transport harvested forest products, operated  
13 solely at a forested site and in an area extending not more than  
14 a one hundred-mile radius from such site, carries a load with  
15 dimensions not in excess of twenty-five cubic yards per two axles  
16 with dual wheels, and when operated on the national system of  
17 interstate and defense highways described in Title 23, Section  
18 103(e) of the United States Code, such vehicle shall not exceed  
19 the weight limits of section 304.180, does not have more than  
20 four axles, and does not pull a trailer which has more than two  
21 axles. Harvesting equipment which is used specifically for  
22 cutting, felling, trimming, delimiting, debarking, chipping,  
23 skidding, loading, unloading, and stacking may be transported on  
24 a local log truck. A local log truck may not exceed the limits  
25 required by law, however, if the truck does exceed such limits as  
26 determined by the inspecting officer, then notwithstanding any  
27 other provisions of law to the contrary, such truck shall be  
28 subject to the weight limits required by such sections as  
29 licensed for eighty thousand pounds;

1           (27) "Local log truck tractor", a commercial motor vehicle  
2 which is registered under this chapter to operate as a motor  
3 vehicle on the public highways of this state, used exclusively in  
4 this state, used to transport harvested forest products, operated  
5 solely at a forested site and in an area extending not more than  
6 a one hundred-mile radius from such site, operates with a weight  
7 not exceeding twenty-two thousand four hundred pounds on one axle  
8 or with a weight not exceeding forty-four thousand eight hundred  
9 pounds on any tandem axle, and when operated on the national  
10 system of interstate and defense highways described in Title 23,  
11 Section 103(e) of the United States Code, such vehicle does not  
12 exceed the weight limits contained in section 304.180, and does  
13 not have more than three axles and does not pull a trailer which  
14 has more than two axles. Violations of axle weight limitations  
15 shall be subject to the load limit penalty as described for in  
16 sections 304.180 to 304.220;

17           (28) "Local transit bus", a bus whose operations are  
18 confined wholly within a municipal corporation, or wholly within  
19 a municipal corporation and a commercial zone, as defined in  
20 section 390.020, adjacent thereto, forming a part of a public  
21 transportation system within such municipal corporation and such  
22 municipal corporation and adjacent commercial zone;

23           (29) "Log truck", a vehicle which is not a local log truck  
24 or local log truck tractor and is used exclusively to transport  
25 harvested forest products to and from forested sites which is  
26 registered pursuant to this chapter to operate as a motor vehicle  
27 on the public highways of this state for the transportation of  
28 harvested forest products;

29           (30) "Major component parts", the rear clip, cowl, frame,

1 body, cab, front-end assembly, and front clip, as those terms are  
2 defined by the director of revenue pursuant to rules and  
3 regulations or by illustrations;

4 (31) "Manufacturer", any person, firm, corporation or  
5 association engaged in the business of manufacturing or  
6 assembling motor vehicles, trailers or vessels for sale;

7 (32) "Mobile scrap processor", a business located in  
8 Missouri or any other state that comes onto a salvage site and  
9 crushes motor vehicles and parts for transportation to a shredder  
10 or scrap metal operator for recycling;

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

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

17 (35) "Motor vehicle primarily for business use", any  
18 vehicle other than a recreational motor vehicle, motorcycle,  
19 motortricycle, or any commercial motor vehicle licensed for over  
20 twelve thousand pounds:

21 (a) Offered for hire or lease; or

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

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

25 (37) "Motorized bicycle", any two-wheeled or three-wheeled  
26 device having an automatic transmission and a motor with a  
27 cylinder capacity of not more than fifty cubic centimeters, which  
28 produces less than three gross brake horsepower, and is capable  
29 of propelling the device at a maximum speed of not more than

1 thirty miles per hour on level ground;

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

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

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

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

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

16 (43) "Owner", any person, firm, corporation or association,  
17 who holds the legal title to a vehicle or in the event a vehicle  
18 is the subject of an agreement for the conditional sale or lease  
19 thereof with the right of purchase upon performance of the  
20 conditions stated in the agreement and with an immediate right of  
21 possession vested in the conditional vendee or lessee, or in the  
22 event a mortgagor of a vehicle is entitled to possession, then  
23 such conditional vendee or lessee or mortgagor shall be deemed  
24 the owner for the purpose of this law;

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

29 (45) "Rebuilder", a business that repairs or rebuilds motor

1 vehicles owned by the rebuilder, but does not include  
2 certificated common or contract carriers of persons or property;

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

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

17 (48) "Recreational off-highway vehicle", any motorized  
18 vehicle manufactured and used exclusively for off-highway use  
19 which is [sixty] sixty-four inches or less in width, with an  
20 unladen dry weight of one thousand eight hundred fifty pounds or  
21 less, traveling on four or more nonhighway tires, with a  
22 nonstraddle seat, and steering wheel, which may have access to  
23 ATV trails;

24 (49) "Rollback or car carrier", any vehicle specifically  
25 designed to transport wrecked, disabled or otherwise inoperable  
26 vehicles, when the transportation is directly connected to a  
27 wrecker or towing service;

28 (50) "Saddlemount combination", a combination of vehicles  
29 in which a truck or truck tractor tows one or more trucks or

1 truck tractors, each connected by a saddle to the frame or fifth  
2 wheel of the vehicle in front of it. The "saddle" is a mechanism  
3 that connects the front axle of the towed vehicle to the frame or  
4 fifth wheel of the vehicle in front and functions like a fifth  
5 wheel kingpin connection. When two vehicles are towed in this  
6 manner the combination is called a "double saddlemount  
7 combination". When three vehicles are towed in this manner, the  
8 combination is called a "triple saddlemount combination";

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

12 (52) "Salvage vehicle", a motor vehicle, semitrailer, or  
13 house trailer which:

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

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

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

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

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

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

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

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

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

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

21 (54) "Shuttle bus", a motor vehicle used or maintained by  
22 any person, firm, or corporation as an incidental service to  
23 transport patrons or customers of the regular business of such  
24 person, firm, or corporation to and from the place of business of  
25 the person, firm, or corporation providing the service at no fee  
26 or charge. Shuttle buses shall not be registered as buses or as  
27 commercial motor vehicles;

28 (55) "Special mobile equipment", every self-propelled  
29 vehicle not designed or used primarily for the transportation of

1 persons or property and incidentally operated or moved over the  
2 highways, including farm equipment, implements of husbandry, road  
3 construction or maintenance machinery, ditch-digging apparatus,  
4 stone crushers, air compressors, power shovels, cranes, graders,  
5 rollers, well-drillers and wood-sawing equipment used for hire,  
6 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,  
7 leveling graders, finished machines, motor graders, road rollers,  
8 scarifiers, earth-moving carryalls, scrapers, drag lines,  
9 concrete pump trucks, rock-drilling and earth-moving equipment.  
10 This enumeration shall be deemed partial and shall not operate to  
11 exclude other such vehicles which are within the general terms of  
12 this section;

13 (56) "Specially constructed motor vehicle", a motor vehicle  
14 which shall not have been originally constructed under a  
15 distinctive name, make, model or type by a manufacturer of motor  
16 vehicles. The term specially constructed motor vehicle includes  
17 kit vehicles;

18 (57) "Stinger-steered combination", a truck  
19 tractor-semitrailer wherein the fifth wheel is located on a drop  
20 frame located behind and below the rearmost axle of the power  
21 unit;

22 (58) "Tandem axle", a group of two or more axles, arranged  
23 one behind another, the distance between the extremes of which is  
24 more than forty inches and not more than ninety-six inches apart;

25 (59) "Tractor", "truck tractor" or "truck-tractor", a  
26 self-propelled motor vehicle designed for drawing other vehicles,  
27 but not for the carriage of any load when operating  
28 independently. When attached to a semitrailer, it supports a  
29 part of the weight thereof;

1           (60) "Trailer", any vehicle without motive power designed  
2 for carrying property or passengers on its own structure and for  
3 being drawn by a self-propelled vehicle, except those running  
4 exclusively on tracks, including a semitrailer or vehicle of the  
5 trailer type so designed and used in conjunction with a  
6 self-propelled vehicle that a considerable part of its own weight  
7 rests upon and is carried by the towing vehicle. The term  
8 "trailer" shall not include cotton trailers as defined in  
9 subdivision (8) of this section and shall not include  
10 manufactured homes as defined in section 700.010;

11           (61) "Truck", a motor vehicle designed, used, or maintained  
12 for the transportation of property;

13           (62) "Truck-tractor semitrailer-semitrailer", a combination  
14 vehicle in which the two trailing units are connected with a  
15 B-train assembly which is a rigid frame extension attached to the  
16 rear frame of a first semitrailer which allows for a fifth-wheel  
17 connection point for the second semitrailer and has one less  
18 articulation point than the conventional A-dolly connected  
19 truck-tractor semitrailer-trailer combination;

20           (63) "Truck-trailer boat transporter combination", a boat  
21 transporter combination consisting of a straight truck towing a  
22 trailer using typically a ball and socket connection with the  
23 trailer axle located substantially at the trailer center of  
24 gravity rather than the rear of the trailer but so as to maintain  
25 a downward force on the trailer tongue;

26           (64) "Used parts dealer", a business that buys and sells  
27 used motor vehicle parts or accessories, but not including a  
28 business that sells only new, remanufactured or rebuilt parts.

29 "Business" does not include isolated sales at a swap meet of less

1 than three days;

2 (65) "Utility vehicle", any motorized vehicle manufactured  
3 and used exclusively for off-highway use which is sixty-three  
4 inches or less in width, with an unladen dry weight of one  
5 thousand eight hundred fifty pounds or less, traveling on four or  
6 six wheels, to be used primarily for landscaping, lawn care, or  
7 maintenance purposes;

8 (66) "Vanpool", any van or other motor vehicle used or  
9 maintained by any person, group, firm, corporation, association,  
10 city, county or state agency, or any member thereof, for the  
11 transportation of not less than eight nor more than forty-eight  
12 employees, per motor vehicle, to and from their place of  
13 employment; however, a vanpool shall not be included in the  
14 definition of the term bus or commercial motor vehicle as defined  
15 by subdivisions (6) and (7) of this section, nor shall a vanpool  
16 driver be deemed a chauffeur as that term is defined by section  
17 302.010; nor shall use of a vanpool vehicle for ride-sharing  
18 arrangements, recreational, personal, or maintenance uses  
19 constitute an unlicensed use of the motor vehicle, unless used  
20 for monetary profit other than for use in a ride-sharing  
21 arrangement;

22 (67) "Vehicle", any mechanical device on wheels, designed  
23 primarily for use, or used, on highways, except motorized  
24 bicycles, vehicles propelled or drawn by horses or human power,  
25 or vehicles used exclusively on fixed rails or tracks, or cotton  
26 trailers or motorized wheelchairs operated by handicapped  
27 persons;

28 (68) "Wrecker" or "tow truck", any emergency commercial  
29 vehicle equipped, designed and used to assist or render aid and

1 transport or tow disabled or wrecked vehicles from a highway,  
2 road, street or highway rights-of-way to a point of storage or  
3 repair, including towing a replacement vehicle to replace a  
4 disabled or wrecked vehicle;

5 (69) "Wrecker or towing service", the act of transporting,  
6 towing or recovering with a wrecker, tow truck, rollback or car  
7 carrier any vehicle not owned by the operator of the wrecker, tow  
8 truck, rollback or car carrier for which the operator directly or  
9 indirectly receives compensation or other personal gain.

10 301.147. 1. Notwithstanding the provisions of section  
11 301.020 to the contrary, beginning July 1, 2000, the director of  
12 revenue may provide owners of motor vehicles, other than  
13 commercial motor vehicles licensed in excess of [twelve] fifty-  
14 four thousand pounds gross weight, the option of biennially  
15 registering motor vehicles. Any vehicle manufactured as an  
16 even-numbered model year vehicle shall be renewed each  
17 even-numbered calendar year and any such vehicle manufactured as  
18 an odd-numbered model year vehicle shall be renewed each  
19 odd-numbered calendar year, subject to the following  
20 requirements:

21 (1) The fee collected at the time of biennial registration  
22 shall include the annual registration fee plus a pro rata amount  
23 for the additional twelve months of the biennial registration;

24 (2) Presentation of all documentation otherwise required by  
25 law for vehicle registration including, but not limited to, a  
26 personal property tax receipt or certified statement for the  
27 preceding year that no such taxes were due as set forth in  
28 section 301.025, proof of a motor vehicle safety inspection and  
29 any applicable emission inspection conducted within sixty days

1 prior to the date of application and proof of insurance as  
2 required by section 303.026.

3 2. The director of revenue may prescribe rules and  
4 regulations for the effective administration of this section.  
5 The director is authorized to adopt those rules that are  
6 reasonable and necessary to accomplish the limited duties  
7 specifically delegated within this section. Any rule or portion  
8 of a rule, as that term is defined in section 536.010, that is  
9 promulgated pursuant to the authority delegated in this section  
10 shall become effective only if it has been promulgated pursuant  
11 to the provisions of chapter 536. This section and chapter 536  
12 are nonseverable and if any of the powers vested with the general  
13 assembly pursuant to chapter 536 to review, to delay the  
14 effective date or to disapprove and annul a rule are subsequently  
15 held unconstitutional, then the grant of rulemaking authority and  
16 any rule proposed or adopted after July 1, 2000, shall be invalid  
17 and void.

18 3. The director of revenue shall have the authority to  
19 stagger the registration period of motor vehicles other than  
20 commercial motor vehicles licensed in excess of twelve thousand  
21 pounds gross weight. Once the owner of a motor vehicle chooses  
22 the option of biennial registration, such registration must be  
23 maintained for the full twenty-four month period.

24 301.225. Every person licensed or required to be licensed  
25 shall maintain for three years on vehicles not more than seven  
26 years old a record of:

27 (1) Every vehicle or used transmission, rear end, cowl,  
28 frame, body, front end assembly or engine of or for a vehicle  
29 received or acquired by him, its description and identifying

1 number, if any, the date of its receipt or acquisition, and the  
2 name and address of the person from whom received or acquired;

3 (2) Every vehicle wrecked, dismantled or disposed of by  
4 him, and the date of its wrecking or dismantling and, if sold to  
5 a scrap metal operator, the operator's name and address. Every  
6 such record shall be retained by the person licensed or required  
7 to be licensed at his principal place of business and shall be  
8 open to inspection by any representative of the department,  
9 member or authorized or designated employee of the Missouri  
10 highway patrol, or any police officer during reasonable business  
11 hours. Members of the patrol, any representative of the  
12 department, or any police officer may inspect the premises of  
13 every person licensed or required to be licensed at any time that  
14 business is being conducted or work is being performed, whether  
15 or not open to the public to enforce the provisions of sections  
16 301.217 to 301.229.

17 301.425. If any peace officer or the director of revenue or  
18 his or her designated representative has probable cause to  
19 believe that a certificate of ownership, a license plate, a  
20 license plate tab, a Missouri drivers license, or a Missouri  
21 nondriver identification card was obtained fraudulently, any  
22 person in possession of said item shall surrender same to the  
23 peace officer or the director of revenue or his or her designated  
24 representative upon request. Any person failing to do so shall  
25 be deemed guilty of a class A misdemeanor.

26 301.559. 1. It shall be unlawful for any person to engage  
27 in business as or act as a motor vehicle dealer, boat dealer,  
28 manufacturer , boat manufacturer, public motor vehicle auction,  
29 wholesale motor vehicle auction or wholesale motor vehicle dealer

1 without first obtaining a license from the department as required  
2 in sections 301.550 to 301.573. Any person who maintains or  
3 operates any business wherein a license is required pursuant to  
4 the provisions of sections 301.550 to 301.573, without such  
5 license, is guilty of a class A misdemeanor. Any person  
6 committing a second violation of sections 301.550 to 301.573  
7 shall be guilty of a class D felony.

8 2. All dealer licenses shall expire on December  
9 thirty-first of [each year] the designated license period. The  
10 department shall notify each person licensed under sections  
11 301.550 to 301.573 of the date of license expiration and the  
12 amount of the fee required for renewal. The notice shall be  
13 mailed at least ninety days before the date of license expiration  
14 to the licensee's last known business address. The director  
15 shall have the authority to issue licenses valid for a period of  
16 up to two years and to stagger the license periods for  
17 administrative efficiency and equalization of workload, at the  
18 sole discretion of the director.

19 3. Every manufacturer, boat manufacturer, motor vehicle  
20 dealer, wholesale motor vehicle dealer, wholesale motor vehicle  
21 auction, boat dealer or public motor vehicle auction shall make  
22 application to the department for issuance of a license. The  
23 application shall be on forms prescribed by the department and  
24 shall be issued under the terms and provisions of sections  
25 301.550 to 301.573 and require all applicants, as a condition  
26 precedent to the issuance of a license, to provide such  
27 information as the department may deem necessary to determine  
28 that the applicant is bona fide and of good moral character,  
29 except that every application for a license shall contain, in

1 addition to such information as the department may require, a  
2 statement to the following facts:

3 (1) The name and business address, not a post office box,  
4 of the applicant and the fictitious name, if any, under which he  
5 intends to conduct his business; and if the applicant be a  
6 partnership, the name and residence address of each partner, an  
7 indication of whether the partner is a limited or general partner  
8 and the name under which the partnership business is to be  
9 conducted. In the event that the applicant is a corporation, the  
10 application shall list the names of the principal officers of the  
11 corporation and the state in which it is incorporated. Each  
12 application shall be verified by the oath or affirmation of the  
13 applicant, if an individual, or in the event an applicant is a  
14 partnership or corporation, then by a partner or officer;

15 (2) Whether the application is being made for registration  
16 as a manufacturer, boat manufacturer, new motor vehicle franchise  
17 dealer, used motor vehicle dealer, wholesale motor vehicle  
18 dealer, boat dealer, wholesale motor vehicle auction or a public  
19 motor vehicle auction;

20 (3) When the application is for a new motor vehicle  
21 franchise dealer, the application shall be accompanied by a copy  
22 of the franchise agreement in the registered name of the  
23 dealership setting out the appointment of the applicant as a  
24 franchise holder and it shall be signed by the manufacturer, or  
25 his authorized agent, or the distributor, or his authorized  
26 agent, and shall include a description of the make of all motor  
27 vehicles covered by the franchise. The department shall not  
28 require a copy of the franchise agreement to be submitted with  
29 each renewal application unless the applicant is now the holder

1 of a franchise from a different manufacturer or distributor from  
2 that previously filed, or unless a new term of agreement has been  
3 entered into;

4 (4) When the application is for a public motor vehicle  
5 auction, that the public motor vehicle auction has met the  
6 requirements of section 301.561.

7 4. No insurance company, finance company, credit union,  
8 savings and loan association, bank or trust company shall be  
9 required to obtain a license from the department in order to sell  
10 any motor vehicle, trailer or vessel repossessed or purchased by  
11 the company on the basis of total destruction or theft thereof  
12 when the sale of the motor vehicle, trailer or vessel is in  
13 conformance with applicable title and registration laws of this  
14 state.

15 5. No person shall be issued a license to conduct a public  
16 motor vehicle auction or wholesale motor vehicle auction if such  
17 person has a violation of sections 301.550 to 301.573 or other  
18 violations of chapter 301, sections 407.511 to 407.556, or  
19 section 578.120 which resulted in a felony conviction or finding  
20 of guilt or a violation of any federal motor vehicle laws which  
21 resulted in a felony conviction or finding of guilt.

22 301.560. 1. In addition to the application forms  
23 prescribed by the department, each applicant shall submit the  
24 following to the department:

25 (1) Every application other than a renewal application for  
26 a motor vehicle franchise dealer shall include a certification  
27 that the applicant has a bona fide established place of business.  
28 Such application shall include an annual certification that the  
29 applicant has a bona fide established place of business for the

1 first three years and only for every other year thereafter. The  
2 certification shall be performed by a uniformed member of the  
3 Missouri state highway patrol or authorized or designated  
4 employee stationed in the troop area in which the applicant's  
5 place of business is located; except that in counties of the  
6 first classification, certification may be performed by an  
7 officer of a metropolitan police department when the applicant's  
8 established place of business of distributing or selling motor  
9 vehicles or trailers is in the metropolitan area where the  
10 certifying metropolitan police officer is employed. When the  
11 application is being made for licensure as a boat manufacturer or  
12 boat dealer, certification shall be performed by a uniformed  
13 member of the Missouri state water patrol stationed in the  
14 district area in which the applicant's place of business is  
15 located or by a uniformed member of the Missouri state highway  
16 patrol stationed in the troop area in which the applicant's place  
17 of business is located or, if the applicant's place of business  
18 is located within the jurisdiction of a metropolitan police  
19 department in a first class county, by an officer of such  
20 metropolitan police department. A bona fide established place of  
21 business for any new motor vehicle franchise dealer, used motor  
22 vehicle dealer, boat dealer, powersport dealer, wholesale motor  
23 vehicle dealer, trailer dealer, or wholesale or public auction  
24 shall be a permanent enclosed building or structure, either owned  
25 in fee or leased and actually occupied as a place of business by  
26 the applicant for the selling, bartering, trading, servicing, or  
27 exchanging of motor vehicles, boats, personal watercraft, or  
28 trailers and wherein the public may contact the owner or operator  
29 at any reasonable time, and wherein shall be kept and maintained

1 the books, records, files and other matters required and  
2 necessary to conduct the business. The applicant's place of  
3 business shall contain a working telephone which shall be  
4 maintained during the entire registration year. In order to  
5 qualify as a bona fide established place of business for all  
6 applicants licensed pursuant to this section there shall be an  
7 exterior sign displayed carrying the name of the business set  
8 forth in letters at least six inches in height and clearly  
9 visible to the public and there shall be an area or lot which  
10 shall not be a public street on which multiple vehicles, boats,  
11 personal watercraft, or trailers may be displayed. The sign  
12 shall contain the name of the dealership by which it is known to  
13 the public through advertising or otherwise, which need not be  
14 identical to the name appearing on the dealership's license so  
15 long as such name is registered as a fictitious name with the  
16 secretary of state, has been approved by its line-make  
17 manufacturer in writing in the case of a new motor vehicle  
18 franchise dealer and a copy of such fictitious name registration  
19 has been provided to the department. Dealers who sell only  
20 emergency vehicles as defined in section 301.550 are exempt from  
21 maintaining a bona fide place of business, including the related  
22 law enforcement certification requirements, and from meeting the  
23 minimum yearly sales;

24 (2) The initial application for licensure shall include a  
25 photograph, not to exceed eight inches by ten inches but no less  
26 than five inches by seven inches, showing the business building,  
27 lot, and sign. A new motor vehicle franchise dealer applicant  
28 who has purchased a currently licensed new motor vehicle  
29 franchised dealership shall be allowed to submit a photograph of

1 the existing dealership building, lot and sign but shall be  
2 required to submit a new photograph upon the installation of the  
3 new dealership sign as required by sections 301.550 to 301.573.  
4 Applicants shall not be required to submit a photograph annually  
5 unless the business has moved from its previously licensed  
6 location, or unless the name of the business or address has  
7 changed, or unless the class of business has changed;

8 (3) Every applicant as a new motor vehicle franchise  
9 dealer, a used motor vehicle dealer, a powersport dealer, a  
10 wholesale motor vehicle dealer, trailer dealer, or boat dealer  
11 shall furnish with the application a corporate surety bond or an  
12 irrevocable letter of credit as defined in section 400.5-103,  
13 issued by any state or federal financial institution in the penal  
14 sum of twenty-five thousand dollars on a form approved by the  
15 department. The bond or irrevocable letter of credit shall be  
16 conditioned upon the dealer complying with the provisions of the  
17 statutes applicable to new motor vehicle franchise dealers, used  
18 motor vehicle dealers, powersport dealers, wholesale motor  
19 vehicle dealers, trailer dealers, and boat dealers, and the bond  
20 shall be an indemnity for any loss sustained by reason of the  
21 acts of the person bonded when such acts constitute grounds for  
22 the suspension or revocation of the dealer's license. The bond  
23 shall be executed in the name of the state of Missouri for the  
24 benefit of all aggrieved parties or the irrevocable letter of  
25 credit shall name the state of Missouri as the beneficiary;  
26 except, that the aggregate liability of the surety or financial  
27 institution to the aggrieved parties shall, in no event, exceed  
28 the amount of the bond or irrevocable letter of credit. The  
29 proceeds of the bond or irrevocable letter of credit shall be

1 paid upon receipt by the department of a final judgment from a  
2 Missouri court of competent jurisdiction against the principal  
3 and in favor of an aggrieved party. Additionally, every  
4 applicant as a new motor vehicle franchise dealer, a used motor  
5 vehicle dealer, a powersport dealer, a wholesale motor vehicle  
6 dealer, or boat dealer shall furnish with the application a copy  
7 of a current dealer garage policy bearing the policy number and  
8 name of the insurer and the insured;

9 (4) Payment of all necessary license fees as established by  
10 the department. In establishing the amount of the annual license  
11 fees, the department shall, as near as possible, produce  
12 sufficient total income to offset operational expenses of the  
13 department relating to the administration of sections 301.550 to  
14 301.573. All fees payable pursuant to the provisions of sections  
15 301.550 to 301.573, other than those fees collected for the  
16 issuance of dealer plates or certificates of number collected  
17 pursuant to subsection 6 of this section, shall be collected by  
18 the department for deposit in the state treasury to the credit of  
19 the "Motor Vehicle Commission Fund", which is hereby created.  
20 The motor vehicle commission fund shall be administered by the  
21 Missouri department of revenue. The provisions of section 33.080  
22 to the contrary notwithstanding, money in such fund shall not be  
23 transferred and placed to the credit of the general revenue fund  
24 until the amount in the motor vehicle commission fund at the end  
25 of the biennium exceeds two times the amount of the appropriation  
26 from such fund for the preceding fiscal year or, if the  
27 department requires permit renewal less frequently than yearly,  
28 then three times the appropriation from such fund for the  
29 preceding fiscal year. The amount, if any, in the fund which

1 shall lapse is that amount in the fund which exceeds the multiple  
2 of the appropriation from such fund for the preceding fiscal  
3 year;

4 (5) Notwithstanding any provision of this chapter or any  
5 rule promulgated by the department to the contrary, a wholesale  
6 motor vehicle dealer that maintains an inventory of historic and  
7 non-historic motor vehicles in one licensed location, none of  
8 which are encumbered by a security interest, with an insured  
9 value in excess of ten million dollars, and sells or offers to  
10 sell motor vehicles primarily through public motor vehicle  
11 auctions or wholesale motor vehicle auctions licensed pursuant to  
12 chapter 343 shall be exempt from:

13 (a) Maintaining the books, records, files, and other  
14 matters required and necessary to conduct the business at the  
15 licensed place of business, as long as such books, records,  
16 files, and other matters required and necessary to conduct  
17 business are maintained and available for inspection by the  
18 department or any law enforcement officer at an office of the  
19 dealer in this state that is identified on the application to the  
20 department; and

21 (b) Maintaining or posting minimum hours of operation.

22 As used in this subdivision, "primarily" means ninety percent or  
23 more of the dealer's sales by dollar amount, in each calendar  
24 year, are through public motor vehicle auctions or wholesale  
25 motor vehicle auctions;

26 (6) Notwithstanding any provision of this chapter or any  
27 rule promulgated by the department to the contrary, a new motor  
28 vehicle franchise dealer shall be exempt from maintaining the

1 books, records, files, and other matters required and necessary  
2 to conduct the business at the licensed place of business, as  
3 long as such books, records, files, and other matters required  
4 and necessary to conduct business are maintained and available  
5 for inspection by the department or any law enforcement officer,  
6 at an office of the dealer in this state that is identified on  
7 the application to the department.

8         2. In the event a new vehicle manufacturer, boat  
9 manufacturer, motor vehicle dealer, wholesale motor vehicle  
10 dealer, boat dealer, powersport dealer, wholesale motor vehicle  
11 auction, trailer dealer, or a public motor vehicle auction  
12 submits an application for a license for a new business and the  
13 applicant has complied with all the provisions of this section,  
14 the department shall make a decision to grant or deny the license  
15 to the applicant within eight working hours after receipt of the  
16 dealer's application, notwithstanding any rule of the department.

17         3. Upon the initial issuance of a license by the  
18 department, the department shall assign a distinctive dealer  
19 license number or certificate of number to the applicant and the  
20 department shall issue one number plate or certificate bearing  
21 the distinctive dealer license number or certificate of number  
22 and two additional number plates or certificates of number within  
23 eight working hours after presentment of the application. Upon  
24 renewal, the department shall issue the distinctive dealer  
25 license number or certificate of number as quickly as possible.  
26 The issuance of such distinctive dealer license number or  
27 certificate of number shall be in lieu of registering each motor  
28 vehicle, trailer, vessel or vessel trailer dealt with by a boat  
29 dealer, boat manufacturer, manufacturer, public motor vehicle

1 auction, wholesale motor vehicle dealer, wholesale motor vehicle  
2 auction or new or used motor vehicle dealer.

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

6 New motor vehicle franchise  
7 dealers ..... D-0 through D-999

8 New powersport dealers and  
9 motorcycle franchise  
10 dealers ..... D-1000 through D-1999

11 Used motor vehicle, used  
12 powersport, and used  
13 motorcycle dealers ..... D-2000 through D-9999

14 Wholesale motor vehicle  
15 dealers ..... W-0 through W-1999

16 Wholesale motor vehicle  
17 auctions ..... WA-0 through WA-999

18 New and used trailer  
19 dealers. .... T-0 through T-9999

20 Motor vehicle, trailer, and boat  
21 manufacturers ..... DM-0 through DM-999

22 Public motor vehicle  
23 auctions ..... A-0 through A-1999

24 Boat dealers ..... M-0 through M-9999

25 New and used recreational motor  
26 vehicle dealers ..... RV-0 through RV-999

27 For purposes of this subsection, qualified transactions shall  
28 include the purchase of salvage titled vehicles by a licensed  
29 salvage dealer. A used motor vehicle dealer who also holds a

1 salvage dealer's license shall be allowed one additional plate or  
2 ~~certificate number per fifty-unit qualified transactions~~  
3 annually. In order for salvage dealers to obtain number plates  
4 or certificates under this section, dealers shall submit to the  
5 department of revenue on August first of each year a statement  
6 certifying, under penalty of perjury, the dealer's number of  
7 purchases during the reporting period of July first of the  
8 immediately preceding year to June thirtieth of the present year.  
9 The provisions of this subsection shall become effective on the  
10 date the director of the department of revenue begins to reissue  
11 new license plates under section 301.130, or on December 1, 2008,  
12 whichever occurs first. If the director of revenue begins  
13 reissuing new license plates under the authority granted under  
14 section 301.130 prior to December 1, 2008, the director of the  
15 department of revenue shall notify the revisor of statutes of  
16 such fact.

17 5. Upon the sale of a currently licensed new motor vehicle  
18 franchise dealership the department shall, upon request,  
19 authorize the new approved dealer applicant to retain the selling  
20 dealer's license number and shall cause the new dealer's records  
21 to indicate such transfer.

22 6. In the case of new motor vehicle manufacturers, motor  
23 vehicle dealers, powersport dealers, recreational motor vehicle  
24 dealers, and trailer dealers, the department shall issue one  
25 number plate bearing the distinctive dealer license number and  
26 may issue two additional number plates to the applicant upon  
27 payment by the manufacturer or dealer of a fifty dollar fee for  
28 the number plate bearing the distinctive dealer license number  
29 and ten dollars and fifty cents for each additional number plate.

1 Such license plates shall be made with fully reflective material  
2 with a common color scheme and design, shall be clearly visible  
3 at night, and shall be aesthetically attractive, as prescribed by  
4 section 301.130. Boat dealers and boat manufacturers shall be  
5 entitled to one certificate of number bearing such number upon  
6 the payment of a fifty dollar fee. Additional number plates and  
7 as many additional certificates of number may be obtained upon  
8 payment of a fee of ten dollars and fifty cents for each  
9 additional plate or certificate. New motor vehicle manufacturers  
10 shall not be issued or possess more than three hundred  
11 forty-seven additional number plates or certificates of number  
12 annually. New and used motor vehicle dealers, powersport  
13 dealers, wholesale motor vehicle dealers, boat dealers, and  
14 trailer dealers are limited to one additional plate or  
15 certificate of number per ten-unit qualified transactions  
16 annually. New and used recreational motor vehicle dealers are  
17 limited to two additional plates or certificate of number per  
18 ten-unit qualified transactions annually for their first fifty  
19 transactions and one additional plate or certificate of number  
20 per ten-unit qualified transactions thereafter. An applicant  
21 seeking the issuance of an initial license shall indicate on his  
22 or her initial application the applicant's proposed annual number  
23 of sales in order for the director to issue the appropriate  
24 number of additional plates or certificates of number. A motor  
25 vehicle dealer, trailer dealer, boat dealer, powersport dealer,  
26 recreational motor vehicle dealer, motor vehicle manufacturer,  
27 boat manufacturer, or wholesale motor vehicle dealer obtaining a  
28 distinctive dealer license plate or certificate of number or  
29 additional license plate or additional certificate of number,

1 throughout the calendar year, shall be required to pay a fee for  
2 such license plates or certificates of number computed on the  
3 basis of one-twelfth of the full fee prescribed for the original  
4 and duplicate number plates or certificates of number for such  
5 dealers' licenses, multiplied by the number of months remaining  
6 in the licensing period for which the dealer or manufacturers  
7 shall be required to be licensed. In the event of a renewing  
8 dealer, the fee due at the time of renewal shall not be prorated.  
9 Wholesale and public auctions shall be issued a certificate of  
10 dealer registration in lieu of a dealer number plate. In order  
11 for dealers to obtain number plates or certificates under this  
12 section, dealers shall submit to the department of revenue on  
13 August first of each year a statement certifying, under penalty  
14 of perjury, the dealer's number of sales during the reporting  
15 period of July first of the immediately preceding year to June  
16 thirtieth of the present year.

17 7. The plates issued pursuant to subsection 3 or 6 of this  
18 section may be displayed on any motor vehicle owned by a new  
19 motor vehicle manufacturer. The plates issued pursuant to  
20 subsection 3 or 6 of this section may be displayed on any motor  
21 vehicle or trailer owned and held for resale by a motor vehicle  
22 dealer for use by a customer who is test driving the motor  
23 vehicle, for use and display purposes during, but not limited to,  
24 parades, private events, charitable events, or for use by an  
25 employee or officer, but shall not be displayed on any motor  
26 vehicle or trailer hired or loaned to others or upon any  
27 regularly used service or wrecker vehicle. Motor vehicle dealers  
28 may display their dealer plates on a tractor, truck or trailer to  
29 demonstrate a vehicle under a loaded condition. Trailer dealers

1 may display their dealer license plates in like manner, except  
2 such plates may only be displayed on trailers owned and held for  
3 resale by the trailer dealer.

4 8. The certificates of number issued pursuant to subsection  
5 3 or 6 of this section may be displayed on any vessel or vessel  
6 trailer owned and held for resale by a boat manufacturer or a  
7 boat dealer, and used by a customer who is test driving the  
8 vessel or vessel trailer, or is used by an employee or officer on  
9 a vessel or vessel trailer only, but shall not be displayed on  
10 any motor vehicle owned by a boat manufacturer, boat dealer, or  
11 trailer dealer, or vessel or vessel trailer hired or loaned to  
12 others or upon any regularly used service vessel or vessel  
13 trailer. Boat dealers and boat manufacturers may display their  
14 certificate of number on a vessel or vessel trailer when  
15 transporting a vessel or vessels to an exhibit or show.

16 9. (1) Every application for the issuance of a used motor  
17 vehicle dealer's license shall be accompanied by proof that the  
18 applicant, within the last twelve months, has completed an  
19 educational seminar course approved by the department as  
20 prescribed by subdivision (2) of this subsection. Wholesale and  
21 public auto auctions and applicants currently holding a new or  
22 used license for a separate dealership shall be exempt from the  
23 requirements of this subsection. The provisions of this  
24 subsection shall not apply to current new motor vehicle franchise  
25 dealers or motor vehicle leasing agencies or applicants for a new  
26 motor vehicle franchise or a motor vehicle leasing agency. The  
27 provisions of this subsection shall not apply to used motor  
28 vehicle dealers who were licensed prior to August 28, 2006.

29 (2) The educational seminar shall include, but is not

1 limited to, the dealer requirements of sections 301.550 to  
2 301.573, the rules promulgated to implement, enforce, and  
3 administer sections 301.550 to 301.570, and any other rules and  
4 regulations promulgated by the department.

5 301.562. 1. The department may refuse to issue or renew  
6 any license required pursuant to sections 301.550 to 301.573 for  
7 any one or any combination of causes stated in subsection 2 of  
8 this section. The department shall notify the applicant or  
9 licensee in writing at his or her last known address of the  
10 reasons for the refusal to issue or renew the license and shall  
11 advise the applicant or licensee of his or her right to file a  
12 complaint with the administrative hearing commission as provided  
13 by chapter 621.

14 2. The department may cause a complaint to be filed with  
15 the administrative hearing commission as provided by chapter 621  
16 against any holder of any license issued under sections 301.550  
17 to 301.573 for any one or any combination of the following  
18 causes:

19 (1) The applicant or license holder was previously the  
20 holder of a license issued under sections 301.550 to 301.573,  
21 which license was revoked for cause and never reissued by the  
22 department, or which license was suspended for cause and the  
23 terms of suspension have not been fulfilled;

24 (2) The applicant or license holder was previously a  
25 partner, stockholder, director or officer controlling or managing  
26 a partnership or corporation whose license issued under sections  
27 301.550 to 301.573 was revoked for cause and never reissued or  
28 was suspended for cause and the terms of suspension have not been  
29 fulfilled;

1           (3) The applicant or license holder has, within ten years  
2 prior to the date of the application, been finally adjudicated  
3 and found guilty, or entered a plea of guilty or nolo contendere,  
4 in a prosecution under the laws of any state or of the United  
5 States, for any offense reasonably related to the qualifications,  
6 functions, or duties of any business licensed under sections  
7 301.550 to 301.573; for any offense, an essential element of  
8 which is fraud, dishonesty, or an act of violence; or for any  
9 offense involving moral turpitude, whether or not sentence is  
10 imposed;

11           (4) Use of fraud, deception, misrepresentation, or bribery  
12 in securing any license issued pursuant to sections 301.550 to  
13 301.573;

14           (5) Obtaining or attempting to obtain any money,  
15 commission, fee, barter, exchange, or other compensation by  
16 fraud, deception, or misrepresentation;

17           (6) Violation of, or assisting or enabling any person to  
18 violate any provisions of this chapter and chapters 143, 144,  
19 306, 307, 407, 578, and 643 or of any lawful rule or regulation  
20 adopted pursuant to this chapter and chapters 143, 144, 306, 307,  
21 407, 578, and 643;

22           (7) The applicant or license holder has filed an  
23 application for a license which, as of its effective date, was  
24 incomplete in any material respect or contained any statement  
25 which was, in light of the circumstances under which it was made,  
26 false or misleading with respect to any material fact;

27           (8) The applicant or license holder has failed to pay the  
28 proper application or license fee or other fees required pursuant  
29 to this chapter or chapter 306 or fails to establish or maintain

1 a bona fide place of business;

2 ~~(9) Uses or permits the use of any special license or~~  
3 license plate assigned to the license holder for any purpose  
4 other than those permitted by law;

5 (10) The applicant or license holder is finally adjudged  
6 insane or incompetent by a court of competent jurisdiction;

7 (11) Use of any advertisement or solicitation which is  
8 false;

9 (12) Violations of sections 407.511 to 407.556, section  
10 578.120, which resulted in a conviction or finding of guilt or  
11 violation of any federal motor vehicle laws which result in a  
12 conviction or finding of guilt.

13 3. Any such complaint shall be filed within one year of the  
14 date upon which the department receives notice of an alleged  
15 violation of an applicable statute or regulation. After the  
16 filing of such complaint, the proceedings shall, except for the  
17 matters set forth in subsection 5 of this section, be conducted  
18 in accordance with the provisions of chapter 621. Upon a finding  
19 by the administrative hearing commission that the grounds,  
20 provided in subsection 2 of this section, for disciplinary action  
21 are met, the department may, singly or in combination, refuse to  
22 issue the person a license, issue a license for a period of less  
23 than two years, issue a private reprimand, place the person on  
24 probation on such terms and conditions as the department deems  
25 appropriate for a period of one day to five years, suspend the  
26 person's license from one day to six days, or revoke the person's  
27 license for such period as the department deems appropriate. The  
28 applicant or licensee shall have the right to appeal the decision  
29 of the administrative hearing commission and department in the

1 manner provided in chapter 536.

2 4. Upon the suspension or revocation of any person's  
3 license issued under sections 301.550 to 301.573, the department  
4 shall recall any distinctive number plates that were issued to  
5 that licensee. If any licensee who has been suspended or revoked  
6 shall neglect or refuse to surrender his or her license or  
7 distinctive number license plates issued under sections 301.550  
8 to 301.580, the director shall direct any agent or employee of  
9 the department or any law enforcement officer, to secure  
10 possession thereof and return such items to the director. For  
11 purposes of this subsection, a "law enforcement officer" means  
12 any member of the highway patrol or water patrol, any sheriff or  
13 deputy sheriff, or any peace officer certified under chapter 590  
14 acting in his or her official capacity. Failure of the licensee  
15 to surrender his or her license or distinctive number license  
16 plates upon demand by the director, any agent or employee of the  
17 department, or any law enforcement officer shall be a class A  
18 misdemeanor.

19 5. Notwithstanding the foregoing provisions of this  
20 section, the following events or acts by the holder of any  
21 license issued under sections 301.550 to 301.580 are deemed to  
22 present a clear and present danger to the public welfare and  
23 shall be considered cause for suspension or revocation of such  
24 license under the procedure set forth in subsection 6 of this  
25 section, at the discretion of the director:

26 (1) The expiration or revocation of any corporate surety  
27 bond or irrevocable letter of credit, as required by section  
28 301.560, without submission of a replacement bond or letter of  
29 credit which provides coverage for the entire period of

1 licensure;

2 (2) The failure to maintain a bona fide established place  
3 of business as required by section 301.560;

4 (3) Criminal convictions as set forth in subdivision (3) of  
5 subsection 2 of section 301.562; or

6 (4) Three or more occurrences of violations, which have  
7 been established following proceedings before the administrative  
8 hearing commission under subsection 3 of this section, or which  
9 have been established following proceedings before the director  
10 under subsection 6 of this section, of this chapter and chapters  
11 143, 144, 306, 307, 578, and 643 or of any lawful rule or  
12 regulation adopted under this chapter and chapters 143, 144, 306,  
13 307, 578, and 643, not previously set forth herein.

14 6. (1) Any license issued under sections 301.550 to  
15 301.580 shall be suspended or revoked, following an evidentiary  
16 hearing before the director or his or her designated hearing  
17 officer, if affidavits or sworn testimony by an authorized agent  
18 of the department alleges the occurrence of any of the events or  
19 acts described in subsection 5 of this section.

20 (2) For any license which the department believes may be  
21 subject to suspension or revocation under this subsection, the  
22 director shall immediately issue a notice of hearing to the  
23 licensee of record. The director's notice of hearing:

24 (a) Shall be served upon the licensee personally or by  
25 first class mail to the dealer's last known address, as  
26 registered with the director;

27 (b) Shall be based on affidavits or sworn testimony  
28 presented to the director, and shall notify the licensee that  
29 such information presented therein constitutes cause to suspend

1 or revoke the licensee's license;

2 (c) Shall provide the licensee with a minimum of ten days'  
3 notice prior to hearing;

4 (d) Shall specify the events or acts which may provide  
5 cause for suspension or revocation of the license, and shall  
6 include with the notice a copy of all affidavits, sworn testimony  
7 or other information presented to the director which support  
8 discipline of the license; and

9 (e) Shall inform the licensee that he or she has the right  
10 to attend the hearing and present any evidence in his or her  
11 defense, including evidence to show that the event or act which  
12 may result in suspension or revocation has been corrected to the  
13 director's satisfaction, and that he or she may be represented by  
14 counsel at the hearing.

15 (3) At any hearing before the director conducted under this  
16 subsection, the director or his or her designated hearing officer  
17 shall consider all evidence relevant to the issue of whether the  
18 license should be suspended or revoked due to the occurrence of  
19 any of the acts set forth in subsection 5 herein. Within twenty  
20 business days after such hearing, the director or his or her  
21 designated hearing officer shall issue a written order, with  
22 findings of fact and conclusions of law, which either grants or  
23 denies the issuance of an order of suspension or revocation. The  
24 suspension or revocation shall be effective ten days after the  
25 date of the order. The written order of the director or his or  
26 her hearing officer shall be the final decision of the director  
27 and shall be subject to judicial review under the provisions of  
28 chapter 536.

29 (4) Notwithstanding the provisions of this chapter or

1 chapter 610 or 621, to the contrary, the proceedings under this  
2 section shall be closed and no order shall be made public until  
3 it is final, for purposes of appeal.

4 301.3084. 1. Any person may receive special license plates  
5 as prescribed by this section, for any motor vehicle such person  
6 owns, either solely or jointly, other than an apportioned motor  
7 vehicle or a commercial motor vehicle licensed in excess of  
8 eighteen thousand pounds gross weight[, after an annual  
9 contribution of an emblem-use authorization fee to the Friends of  
10 the Missouri Women's Council. Any contribution to the Friends of  
11 the Missouri Women's Council pursuant to this section, except  
12 reasonable administrative costs, shall be designated for the sole  
13 purpose of providing breast cancer services, including but not  
14 limited to screening, treatment, staging, and follow-up services.  
15 The Friends of the Missouri Women's Council hereby authorizes the  
16 use of its official emblem to be affixed on multiyear  
17 personalized license plates as provided in this section. Any  
18 person may annually apply for the use of the emblem]. Upon  
19 making a twenty-five dollar annual contribution to the breast  
20 cancer awareness fund, established in this section, the vehicle  
21 owner may apply for a "Breast Cancer Awareness" license plate.  
22 If the contribution is made directly to the state treasurer, the  
23 state treasurer shall issue the individual making the  
24 contribution a receipt, verifying the contribution, that may be  
25 used to apply for the "Breast Cancer Awareness" license plate.  
26 If the contribution is made directly to the director of revenue,  
27 the director shall note the contribution and the owner may then  
28 apply for the "Breast Cancer Awareness" plate. The applicant for  
29 such plate must pay a fifteen dollar fee in addition to the

1 regular registration fees and present any other documentation  
2 required by law for each set of "Breast Cancer Awareness" plates  
3 issued pursuant to this section. Notwithstanding the provisions  
4 of section 301.144, no additional fee shall be charged for the  
5 personalization of license plates issued pursuant to this  
6 section.

7       2. [Upon annual application and payment of a twenty-five  
8 dollar emblem-use contribution to the Friends of the Missouri  
9 Women's Council, the organization shall issue to the vehicle  
10 owner, without further charge, an emblem-use authorization  
11 statement, which shall be presented by the owner to the  
12 department of revenue at the time of registration of a motor  
13 vehicle. Upon presentation of the annual statement, payment of a  
14 fifteen dollar fee in addition to the registration fee and  
15 documents which may be required by law, the department of revenue  
16 shall issue to the vehicle owner a personalized] The "Breast  
17 Cancer Awareness" license plate [which] shall bear a graphic  
18 design depicting the breast cancer awareness pink ribbon symbol  
19 [with the words "Breast Cancer Awareness" forming an oval around  
20 the symbol,] and shall bear the words ["MISSOURI WOMEN'S  
21 COUNCIL"] "BREAST CANCER AWARENESS" in place of the words  
22 "SHOW-ME STATE". Such license plates shall be made with fully  
23 reflective material with a common color scheme and design, shall  
24 be clearly visible at night, and shall be aesthetically  
25 attractive, as prescribed by section 301.130. Notwithstanding the  
26 provisions of section 301.144, no additional fee shall be charged  
27 for the personalization of license plates pursuant to this  
28 section.

1           3. A vehicle owner, who was previously issued a plate with  
2 a breast cancer awareness emblem authorized by this section but  
3 who does not provide an emblem-use authorization statement at a  
4 subsequent time of registration, shall be issued a new plate  
5 which does not bear the emblem, as otherwise provided by law.  
6 The director of revenue shall make necessary rules and  
7 regulations for the administration of this section, and shall  
8 design all necessary forms required by this section. No rule or  
9 portion of a rule promulgated pursuant to the authority of this  
10 section shall become effective unless it has been promulgated  
11 pursuant to the provisions of chapter 536.

12           4. There is hereby created in the state treasury the  
13 "Breast Cancer Awareness Fund" which shall consist of all gifts,  
14 donations, transfers, and moneys appropriated by the general  
15 assembly, and bequests to the fund. The fund shall be  
16 administered by the department of health and senior services.

17           5. The state treasurer or the director of revenue shall  
18 deposit the twenty-five dollar annual contribution in the breast  
19 cancer awareness fund. Funds deposited pursuant to subsection 1  
20 of this section shall be used to support breast cancer awareness  
21 activities conducted by the department of health and senior  
22 services.

23           6. The state treasurer shall be custodian of the fund and  
24 may approve disbursements from the fund in accordance with  
25 sections 30.170 and 30.180. Notwithstanding the provisions of  
26 section 33.080, to the contrary, any moneys remaining in the fund  
27 at the end of the biennium shall not revert to the credit of the  
28 general revenue fund. The state treasurer shall invest moneys in  
29 the fund in the same manner as other funds are invested. Any

1 interest and moneys earned on such investments shall be credited  
2 to the fund.

3 301.4036. 1. Notwithstanding any other provision of law,  
4 any member of the National Wild Turkey Federation, after an  
5 annual payment of an emblem-use fee to the National Wild Turkey  
6 Federation, may receive personalized specialty license plates for  
7 any vehicle the member owns, either solely or jointly, other than  
8 an apportioned motor vehicle or a commercial motor vehicle  
9 licensed in excess of eighteen thousand pounds gross weight. The  
10 National Wild Turkey Federation hereby authorizes the use of its  
11 official emblem to be affixed on multiyear personalized specialty  
12 license plates as provided in this section. Any contribution to  
13 the National Wild Turkey Federation derived from this section,  
14 except reasonable administrative costs, shall be used solely for  
15 the purposes of the National Wild Turkey Federation. Any member  
16 of the National Wild Turkey Federation may annually apply for the  
17 use of the emblem.

18 2. Upon annual application and payment of a fifteen dollar  
19 emblem-use contribution to the National Wild Turkey Federation,  
20 the National Wild Turkey Federation shall issue to the vehicle  
21 owner, without further charge, an emblem-use authorization  
22 statement, which shall be presented by the vehicle owner to the  
23 director of revenue at the time of registration. Upon  
24 presentation of the annual emblem-use authorization statement and  
25 payment of a fifteen-dollar fee in addition to the regular  
26 registration fees, and presentation of any documents which may be  
27 required by law, the director of revenue shall issue to the  
28 vehicle owner a personalized specialty license plate which shall  
29 bear the emblem of the National Wild Turkey Federation. Such

1 license plates shall be made with fully reflective material with  
2 a common color scheme and design, shall be clearly visible at  
3 night, and shall be aesthetically attractive, and prescribed by  
4 section 301.130. In addition, upon each set of license plates  
5 shall be inscribed, in lieu of the words "SHOW-ME STATE", the  
6 words "National Wild Turkey Federation". Notwithstanding the  
7 provisions of section 301.144, no additional fee shall be charged  
8 for the personalized specialty plates issued under this section.

9 3. A vehicle owner who was previously issued a plate with  
10 the National Wild Turkey Federation's emblem authorized by this  
11 section, but who does not provide an emblem-use authorization  
12 statement at a subsequent time of registration, shall be issued a  
13 new plate which does not bear the National Wild Turkey  
14 Federation's emblem, as otherwise provided by law. The director  
15 of revenue shall make necessary rules and regulations for the  
16 enforcement of this section, and shall design all necessary forms  
17 required by this section.

18 4. Prior to the issuance of a National Wild Turkey  
19 Federation specialty plate authorized under this section, the  
20 department of revenue must be in receipt of an application, as  
21 prescribed by the director, which shall be accompanied by a list  
22 of at least two hundred potential applicants who plan to purchase  
23 the specialty plate, the proposed art design for the specialty  
24 license plate, and an application fee, not to exceed five  
25 thousand dollars, to defray the department's cost for issuing,  
26 developing, and programming the implementation of the specialty  
27 plate. Once the plate design is approved, the director of  
28 revenue shall not authorize the manufacture of the material to  
29 produce such personalized specialty license plates with the

1 individual seal, logo, or emblem until such time as the director  
2 has received two hundred applications, the fifteen dollar  
3 specialty plate fee per application, and emblem-use statements,  
4 if applicable, and other required documents or fees for such  
5 plates.

6 302.302. 1. The director of revenue shall put into effect  
7 a point system for the suspension and revocation of licenses.  
8 Points shall be assessed only after a conviction or forfeiture of  
9 collateral. The initial point value is as follows:

10 (1) Any moving violation of a state  
11 law or county or municipal or federal traffic  
12 ordinance or regulation not listed in this  
13 section, other than a violation of vehicle  
14 equipment provisions or a court-ordered  
15 supervision as provided in section 302.303..... 2 points  
16 (except any violation of municipal stop sign  
17 ordinance where no accident is involved..... 1 point)

18 (2) Speeding  
19 In violation of a state law..... 3 points  
20 In violation of a county or municipal  
21 ordinance..... 2 points

22 (3) Leaving the scene of an accident  
23 in violation of section 577.060..... 12 points  
24 In violation of any county or  
25 municipal ordinance..... 6 points

26 (4) Careless and imprudent driving  
27 in violation of subsection 4 of section 304.016 ..... 4 points  
28 In violation of a county or  
29 municipal ordinance..... 2 points

1           (5) Operating without a valid license  
2 in violation of subdivision (1) or (2) of  
3 subsection 1 of section 302.020:  
4           (a) For the first conviction..... 2 points  
5           (b) For the second conviction..... 4 points  
6           (c) For the third conviction..... 6 points  
7           (6) Operating with a suspended or  
8 revoked license prior to restoration of  
9 operating privileges..... 12 points  
10           (7) Obtaining a license by  
11 misrepresentation..... 12 points  
12           (8) For the first conviction of driving  
13 while in an intoxicated condition or  
14 under the influence of controlled  
15 substances or drugs..... 8 points  
16           (9) For the second or subsequent  
17 conviction of any of the following  
18 offenses however combined:  
19 driving while in an intoxicated  
20 condition, driving under the  
21 influence of controlled substances  
22 or drugs or driving with a blood  
23 alcohol content of eight-hundredths  
24 of one percent or more by weight..... 12 points  
25           (10) For the first conviction  
26 for driving with blood alcohol  
27 content eight-hundredths of one  
28 percent or more by weight  
29 In violation of state law..... 8 points

1 In violation of a county or  
2 municipal ordinance or federal  
3 law or regulation..... 8 points

4 (11) Any felony involving the  
5 use of a motor vehicle..... 12 points

6 (12) Knowingly permitting  
7 unlicensed operator to operate a  
8 motor vehicle..... 4 points

9 (13) For a conviction for failure  
10 to maintain financial responsibility  
11 pursuant to county or municipal  
12 ordinance or pursuant to section 303.025 ..... 4 points

13 (14) Endangerment of a highway  
14 worker in violation of section 304.585 ..... 4 points

15 (15) Aggravated endangerment of  
16 a highway worker in violation of  
17 section 304.585..... 12 points

18 (16) For a conviction of violating  
19 a municipal ordinance that prohibits  
20 tow truck operators from stopping  
21 at or proceeding to the scene of an  
22 accident unless they have been  
23 requested to stop or proceed to  
24 such scene by a party involved in  
25 such accident or by an officer of a  
26 public safety agency..... 4 points

27 (17) Endangerment of an emergency  
28 responder in violation of section 304.894 ..... 4 points

29 (18) Aggravated endangerment of

1 an emergency responder in violation of  
2 section 304.894..... 12 points

3       2. The director shall, as provided in subdivision (5) of  
4 subsection 1 of this section, assess an operator points for a  
5 conviction pursuant to subdivision (1) or (2) of subsection 1 of  
6 section 302.020, when the director issues such operator a license  
7 or permit pursuant to the provisions of sections 302.010 to  
8 302.340.

9       3. An additional two points shall be assessed when personal  
10 injury or property damage results from any violation listed in  
11 subdivisions (1) to (13) of subsection 1 of this section and if  
12 found to be warranted and certified by the reporting court.

13       4. When any of the acts listed in subdivision (2), (3), (4)  
14 or (8) of subsection 1 of this section constitutes both a  
15 violation of a state law and a violation of a county or municipal  
16 ordinance, points may be assessed for either violation but not  
17 for both. Notwithstanding that an offense arising out of the  
18 same occurrence could be construed to be a violation of  
19 subdivisions (8), (9) and (10) of subsection 1 of this section,  
20 no person shall be tried or convicted for more than one offense  
21 pursuant to subdivisions (8), (9) and (10) of subsection 1 of  
22 this section for offenses arising out of the same occurrence.

23       5. The director of revenue shall put into effect a system  
24 for staying the assessment of points against an operator. The  
25 system shall provide that the satisfactory completion of a  
26 driver-improvement program or, in the case of violations  
27 committed while operating a motorcycle, a motorcycle-rider  
28 training course approved by the state highways and transportation  
29 commission, by an operator, when so ordered and verified by any

1 court having jurisdiction over any law of this state or county or  
2 municipal ordinance, regulating motor vehicles, other than a  
3 violation committed in a commercial motor vehicle as defined in  
4 section 302.700 or a violation committed by an individual who has  
5 been issued a commercial driver's license or is required to  
6 obtain a commercial driver's license in this state or any other  
7 state, shall be accepted by the director in lieu of the  
8 assessment of points for a violation pursuant to subdivision (1),  
9 (2) or (4) of subsection 1 of this section or pursuant to  
10 subsection 3 of this section. A court using a centralized  
11 violation bureau established under section 476.385 may elect to  
12 have the bureau order and verify completion of a  
13 driver-improvement program or motorcycle-rider training course as  
14 prescribed by order of the court. For the purposes of this  
15 subsection, the driver-improvement program shall meet or exceed  
16 the standards of the National Safety Council's eight-hour  
17 "Defensive Driving Course" or, in the case of a violation which  
18 occurred during the operation of a motorcycle, the program shall  
19 meet the standards established by the state highways and  
20 transportation commission pursuant to sections 302.133 to  
21 302.137. The completion of a driver-improvement program or a  
22 motorcycle-rider training course shall not be accepted in lieu of  
23 points more than one time in any thirty-six-month period and  
24 shall be completed within sixty days of the date of conviction in  
25 order to be accepted in lieu of the assessment of points. Every  
26 court having jurisdiction pursuant to the provisions of this  
27 subsection shall, within fifteen days after completion of the  
28 driver-improvement program or motorcycle-rider training course by  
29 an operator, forward a record of the completion to the director,

1 all other provisions of the law to the contrary notwithstanding.  
2 The director shall establish procedures for record keeping and  
3 the administration of this subsection.

4 302.309. 1. Whenever any license is suspended pursuant to  
5 sections 302.302 to 302.309, the director of revenue shall return  
6 the license to the operator immediately upon the termination of  
7 the period of suspension and upon compliance with the  
8 requirements of chapter 303.

9 2. Any operator whose license is revoked pursuant to these  
10 sections, upon the termination of the period of revocation, shall  
11 apply for a new license in the manner prescribed by law.

12 3. (1) All circuit courts, the director of revenue, or a  
13 commissioner operating under section 478.007 shall have  
14 jurisdiction to hear applications and make eligibility  
15 determinations granting limited driving privileges. Any  
16 application may be made in writing to the director of revenue and  
17 the person's reasons for requesting the limited driving privilege  
18 shall be made therein.

19 (2) When any court of record having jurisdiction or the  
20 director of revenue finds that an operator is required to operate  
21 a motor vehicle in connection with any of the following:

22 (a) [A business, occupation, or] Driving to or from the  
23 operator's places of employment;

24 (b) [Seeking medical treatment for such operator;

25 (c)] Attending school or other institution of higher  
26 education;

27 [(d)] (c) Attending alcohol or drug treatment programs; or

28 [(e)] (d) Seeking the required services of a certified

1 ignition interlock device provider; [or  
2 (f) Any other circumstance the court or director finds  
3 would create an undue hardship on the operator;] the court or  
4 director may grant such limited driving privilege as the  
5 circumstances of the case justify if the court or director finds  
6 undue hardship would result to the individual, and while so  
7 operating a motor vehicle within the restrictions and limitations  
8 of the limited driving privilege the driver shall not be guilty  
9 of operating a motor vehicle without a valid license.

10 (3) An operator may make application to the proper court in  
11 the county in which such operator resides or in the county in  
12 which is located the operator's principal place of business or  
13 employment. Any application for a limited driving privilege made  
14 to a circuit court shall name the director as a party defendant  
15 and shall be served upon the director prior to the grant of any  
16 limited privilege, and shall be accompanied by a copy of the  
17 applicant's driving record as certified by the director. Any  
18 applicant for a limited driving privilege shall have on file with  
19 the department of revenue proof of financial responsibility as  
20 required by chapter 303. Any application by a person who  
21 transports persons or property as classified in section 302.015  
22 may be accompanied by proof of financial responsibility as  
23 required by chapter 303, but if proof of financial responsibility  
24 does not accompany the application, or if the applicant does not  
25 have on file with the department of revenue proof of financial  
26 responsibility, the court or the director has discretion to grant  
27 the limited driving privilege to the person solely for the  
28 purpose of operating a vehicle whose owner has complied with  
29 chapter 303 for that vehicle, and the limited driving privilege

1 must state such restriction. When operating such vehicle under  
2 such restriction the person shall carry proof that the owner has  
3 complied with chapter 303 for that vehicle.

4 (4) No limited driving privilege shall be issued to any  
5 person otherwise eligible under the provisions of paragraph (a)  
6 of subdivision (6) of this subsection on a license revocation  
7 resulting from a conviction under subdivision (9) of subsection 1  
8 of section 302.302, or a license denial under paragraph (a) or  
9 (b) of subdivision (8) of this subsection, until the applicant  
10 has filed proof with the department of revenue that any motor  
11 vehicle operated by the person is equipped with a functioning,  
12 certified ignition interlock device as a required condition of  
13 limited driving privilege.

14 (5) The court order or the director's grant of the limited  
15 or restricted driving privilege shall indicate the termination  
16 date of the privilege, which shall be not later than the end of  
17 the period of suspension or revocation. A copy of any court  
18 order shall be sent by the clerk of the court to the director,  
19 and a copy shall be given to the driver which shall be carried by  
20 the driver whenever such driver operates a motor vehicle. The  
21 director of revenue upon granting a limited driving privilege  
22 shall give a copy of the limited driving privilege to the  
23 applicant. The applicant shall carry a copy of the limited  
24 driving privilege while operating a motor vehicle. A conviction  
25 which results in the assessment of points pursuant to section  
26 302.302, other than a violation of a municipal stop sign  
27 ordinance where no accident is involved, against a driver who is  
28 operating a vehicle pursuant to a limited driving privilege  
29 terminates the privilege, as of the date the points are assessed

1 to the person's driving record. If the date of arrest is prior  
2 to the issuance of the limited driving privilege, the privilege  
3 shall not be terminated. Failure of the driver to maintain proof  
4 of financial responsibility, as required by chapter 303, or to  
5 maintain proof of installation of a functioning, certified  
6 ignition interlock device, as applicable, shall terminate the  
7 privilege. The director shall notify by ordinary mail the driver  
8 whose privilege is so terminated.

9 (6) Except as provided in subdivision (8) of this  
10 subsection, no person is eligible to receive a limited driving  
11 privilege who at the time of application for a limited driving  
12 privilege has previously been granted such a privilege within the  
13 immediately preceding five years, or whose license has been  
14 suspended or revoked for the following reasons:

15 (a) A conviction of violating the provisions of section  
16 577.010 or 577.012, or any similar provision of any federal or  
17 state law, or a municipal or county law where the judge in such  
18 case was an attorney and the defendant was represented by or  
19 waived the right to an attorney in writing, until the person has  
20 completed the first thirty days of a suspension or forty-five  
21 days of a revocation imposed pursuant to this chapter;

22 (b) A conviction of any felony in the commission of which a  
23 motor vehicle was used;

24 (c) Ineligibility for a license because of the provisions  
25 of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or  
26 (11) of section 302.060;

27 (d) Because of operating a motor vehicle under the  
28 influence of narcotic drugs, a controlled substance as defined in  
29 chapter 195, or having left the scene of an accident as provided

1 in section 577.060;

2 (e) Due to a revocation for the first time for failure to  
3 submit to a chemical test pursuant to section 577.041 or due to a  
4 refusal to submit to a chemical test in any other state, if such  
5 person has not completed the first ninety days of such  
6 revocation;

7 (f) Violation more than once of the provisions of section  
8 577.041 or a similar implied consent law of any other state; or

9 (g) Due to a suspension pursuant to subsection 2 of section  
10 302.525 and who has not completed the first thirty days of such  
11 suspension, provided the person is not otherwise ineligible for a  
12 limited driving privilege; or due to a revocation pursuant to  
13 subsection 2 of section 302.525 if such person has not completed  
14 such revocation.

15 (7) No person who possesses a commercial driver's license  
16 shall receive a limited driving privilege issued for the purpose  
17 of operating a commercial motor vehicle if such person's driving  
18 privilege is suspended, revoked, canceled, denied, or  
19 disqualified. Nothing in this section shall prohibit the  
20 issuance of a limited driving privilege for the purpose of  
21 operating a noncommercial motor vehicle provided that pursuant to  
22 the provisions of this section, the applicant is not otherwise  
23 ineligible for a limited driving privilege.

24 (8) (a) Provided that pursuant to the provisions of this  
25 section, the applicant is not otherwise ineligible for a limited  
26 driving privilege, a circuit court or the director may, in the  
27 manner prescribed in this subsection, allow a person who has had  
28 such person's license to operate a motor vehicle revoked where  
29 that person cannot obtain a new license for a period of ten

1 years, as prescribed in subdivision (9) of section 302.060, to  
2 apply for a limited driving privilege pursuant to this subsection  
3 if such person has served at least three years of such  
4 disqualification or revocation. Such person shall present  
5 evidence satisfactory to the court or the director that such  
6 person has not been convicted of any offense related to alcohol,  
7 controlled substances or drugs during the preceding three years  
8 and that the person's habits and conduct show that the person no  
9 longer poses a threat to the public safety of this state.

10 (b) Provided that pursuant to the provisions of this  
11 section, the applicant is not otherwise ineligible for a limited  
12 driving privilege or convicted of involuntary manslaughter while  
13 operating a motor vehicle in an intoxicated condition, a circuit  
14 court or the director may, in the manner prescribed in this  
15 subsection, allow a person who has had such person's license to  
16 operate a motor vehicle revoked where that person cannot obtain a  
17 new license for a period of five years because of two convictions  
18 of driving while intoxicated, as prescribed in subdivision (10)  
19 of section 302.060, to apply for a limited driving privilege  
20 pursuant to this subsection if such person has served at least  
21 two years of such disqualification or revocation. Such person  
22 shall present evidence satisfactory to the court or the director  
23 that such person has not been convicted of any offense related to  
24 alcohol, controlled substances or drugs during the preceding two  
25 years and that the person's habits and conduct show that the  
26 person no longer poses a threat to the public safety of this  
27 state. Any person who is denied a license permanently in this  
28 state because of an alcohol-related conviction subsequent to a  
29 restoration of such person's driving privileges pursuant to

1 subdivision (9) of section 302.060 shall not be eligible for  
2 limited driving privilege pursuant to the provisions of this  
3 subdivision.

4 (9) A DWI docket or court established under section 478.007  
5 may grant a limited driving privilege to a participant in or  
6 graduate of the program who would otherwise be ineligible for  
7 such privilege under another provision of law. The DWI docket or  
8 court shall not grant a limited driving privilege to a  
9 participant during his or her initial forty-five days of  
10 participation.

11 4. Any person who has received notice of denial of a  
12 request of limited driving privilege by the director of revenue  
13 may make a request for a review of the director's determination  
14 in the circuit court of the county in which the person resides or  
15 the county in which is located the person's principal place of  
16 business or employment within thirty days of the date of mailing  
17 of the notice of denial. Such review shall be based upon the  
18 records of the department of revenue and other competent evidence  
19 and shall be limited to a review of whether the applicant was  
20 statutorily entitled to the limited driving privilege.

21 5. The director of revenue shall promulgate rules and  
22 regulations necessary to carry out the provisions of this  
23 section. Any rule or portion of a rule, as that term is defined  
24 in section 536.010, that is created under the authority delegated  
25 in this section shall become effective only if it complies with  
26 and is subject to all of the provisions of chapter 536 and, if  
27 applicable, section 536.028. This section and chapter 536 are  
28 nonseverable and if any of the powers vested with the general  
29 assembly pursuant to chapter 536 to review, to delay the

1 effective date or to disapprove and annul a rule are subsequently  
2 held unconstitutional, then the grant of rulemaking authority and  
3 any rule proposed or adopted after August 28, 2001, shall be  
4 invalid and void.

5 302.341. 1. If a Missouri resident charged with a moving  
6 traffic violation of this state or any county or municipality of  
7 this state fails to dispose of the charges of which the resident  
8 is accused through authorized prepayment of fine and court costs  
9 and fails to appear on the return date or at any subsequent date  
10 to which the case has been continued, or without good cause fails  
11 to pay any fine or court costs assessed against the resident for  
12 any such violation within the period of time specified or in such  
13 installments as approved by the court or as otherwise provided by  
14 law, any court having jurisdiction over the charges shall within  
15 ten days of the failure to comply inform the defendant by  
16 ordinary mail at the last address shown on the court records that  
17 the court will order the director of revenue to suspend the  
18 defendant's driving privileges if the charges are not disposed of  
19 and fully paid within thirty days from the date of mailing.  
20 Thereafter, if the defendant fails to timely act to dispose of  
21 the charges and fully pay any applicable fines and court costs,  
22 the court shall notify the director of revenue of such failure  
23 and of the pending charges against the defendant. Upon receipt  
24 of this notification, the director shall suspend the license of  
25 the driver, effective immediately, and provide notice of the  
26 suspension to the driver at the last address for the driver shown  
27 on the records of the department of revenue. Such suspension  
28 shall remain in effect until the court with the subject pending  
29 charge requests setting aside the noncompliance suspension

1 pending final disposition, or satisfactory evidence of  
2 disposition of pending charges and payment of fine and court  
3 costs, if applicable, is furnished to the director by the  
4 individual. Upon proof of disposition of charges and payment of  
5 fine and court costs, if applicable, and payment of the  
6 reinstatement fee as set forth in section 302.304, the director  
7 shall return the license and remove the suspension from the  
8 individual's driving record if the individual was not operating a  
9 commercial motor vehicle or a commercial driver's license holder  
10 at the time of the offense. The filing of financial  
11 responsibility with the bureau of safety responsibility,  
12 department of revenue, shall not be required as a condition of  
13 reinstatement of a driver's license suspended solely under the  
14 provisions of this section.

15 2. If any city, town or village receives more than  
16 thirty-five percent of its annual general operating revenue from  
17 fines and court costs for traffic violations occurring on state  
18 highways, all revenues from such violations in excess of  
19 thirty-five percent of the annual general operating revenue of  
20 the city, town or village shall be sent to the director of the  
21 department of revenue and shall be distributed annually to the  
22 schools of the county in the same manner that proceeds of all  
23 penalties, forfeitures and fines collected for any breach of the  
24 penal laws of the state are distributed. For the purpose of this  
25 section the words "state highways" shall mean any state or  
26 federal highway, including any such highway continuing through  
27 the boundaries of a city, town or village with a designated  
28 street name other than the state highway number. The director of  
29 the department of revenue shall set forth by rule a procedure

1 whereby excess revenues as set forth above shall be sent to the  
2 department of revenue. If any city, town, or village disputes a  
3 determination that it has received excess revenues required to be  
4 sent to the department of revenue, such city, town, or village  
5 may submit to an annual audit by the state auditor under the  
6 authority of article IV, section 13 of the Missouri Constitution.  
7 Any rule or portion of a rule, as that term is defined in section  
8 536.010, that is created under the authority delegated in this  
9 section shall become effective only if it complies with and is  
10 subject to all of the provisions of chapter 536 and, if  
11 applicable, section 536.028. This section and chapter 536 are  
12 nonseverable and if any of the powers vested with the general  
13 assembly under chapter 536 to review, to delay the effective  
14 date, or to disapprove and annul a rule are subsequently held  
15 unconstitutional, then the grant of rulemaking authority and any  
16 rule proposed or adopted after August 28, 2009, shall be invalid  
17 and void.

18 302.700. 1. Sections 302.700 to 302.780 may be cited as  
19 the "Uniform Commercial Driver's License Act".

20 2. When used in sections 302.700 to 302.780, the following  
21 words and phrases mean:

22 (1) "Alcohol", any substance containing any form of  
23 alcohol, including, but not limited to, ethanol, methanol,  
24 propanol and isopropanol;

25 (2) "Alcohol concentration", the number of grams of alcohol  
26 per one hundred milliliters of blood or the number of grams of  
27 alcohol per two hundred ten liters of breath or the number of  
28 grams of alcohol per sixty-seven milliliters of urine;

29 (3) "CDLIS driver record", the electronic record of the

1 individual commercial driver's status and history stored by the  
2 state of record as part of the Commercial Driver's License  
3 Information System (CDLIS) established under 49 U.S.C. Section  
4 31309, et seq.;

5 (4) "CDLIS motor vehicle record (CDLIS MVR)", a report  
6 generated from the CDLIS driver record which meets the  
7 requirements for access to CDLIS information and is provided by  
8 states to users authorized in 49 CFR Part 384, subject to the  
9 provisions of the Driver Privacy Protection Act, 18 U.S.C.  
10 Sections 2721 to 2725, et seq.;

11 (5) "Commercial driver's instruction permit", a permit  
12 issued pursuant to section 302.720;

13 [(4)] (6) "Commercial driver's license", a license issued  
14 by this state to an individual which authorizes the individual to  
15 operate a commercial motor vehicle;

16 [(5)] (7) "Commercial driver's license downgrade", occurs  
17 when:

18 (a) A driver changes the self-certification to interstate,  
19 but operates exclusively in transportation or operation excepted  
20 from 49 CFR Part 391, as provided in 49 CFR Part 390.3(f), 391.2,  
21 391.68, or 398.3;

22 (b) A driver changes the self-certification to intrastate  
23 only, if the driver qualifies under the state's physical  
24 qualification requirements for intrastate only;

25 (c) A driver changes the self-certification to intrastate,  
26 but operating exclusively in transportation or operations  
27 excepted from all or part of the state driver qualification  
28 requirements; or

29 (d) The state removes the commercial driver's license

1 privilege from the driver's license;

2 ~~(8)~~ "Commercial driver's license information system  
3 (CDLIS)", the information system established pursuant to the  
4 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.  
5 Law 99-570) to serve as a clearinghouse for locating information  
6 related to the licensing and identification of commercial motor  
7 vehicle drivers;

8 [(6)] (9) "Commercial motor vehicle", a motor vehicle  
9 designed or used to transport passengers or property:

10 (a) If the vehicle has a gross combination weight rating of  
11 twenty-six thousand one or more pounds inclusive of a towed unit  
12 which has a gross vehicle weight rating of ten thousand one  
13 pounds or more;

14 (b) If the vehicle has a gross vehicle weight rating of  
15 twenty-six thousand one or more pounds or such lesser rating as  
16 determined by federal regulation;

17 (c) If the vehicle is designed to transport sixteen or more  
18 passengers, including the driver; or

19 (d) If the vehicle is transporting hazardous materials and  
20 is required to be placarded under the Hazardous Materials  
21 Transportation Act (46 U.S.C. 1801, et seq.);

22 [(7)] (10) "Controlled substance", any substance so  
23 classified under Section 102(6) of the Controlled Substances Act  
24 (21 U.S.C. 802(6)), and includes all substances listed in  
25 schedules I through V of 21 CFR part 1308, as they may be revised  
26 from time to time;

27 [(8)] (11) "Conviction", an unvacated adjudication of  
28 guilt, including pleas of guilt and nolo contendere, or a

1 determination that a person has violated or failed to comply with  
2 the law in a court of original jurisdiction or an authorized  
3 administrative proceeding, an unvacated forfeiture of bail or  
4 collateral deposited to secure the person's appearance in court,  
5 the payment of a fine or court cost, or violation of a condition  
6 of release without bail, regardless of whether the penalty is  
7 rebated, suspended or prorated, including an offense for failure  
8 to appear or pay;

9 [(9)] (12) "Director", the director of revenue or his  
10 authorized representative;

11 [(10)] (13) "Disqualification", any of the following three  
12 actions:

13 (a) The suspension, revocation, or cancellation of a  
14 commercial driver's license;

15 (b) Any withdrawal of a person's privileges to drive a  
16 commercial motor vehicle by a state, Canada, or Mexico as the  
17 result of a violation of federal, state, county, municipal, or  
18 local law relating to motor vehicle traffic control or violations  
19 committed through the operation of motor vehicles, other than  
20 parking, vehicle weight, or vehicle defect violations;

21 (c) A determination by the Federal Motor Carrier Safety  
22 Administration that a person is not qualified to operate a  
23 commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

24 [(11)] (14) "Drive", to drive, operate or be in physical  
25 control of a commercial motor vehicle;

26 [(12)] (15) "Driver", any person who drives, operates, or  
27 is in physical control of a motor vehicle, or who is required to  
28 hold a commercial driver's license;

1           (16) "Driver applicant", an individual who applies to  
2 obtain, transfer, upgrade, or renew a commercial driver's license  
3 in this state;

4           [(13)] (17) "Driving under the influence of alcohol", the  
5 commission of any one or more of the following acts:

6           (a) Driving a commercial motor vehicle with the alcohol  
7 concentration of four one-hundredths of a percent or more as  
8 prescribed by the secretary or such other alcohol concentration  
9 as may be later determined by the secretary by regulation;

10           (b) Driving a commercial or noncommercial motor vehicle  
11 while intoxicated in violation of any federal or state law, or in  
12 violation of a county or municipal ordinance;

13           (c) Driving a commercial or noncommercial motor vehicle  
14 with excessive blood alcohol content in violation of any federal  
15 or state law, or in violation of a county or municipal ordinance;

16           (d) Refusing to submit to a chemical test in violation of  
17 section 577.041, section 302.750, any federal or state law, or a  
18 county or municipal ordinance; or

19           (e) Having any state, county or municipal alcohol-related  
20 enforcement contact, as defined in subsection 3 of section  
21 302.525; provided that any suspension or revocation pursuant to  
22 section 302.505, committed in a noncommercial motor vehicle by an  
23 individual twenty-one years of age or older shall have been  
24 committed by the person with an alcohol concentration of at least  
25 eight-hundredths of one percent or more, or in the case of an  
26 individual who is less than twenty-one years of age, shall have  
27 been committed by the person with an alcohol concentration of at  
28 least two-hundredths of one percent or more, and if committed in  
29 a commercial motor vehicle, a concentration of four-hundredths of

1 one percent or more;

2 ~~[(14)] (18)~~ "Driving under the influence of a controlled  
3 substance", the commission of any one or more of the following  
4 acts in a commercial or noncommercial motor vehicle:

5 (a) Driving a commercial or noncommercial motor vehicle  
6 while under the influence of any substance so classified under  
7 Section 102(6) of the Controlled Substances Act (21 U.S.C.  
8 802(6)), including any substance listed in schedules I through V  
9 of 21 CFR Part 1308, as they may be revised from time to time;

10 (b) Driving a commercial or noncommercial motor vehicle  
11 while in a drugged condition in violation of any federal or state  
12 law or in violation of a county or municipal ordinance; or

13 (c) Refusing to submit to a chemical test in violation of  
14 section 577.041, section 302.750, any federal or state law, or a  
15 county or municipal ordinance;

16 ~~[(15)] (19)~~ "Employer", any person, including the United  
17 States, a state, or a political subdivision of a state, who owns  
18 or leases a commercial motor vehicle or assigns a driver to  
19 operate such a vehicle;

20 (20) "Endorsement", an authorization on an individual's  
21 commercial driver's license permitting the individual to operate  
22 certain types of commercial motor vehicles;

23 ~~[(16)] (21)~~ "Farm vehicle", a commercial motor vehicle  
24 controlled and operated by a farmer used exclusively for the  
25 transportation of agricultural products, farm machinery, farm  
26 supplies, or a combination of these, within one hundred fifty  
27 miles of the farm, other than one which requires placarding for  
28 hazardous materials as defined in this section, or used in the

1 operation of a common or contract motor carrier, except that a  
2 farm vehicle shall not be a commercial motor vehicle when the  
3 total combined gross weight rating does not exceed twenty-six  
4 thousand one pounds when transporting fertilizers as defined in  
5 subdivision (21) of this subsection;

6 [(17)] (22) "Fatality", the death of a person as a result  
7 of a motor vehicle accident;

8 [(18)] (23) "Felony", any offense under state or federal  
9 law that is punishable by death or imprisonment for a term  
10 exceeding one year;

11 (24) "Foreign", outside the United States and the District  
12 of Columbia;

13 [(19)] (25) "Gross combination weight rating" or "GCWR",  
14 the value specified by the manufacturer as the loaded weight of a  
15 combination (articulated) vehicle. In the absence of a value  
16 specified by the manufacturer, GCWR will be determined by adding  
17 the GVWR of the power unit and the total weight of the towed unit  
18 and any load thereon;

19 [(20)] (26) "Gross vehicle weight rating" or "GVWR", the  
20 value specified by the manufacturer as the loaded weight of a  
21 single vehicle;

22 [(21)] (27) "Hazardous materials", any material that has  
23 been designated as hazardous under 49 U.S.C. 5103 and is required  
24 to be placarded under subpart F of CFR Part 172 or any quantity  
25 of a material listed as a select agent or toxin in 42 CFR Part  
26 73. Fertilizers, including but not limited to ammonium nitrate,  
27 phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel  
28 or special fuel, shall not be considered hazardous materials when

1 transported by a farm vehicle provided all other provisions of  
2 this definition are followed;

3 [(22)] (28) "Imminent hazard", the existence of a condition  
4 that presents a substantial likelihood that death, serious  
5 illness, severe personal injury, or a substantial endangerment to  
6 health, property, or the environment may occur before the  
7 reasonably foreseeable completion date of a formal proceeding  
8 begins to lessen the risk of that death, illness, injury, or  
9 endangerment;

10 [(23)] (29) "Issuance", the initial licensure, license  
11 transfers, license renewals, and license upgrades;

12 (30) "Medical examiner", a person who is licensed,  
13 certified, or registered, in accordance with applicable state  
14 laws and regulations, to perform physical examinations. The term  
15 includes, but is not limited to, doctors of medicine, doctors of  
16 osteopathy, physician assistants, advanced practice nurses, and  
17 doctors of chiropractic;

18 (31) "Medical variance", when a driver has received one of  
19 the following that allows the driver to be issued a medical  
20 certificate:

21 (a) An exemption letter permitting operation of a  
22 commercial motor vehicle under 49 CFR Part 381, Subpart C or 49  
23 CFR Part 391.64;

24 (b) A skill performance evaluation certificate permitting  
25 operation of a commercial motor vehicle under 49 CFR Part 391.49;

26 [(24)] (32) "Motor vehicle", any self-propelled vehicle not  
27 operated exclusively upon tracks;

28 [(25)] (33) "Noncommercial motor vehicle", a motor vehicle

1 or combination of motor vehicles not defined by the term  
2 "commercial motor vehicle" in this section;

3 [(26)] (34) "Out of service", a temporary prohibition  
4 against the operation of a commercial motor vehicle by a  
5 particular driver, or the operation of a particular commercial  
6 motor vehicle, or the operation of a particular motor carrier;

7 [(27)] (35) "Out-of-service order", a declaration by [the  
8 Federal Highway Administration, or any] an authorized enforcement  
9 officer of a federal, state, [Commonwealth of Puerto Rico,]  
10 Canadian, Mexican or any local jurisdiction, that a driver, or a  
11 commercial motor vehicle, or a motor carrier operation, is out of  
12 service under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or  
13 396.9, or comparable laws, or the North American Standard Out-of-  
14 Service Criteria;

15 [(28)] (36) "School bus", a commercial motor vehicle used  
16 to transport preprimary, primary, or secondary school students  
17 from home to school, from school to home, or to and from  
18 school-sponsored events. School bus does not include a bus used  
19 as a common carrier as defined by the Secretary;

20 [(29)] (37) "Secretary", the Secretary of Transportation of  
21 the United States;

22 [(30)] (38) "Serious traffic violation", driving a  
23 commercial motor vehicle in such a manner that the driver  
24 receives a conviction for the following offenses or driving a  
25 noncommercial motor vehicle when the driver receives a conviction  
26 for the following offenses and the conviction results in the  
27 suspension or revocation of the driver's license or noncommercial  
28 motor vehicle driving privilege:

1 (a) Excessive speeding, as defined by the Secretary by  
2 regulation;

3 (b) Careless, reckless or imprudent driving which includes,  
4 but shall not be limited to, any violation of section 304.016,  
5 any violation of section 304.010, or any other violation of  
6 federal or state law, or any county or municipal ordinance while  
7 driving a commercial motor vehicle in a willful or wanton  
8 disregard for the safety of persons or property, or improper or  
9 erratic traffic lane changes, or following the vehicle ahead too  
10 closely, but shall not include careless and imprudent driving by  
11 excessive speed;

12 (c) A violation of any federal or state law or county or  
13 municipal ordinance regulating the operation of motor vehicles  
14 arising out of an accident or collision which resulted in death  
15 to any person, other than a parking violation;

16 (d) Driving a commercial motor vehicle without obtaining a  
17 commercial driver's license in violation of any federal or state  
18 or county or municipal ordinance;

19 (e) Driving a commercial motor vehicle without a commercial  
20 driver's license in the driver's possession in violation of any  
21 federal or state or county or municipal ordinance. Any  
22 individual who provides proof to the court which has jurisdiction  
23 over the issued citation that the individual held a valid  
24 commercial driver's license on the date that the citation was  
25 issued shall not be guilty of this offense;

26 (f) Driving a commercial motor vehicle without the proper  
27 commercial driver's license class or endorsement for the specific  
28 vehicle group being operated or for the passengers or type of  
29 cargo being transported in violation of any federal or state law

1 or county or municipal ordinance; or

2 (g) Any other violation of a federal or state law or county  
3 or municipal ordinance regulating the operation of motor  
4 vehicles, other than a parking violation, as prescribed by the  
5 secretary by regulation;

6 [(31)] (39) "State", a state[, territory or possession] of  
7 the United States[, the District of Columbia, the Commonwealth of  
8 Puerto Rico, Mexico, and any province of Canada];

9 [(32)] (40) "United States", the fifty states and the  
10 District of Columbia.

11 302.768. 1. Any applicant for a commercial driver's  
12 license or commercial driver's instruction permit shall comply  
13 with the Federal Motor Carrier Safety Administration application  
14 requirements of 49 CFR Part 383.71 by certifying to one of the  
15 following applicable statements relating to federal and state  
16 driver qualification rules:

17 (1) Nonexcepted interstate: Certifies the applicant is a  
18 driver operating or expecting to operate in interstate or foreign  
19 commerce, or is otherwise subject to and meets requirements of 49  
20 CFR Part 391 and is required to obtain a medical examiner's  
21 certificate as defined in 49 CFR Part 391.45;

22 (2) Excepted interstate: Certifies the applicant is a  
23 driver operating or expecting to operate entirely in interstate  
24 commerce that is not subject to Part 391 and is subject to  
25 Missouri driver qualifications and not required to obtain a  
26 medical examiner's certificate;

27 (3) Nonexcepted intrastate: Certifies the applicant is a  
28 driver operating only in intrastate commerce and is subject to

1 Missouri driver qualifications;

2 (4) Excepted intrastate: Certifies the applicant operates  
3 or expects to operate only in intrastate commerce, and engaging  
4 only in operations excepted from all parts of the Missouri driver  
5 qualification requirements.

6 2. Any applicant who cannot meet certification requirements  
7 under one of the categories defined in subsection 1 of this  
8 section shall be denied issuance of a commercial driver's license  
9 or commercial driver's instruction permit.

10 3. An applicant certifying to operation in nonexcepted  
11 interstate or nonexcepted intrastate commerce shall provide the  
12 state with an original or copy of a current medical examiners  
13 certificate or a medical examiners certificate accompanied by a  
14 medical variance or waiver. The state shall retain the original  
15 or copy of the documentation of physical qualification for a  
16 minimum of three years beyond the date the certificate was  
17 issued.

18 4. Applicants certifying to operation in nonexcepted  
19 interstate commerce or nonexcepted intrastate commerce shall  
20 provide an updated medical certificate or variance documents to  
21 maintain a certified status during the term of the commercial  
22 driver's license or commercial driver's instruction permit in  
23 order to retain commercial privileges.

24 5. The director shall post the medical examiners  
25 certificate of information, medical variance if applicable, and  
26 certification status to the Missouri driver record within ten  
27 calendar days and such information will become part of the CDLIS  
28 driver record.

29 6. Applicants certifying to operation in nonexcepted

1 interstate commerce or nonexcepted intrastate commerce who fail  
2 to provide or maintain a current medical examiners certificate,  
3 or if the state has received notice of a medical variance or  
4 waiver expiring or being rescinded, the state shall, within ten  
5 calendar days, update the driver's medical certification status  
6 to "not certified". The state shall notify the driver of the  
7 change in certification status and require the driver to annually  
8 comply with requirements for a commercial driver's license  
9 downgrade within sixty days of notice.

10 7. The department of revenue may, by rule, establish the  
11 cost and criteria for submission of updated medical certification  
12 status information as required under this section.

13 8. Any person who falsifies any information in an  
14 application for or update of medical certification status  
15 information for a commercial driver's license shall not be  
16 licensed to operate a commercial motor vehicle, or the person's  
17 commercial driver's license shall be canceled for a period of one  
18 year after the director discovers such falsification.

19 9. The director may promulgate rules and regulations  
20 necessary to administer and enforce this section. Any rule or  
21 portion of a rule, as that term is defined in section 536.010,  
22 that is created under the authority delegated in this section  
23 shall become effective only if it complies with and is subject to  
24 all of the provisions of chapter 536 and, if applicable, section  
25 536.028. This section and chapter 536 are nonseverable and if  
26 any of the powers vested with the general assembly pursuant to  
27 chapter 536 to review, to delay the effective date, or to  
28 disapprove and annul a rule are subsequently held  
29 unconstitutional, then the grant of rulemaking authority and any

1 rule proposed or adopted after August 28, 2011, shall be invalid  
2 and void.

3 304.120. 1. Municipalities, by ordinance, may establish  
4 reasonable speed regulations for motor vehicles within the limits  
5 of such municipalities. No person who is not a resident of such  
6 municipality and who has not been within the limits thereof for a  
7 continuous period of more than forty-eight hours, shall be  
8 convicted of a violation of such ordinances, unless it is shown  
9 by competent evidence that there was posted at the place where  
10 the boundary of such municipality joins or crosses any highway a  
11 sign displaying in black letters not less than four inches high  
12 and one inch wide on a white background the speed fixed by such  
13 municipality so that such sign may be clearly seen by operators  
14 and drivers from their vehicles upon entering such municipality.

15 2. Municipalities, by ordinance, may:

16 (1) Make additional rules of the road or traffic  
17 regulations to meet their needs and traffic conditions;

18 (2) Establish one-way streets and provide for the  
19 regulation of vehicles thereon;

20 (3) Require vehicles to stop before crossing certain  
21 designated streets and boulevards;

22 (4) Limit the use of certain designated streets and  
23 boulevards to passenger vehicles, except that each municipality  
24 shall allow at least one street, with lawful traffic movement and  
25 access from both directions, to be available for use by  
26 commercial vehicles to access any roads in the state highway  
27 system. Under no circumstances shall the provisions of this  
28 subdivision be construed to authorize municipalities to limit the  
29 use of all streets in the municipality;

1           (5) Prohibit the use of certain designated streets to  
2 vehicles with metal tires, or solid rubber tires;

3           (6) Regulate the parking of vehicles on streets by the  
4 installation of parking meters for limiting the time of parking  
5 and exacting a fee therefor or by the adoption of any other  
6 regulatory method that is reasonable and practical, and prohibit  
7 or control left-hand turns of vehicles;

8           (7) Require the use of signaling devices on all motor  
9 vehicles; and

10          (8) Prohibit sound producing warning devices, except horns  
11 directed forward.

12          3. No ordinance shall be valid which contains provisions  
13 contrary to or in conflict with this chapter, except as herein  
14 provided.

15          4. No ordinance shall impose liability on the owner-lessor  
16 of a motor vehicle when the vehicle is being permissively used by  
17 a lessee and is illegally parked or operated if the registered  
18 owner-lessor of such vehicle furnishes the name, address and  
19 operator's license number of the person renting or leasing the  
20 vehicle at the time the violation occurred to the proper  
21 municipal authority within three working days from the time of  
22 receipt of written request for such information. Any registered  
23 owner-lessor who fails or refuses to provide such information  
24 within the period required by this subsection shall be liable for  
25 the imposition of any fine established by municipal ordinance for  
26 the violation. Provided, however, if a leased motor vehicle is  
27 illegally parked due to a defect in such vehicle, which renders  
28 it inoperable, not caused by the fault or neglect of the lessee,  
29 then the lessor shall be liable on any violation for illegal

1 parking of such vehicle.

2 5. No ordinance shall deny the use of commercial vehicles  
3 on all streets within the municipality.

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

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

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

28 Distance in feet  
29 between the extremes

of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise						
		Maximum load in pounds				
feet	2 axles	3 axles	4 axles	5 axles	6 axles	
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	34,000				
More than 8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11	40,000	44,000				
12	40,000	45,000	50,000			
13	40,000	45,500	50,500			
14	40,000	46,500	51,500			
15	40,000	47,000	52,000			
16	40,000	48,000	52,500	58,000		
17	40,000	48,500	53,500	58,500		
18	40,000	49,500	54,000	59,000		
19	40,000	50,000	54,500	60,000		
20	40,000	51,000	55,500	60,500	66,000	
21	40,000	51,500	56,000	61,000	66,500	
22	40,000	52,500	56,500	61,500	67,000	
23	40,000	53,000	57,500	62,500	68,000	
24	40,000	54,000	58,000	63,000	68,500	
25	40,000	54,500	58,500	63,500	69,000	

1	26	40,000	55,500	59,500	64,000	69,500
2	27	40,000	56,000	60,000	65,000	70,000
3	28	40,000	57,000	60,500	65,500	71,000
4	29	40,000	57,500	61,500	66,000	71,500
5	30	40,000	58,500	62,000	66,500	72,000
6	31	40,000	59,000	62,500	67,500	72,500
7	32	40,000	60,000	63,500	68,000	73,000
8	33	40,000	60,000	64,000	68,500	74,000
9	34	40,000	60,000	64,500	69,000	74,500
10	35	40,000	60,000	65,500	70,000	75,000
11	36		60,000	66,000	70,500	75,500
12	37		60,000	66,500	71,000	76,000
13	38		60,000	67,500	72,000	77,000
14	39		60,000	68,000	72,500	77,500
15	40		60,000	68,500	73,000	78,000
16	41		60,000	69,500	73,500	78,500
17	42		60,000	70,000	74,000	79,000
18	43		60,000	70,500	75,000	80,000
19	44		60,000	71,500	75,500	80,000
20	45		60,000	72,000	76,000	80,000
21	46		60,000	72,500	76,500	80,000
22	47		60,000	73,500	77,500	80,000
23	48		60,000	74,000	78,000	80,000
24	49		60,000	74,500	78,500	80,000
25	50		60,000	75,500	79,000	80,000
26	51		60,000	76,000	80,000	80,000
27	52		60,000	76,500	80,000	80,000
28	53		60,000	77,500	80,000	80,000
29	54		60,000	78,000	80,000	80,000

1	55	60,000	78,500	80,000	80,000
2	56	60,000	79,500	80,000	80,000
3	57	60,000	80,000	80,000	80,000

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

8 4. Whenever the state highways and transportation  
9 commission finds that any state highway bridge in the state is in  
10 such a condition that use of such bridge by vehicles of the  
11 weights specified in subsection 3 of this section will endanger  
12 the bridge, or the users of the bridge, the commission may  
13 establish maximum weight limits and speed limits for vehicles  
14 using such bridge. The governing body of any city or county may  
15 grant authority by act or ordinance to the state highways and  
16 transportation commission to enact the limitations established in  
17 this section on those roadways within the purview of such city or  
18 county. Notice of the weight limits and speed limits established  
19 by the commission shall be given by posting signs at a  
20 conspicuous place at each end of any such bridge.

21 5. Nothing in this section shall be construed as permitting  
22 lawful axle loads, tandem axle loads or gross loads in excess of  
23 those permitted under the provisions of Section 127 of Title 23  
24 of the United States Code.

25 6. Notwithstanding the weight limitations contained in this  
26 section, any vehicle or combination of vehicles operating on  
27 highways other than the interstate highway system may exceed  
28 single axle, tandem axle and gross weight limitations in an  
29 amount not to exceed two thousand pounds. However, total gross

1 weight shall not exceed eighty thousand pounds, except as  
2 provided in subsection 9 of this section.

3 7. Notwithstanding any provision of this section to the  
4 contrary, the department of transportation shall issue a  
5 single-use special permit, or upon request of the owner of the  
6 truck or equipment, shall issue an annual permit, for the  
7 transporting of any concrete pump truck or well-drillers'  
8 equipment. The department of transportation shall set fees for  
9 the issuance of permits pursuant to this subsection.

10 Notwithstanding the provisions of section 301.133, concrete pump  
11 trucks or well-drillers' equipment may be operated on  
12 state-maintained roads and highways at any time on any day.

13 8. Notwithstanding the provision of this section to the  
14 contrary, the maximum gross vehicle limit and axle weight limit  
15 for any vehicle or combination of vehicles equipped with an idle  
16 reduction technology may be increased by a quantity necessary to  
17 compensate for the additional weight of the idle reduction system  
18 as provided for in 23 U.S.C. Section 127, as amended. In no case  
19 shall the additional weight increase allowed by this subsection  
20 be greater than four hundred pounds. Upon request by an  
21 appropriate law enforcement officer, the vehicle operator shall  
22 provide proof that the idle reduction technology is fully  
23 functional at all times and that the gross weight increase is not  
24 used for any purpose other than for the use of idle reduction  
25 technology.

26 9. Notwithstanding subsection 3 of this section or any  
27 other provision of law to the contrary, the total gross weight of  
28 any vehicle or combination of vehicles hauling livestock may be  
29 as much as, but shall not exceed, eighty-five thousand five

1 hundred pounds while operating on U.S. Highway 36 from St.  
2 Joseph to U.S. Highway [65, and] 63, on U.S. Highway 65 from the  
3 Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from  
4 U.S. Highway 36 to the Iowa state line.

5 304.200. 1. The chief engineer of the state department of  
6 transportation, for good cause shown and when the public safety  
7 or public interest so justifies, shall issue special permits for  
8 vehicles or equipment exceeding the limitations on width, length,  
9 height and weight herein specified, or which are unable to  
10 maintain minimum speed limits. Such permits shall be issued only  
11 for a single trip or for a definite period, not beyond the date  
12 of expiration of the vehicle registration, and shall designate  
13 the highways and bridges which may be used pursuant to the  
14 authority of such permit.

15 2. The chief engineer of the state department of  
16 transportation shall upon proper application and at no charge  
17 issue a special permit to any person allowing the movement on  
18 state and federal highways of farm products between sunset and  
19 sunrise not in excess of fourteen feet in width. Special permits  
20 allowing movement of oversize loads of farm products shall allow  
21 for movement between sunset and sunrise, subject to appropriate  
22 requirements for safety lighting on the load, appropriate limits  
23 on load dimensions and appropriate consideration of high traffic  
24 density between sunset and sunrise on the route to be traveled.  
25 The chief engineer may also issue upon proper application a  
26 special permit to any person allowing the movement on the state  
27 and federal highways of concrete pump trucks or well-drillers  
28 equipment. For the purposes of this section, "farm products"  
29 shall have the same meaning as provided in section 400.9-109.

1           3. Rules and regulations for the issuance of special  
2 permits shall be prescribed by the state highways and  
3 transportation commission and filed with the secretary of state.  
4 No rule or portion of a rule promulgated pursuant to the  
5 authority of section 304.010 and this section shall become  
6 effective unless it has been promulgated pursuant to the  
7 provisions of chapter 536.

8           4. The officer in charge of the maintenance of the streets  
9 of any municipality may issue such permits for the use of the  
10 streets by such vehicles within the limits of such  
11 municipalities.

12           5. In order to transport manufactured homes, as defined in  
13 section 700.010, on the roads, highways, bridges and other  
14 thoroughfares within this state, only the applicable permits  
15 required by this section shall be obtained.

16           6. No manufactured home, as defined in section 700.010  
17 shall be transported under this section unless the owner of such  
18 manufactured home has paid property taxes on the manufactured  
19 home for the taxable year in which the manufactured home is to be  
20 transported and for all prior taxable years. For the purposes of  
21 this section, in determining the amount of taxes to be paid in  
22 the taxable year in which the manufactured home is to be  
23 transported, the tax liability shall be the amount paid or owing  
24 for the immediate preceding taxable year. If the amount paid  
25 exceeds the actual tax liability for such year, the owner shall  
26 be entitled to a refund, and if the amount paid is less than the  
27 actual tax liability, the owner shall be liable for the unpaid  
28 portion at the time and in the manner as otherwise provided by  
29 law. The owner or title holder of the manufactured home shall

1 obtain, prior to transport under this section, a receipt from the  
2 county collector or collector-treasurer showing all property  
3 taxes on the manufactured home have been paid.

4 304.890. As used in sections 304.890 to 304.894, the  
5 following terms shall mean:

6 (1) "Active emergency", any incident occurring on a  
7 highway, as the term "highway" is defined in section 302.010,  
8 that requires emergency services from any emergency responder;

9 (2) "Active emergency zone", any area upon or around any  
10 highway, which is visibly marked by emergency responders  
11 performing work for the purpose of emergency response, and where  
12 an active emergency, or incident removal, is temporarily  
13 occurring. This area includes the lanes of highway leading up to  
14 an active emergency or incident removal, beginning within three  
15 hundred feet of visual sighting of:

16 (a) Appropriate signs or traffic control devices posted or  
17 placed by emergency responders; or

18 (b) An emergency vehicle displaying active emergency lights  
19 or signals;

20 (3) "Emergency responder", any law enforcement officer,  
21 paid or volunteer firefighter, first responder, emergency medical  
22 worker, tow truck operator, or other emergency personnel  
23 responding to an emergency on a highway.

24 304.892. 1. Upon the first conviction, finding of guilt,  
25 or plea of guilty by any person for a moving violation, as the  
26 term "moving violation" is defined in section 302.010, or any  
27 offense listed in section 302.302, other than a violation  
28 described in subsection 2 of this section, when the violation or  
29 offense occurs within an active emergency zone, the court shall

1 assess a fine of thirty-five dollars in addition to any other  
2 fine authorized by law. Upon a second or subsequent conviction,  
3 finding of guilt, or plea of guilty, the court shall assess a  
4 fine of seventy-five dollars in addition to any other fine  
5 authorized by law.

6 2. Upon the first conviction, finding of guilt, or plea of  
7 guilty by any person for a speeding violation under either  
8 section 304.009 or 304.010, or a passing violation under  
9 subsection 3 of this section, when the violation or offense  
10 occurs within an active emergency zone and emergency responders  
11 were present in such zone at the time of the offense or  
12 violation, the court shall assess a fine of two hundred fifty  
13 dollars in addition to any other fine authorized by law. Upon a  
14 second or subsequent conviction, finding of guilt, or plea of  
15 guilty, the court shall assess a fine of three hundred dollars in  
16 addition to any other fine authorized by law. However, no person  
17 assessed an additional fine under this subsection shall also be  
18 assessed an additional fine under subsection 1 of this section.

19 3. The driver of a motor vehicle may not overtake or pass  
20 another motor vehicle within an active emergency zone. Violation  
21 of this subsection is a class C misdemeanor.

22 4. The additional fines imposed by this section shall not  
23 be construed to enhance the assessment of court costs or the  
24 assessment of points under section 302.302.

25 304.894. 1. A person commits the offense of endangerment  
26 of an emergency responder for any of the following offenses when  
27 the offense occurs within an active emergency zone:

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

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

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

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

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

14       (6) Intentionally striking, moving, or altering barrels,  
15       barriers, signs, or other devices erected to control the flow of  
16       traffic to protect emergency responders and motorists unless the  
17       action was necessary to avoid an obstacle, an emergency, or to  
18       protect the health and safety of an occupant of the motor vehicle  
19       or of another person; or

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

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

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

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

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

29       (e) Driving while in an intoxicated condition or under the

1 influence of controlled substances or drugs or driving with an  
2 excessive blood alcohol content;

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

4 2. Upon a finding of guilt or a plea of guilty for  
5 committing the offense of endangerment of an emergency responder  
6 under subsection 1 of this section, if no injury or death to an  
7 emergency responder resulted from the offense, the court shall  
8 assess a fine of not more than one thousand dollars, and four  
9 points shall be assessed to the operator's license pursuant to  
10 section 302.302.

11 3. A person commits the offense of aggravated endangerment  
12 of an emergency responder upon a finding of guilt or a plea of  
13 guilty for any offense under subsection 1 of this section when  
14 such offense results in the injury or death of an emergency  
15 responder. Upon a finding of guilt or a plea of guilty for  
16 committing the offense of aggravated endangerment of an emergency  
17 responder, in addition to any other penalty authorized by law,  
18 the court shall assess a fine of not more than five thousand  
19 dollars if the offense resulted in injury to an emergency  
20 responder, and ten thousand dollars if the offense resulted in  
21 the death of an emergency responder. In addition, twelve points  
22 shall be assessed to the operator's license pursuant to section  
23 302.302.

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

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

8           387.040. 1. No motor carrier subject to the provisions of  
9 this chapter shall engage or participate in the transportation of  
10 passengers [or household goods], between points within this  
11 state, until its schedules of rates, fares and charges shall have  
12 been filed with the state highways and transportation commission  
13 and published in accordance with the provisions of this chapter.  
14 Any motor carrier, which shall undertake to perform any service  
15 or furnish any product or commodity unless or until the rates,  
16 tolls, fares, charges, classifications and rules and regulations  
17 relating thereto, applicable to such service, product or  
18 commodity, have been filed with the highways and transportation  
19 commission and published in accordance with the provisions of  
20 this chapter, shall be subject to forfeiture to the state  
21 pursuant to the provisions of sections 390.156 to 390.176.

22           2. [Notwithstanding subsection 1 of this section, a motor  
23 carrier shall not be required to file its schedules of rates,  
24 fares, and charges for shipments of household goods that are  
25 transported wholly or exclusively within a commercial zone as  
26 defined in 390.020 or within a commercial zone established by the  
27 highways and transportation commission pursuant to the provisions  
28 of subdivision (4) of section 390.041.] Notwithstanding any

1 provision of this chapter or chapter 390 to the contrary, a motor  
2 carrier transporting household goods in intrastate commerce shall  
3 not be required to file its schedule of rates, fares, and charges  
4 with the state highways and transportation commission. In lieu  
5 of filing its schedules of rates, fares, charges, rules, or tolls  
6 with the state highways and transportation commission, a motor  
7 carrier transporting household goods in intrastate commerce shall  
8 maintain and publish its schedules of rates, fares, charges,  
9 rules, and tolls in every station or office as described in  
10 subsection 3 of section 387.050 and such rates shall be available  
11 for inspection by the state highways and transportation  
12 commission, shippers, and the public upon request. Any motor  
13 carrier transporting household goods in intrastate commerce that  
14 fails to comply with the provisions of this subsection shall be  
15 subject to forfeiture to the state pursuant to the provisions of  
16 sections 390.156 to 390.176.

17       387.050. 1. Every motor carrier shall file with the  
18 [division of motor carrier and railroad safety] state highways  
19 and transportation commission and shall print and keep open to  
20 public inspection schedules showing the rates, fares and charges  
21 for the transportation of passengers and household goods within  
22 this state between each point upon its route and all other points  
23 thereon and between each point upon its route and all points upon  
24 every route leased, operated or controlled by it and between each  
25 point on its route or upon any route leased, operated or  
26 controlled by it and all points upon the route of any other motor  
27 carrier, whenever a through route and joint rate shall have been  
28 established or ordered between any two such points. If no joint  
29 rate over a through route has been established, the several

1 carriers in such through route shall file, print and keep open to  
2 public inspection, as aforesaid, the separately established  
3 rates, fares and charges applied to the through transportation.  
4 Beginning August 28, 2011, motor carriers shall not be required  
5 to file their schedules showing the rates, fares, rules, and  
6 charges for the transportation of household goods within this  
7 state but shall print and keep open for public inspection such  
8 schedules in accordance with this section and section 387.040.

9 2. The schedules printed as aforesaid shall plainly state  
10 the places between which household goods and passengers will be  
11 carried, and shall also contain the classification of passengers  
12 or household goods in force, and shall also state separately all  
13 terminal charges, storage charges, icing charges and all other  
14 charges which the [division] state highways and transportation  
15 commission may require to be stated, all privileges or facilities  
16 granted or allowed, and any rules or regulations which may in any  
17 way change, affect or determine any part or the aggregate of such  
18 aforesaid rates, fares and charges, or the value of the service  
19 rendered to the passenger, shipper or consignee.

20 3. Such schedules shall be plainly printed in large type,  
21 and a copy thereof shall be kept by every such carrier readily  
22 accessible to and for convenient inspection by the public in  
23 every station or office of such carrier where passengers or  
24 household goods are respectively received for transportation,  
25 when such station or office is in charge of an agent, and in  
26 every station or office of such carrier where passenger tickets  
27 for transportation or tickets covering bills of lading or  
28 receipts for household goods are issued. All or any of such  
29 schedules kept as aforesaid shall be immediately produced by such

1 carrier for inspection upon the demand of any person.

2 4. A notice printed in bold type and stating that such  
3 schedules are on file with the agent and open to inspection by  
4 any person and that the agent will assist any such person to  
5 determine from such schedules any transportation rates or fares  
6 or rules or regulations which are in force shall be kept posted  
7 by the carrier in two public and conspicuous places in every such  
8 station or office.

9 5. The form of every such schedule shall be prescribed by  
10 the [division] state highways and transportation commission.

11 6. The [division] state highways and transportation  
12 commission shall have power, from time to time, in its  
13 discretion, to determine and prescribe by order such changes in  
14 the form of such schedules as may be found expedient, and to  
15 modify the requirements of this section in respect to publishing,  
16 posting and filing of schedules either in particular instances or  
17 by general order applicable to special or peculiar circumstances  
18 or conditions.

19 387.080. 1. The names of the several carriers which are  
20 parties to any joint tariff shall be specified therein, and each  
21 of the parties thereto, other than the one filing the same, shall  
22 file with the [division of motor carrier and railroad safety]  
23 state highways and transportation commission such evidence of  
24 concurrence therein or acceptance thereof as may be required or  
25 approved by the [division] state highways and transportation  
26 commission; and where such evidence of concurrence or acceptance  
27 is filed, it shall not be necessary for the carriers filing the  
28 same also to file copies of the tariffs in which they are named

1 as parties. The provisions of this subsection shall not apply to  
2 motor carriers of household goods. Carriers of household goods  
3 participating in through routes or interline service shall  
4 publish joint tariffs and evidence of concurrence or acceptance  
5 thereof or individual tariffs for each participating carrier in  
6 accordance with sections 387.040 and 387.050.

7 2. Every motor carrier shall file with the [division] state  
8 highways and transportation commission sworn copies of every  
9 contract, agreement or arrangement with any other motor carrier  
10 or motor carriers relating in any way to the transportation of  
11 passengers [or property].

12 3. Motor carriers of household goods are prohibited from  
13 participation in any joint tariff pursuant to the provisions of  
14 this chapter, except that this subsection shall not prohibit  
15 joint tariffs relating to joint rates for household goods  
16 transportation over any through routes or by interline service  
17 performed by two or more separate motor carriers.

18 387.110. [1.] No motor carrier shall make or give any  
19 undue or unreasonable preference or advantage to any person or  
20 corporation or to any locality or to any particular description  
21 of traffic in any respect whatsoever, or subject any particular  
22 person or corporation or locality or any particular description  
23 of traffic, to any undue or unreasonable prejudice or  
24 disadvantage in any respect whatsoever.

25 [2. Notwithstanding any other provision of law to the  
26 contrary, no common carrier of household goods shall use any  
27 schedule of rates or charges, or both, for the transportation of  
28 household goods within this state which divides this state into

1 territorial rate areas. Any schedule of rates or charges, or  
2 both, which divides, or attempts to divide, this state into  
3 territorial rate areas is unjust, unreasonable, and invalid.]

4 387.137. The state highways and transportation commission  
5 shall establish consumer protection requirements for motor  
6 carriers transporting household goods in intrastate commerce and  
7 establish a system for filing, logging, and responding to  
8 consumer complaints.

9 387.139. 1. The division of motor carrier services shall  
10 keep an information file about each complaint filed with it  
11 regarding the movement of household goods in intrastate commerce.  
12 The division of motor carrier service's information file shall be  
13 kept current and contain a record for each complaint of:

- 14 (1) All persons contacted in relation to the complaint;  
15 (2) A summary of findings in response to the complaint;  
16 (3) An explanation of the reason for a complaint that is  
17 dismissed; and  
18 (4) Any other relevant information.

19 2. If a written complaint is filed with the division that  
20 is within the division's jurisdiction, the division, at least as  
21 frequently as quarterly and until final disposition of the  
22 complaint, shall notify the complainant of the status of the  
23 complaint unless the notice would jeopardize an ongoing  
24 investigation.

25 3. The highways and transportation commission shall adopt  
26 by rule a form to standardize information concerning complaints  
27 made to the division of motor carriers regarding the  
28 transportation of household goods. The commission shall  
29 prescribe by rule information to be provided to a person when the

1 person files a complaint with the division of motor carrier  
2 services.

3 4. The state highways and transportation commission shall  
4 promulgate rules and regulations for the implementation and  
5 administration of this section. Any rule or portion of a rule,  
6 as that term is defined in section 536.010 that is created under  
7 the authority delegated in this section shall become effective  
8 only if it complies with and is subject to all of the provisions  
9 of chapter 536, and, if applicable, section 536.028. This  
10 section and chapter 536 are nonseverable and if any of the powers  
11 vested with the general assembly pursuant to chapter 536, to  
12 review, to delay the effective date, or to disapprove and annul a  
13 rule are subsequently held unconstitutional, then the grant of  
14 rulemaking authority and any rule proposed or adopted after  
15 August 28, 2011, shall be invalid and void.

16 387.207. 1. All rates, tolls, charges, schedules and joint  
17 rates fixed by the [division] highways and transportation  
18 commission with reference to the transportation of passengers [or  
19 household goods] by motor carrier shall be in force and shall be  
20 prima facie lawful, and all regulations, practices and services  
21 prescribed by the [division] commission shall be in force and  
22 shall be prima facie lawful and reasonable until found otherwise  
23 in a suit brought for that purpose pursuant to the provisions of  
24 this chapter.

25 2. All rates, tolls, charges, schedules, and joint rates  
26 published in accordance with subsection 3 of section 387.050 with  
27 reference to the transportation of household goods by motor  
28 carrier shall be in force and shall be prima facie lawful, and

1 all regulations, practices and services prescribed by the  
2 highways and transportation commission shall be in force and  
3 shall be prima facie lawful and reasonable until found otherwise  
4 in a suit brought for that purpose pursuant to the provisions of  
5 this chapter.

6 387.355. On August 28, 2011, all rate orders issued by the  
7 state highways and transportation commission or its predecessors  
8 affecting the transportation of household goods by common  
9 carriers in intrastate commerce, pursuant to the authority of any  
10 of the provisions in this chapter or chapter 390, shall be  
11 vacated and set aside, but only to the extent that those rate  
12 orders require or prescribe any minimum rates, maximum rates, or  
13 minimum-and-maximum rates for the transportation of household  
14 goods by common carriers in intrastate commerce. This section  
15 shall not vacate or set aside any other requirements or  
16 provisions contained in those rate orders.

17 390.051. 1. Except as otherwise provided in section  
18 390.030, no person shall engage in the business of a common  
19 carrier of household goods or passengers in intrastate commerce  
20 on any public highway in this state unless there is in force with  
21 respect to such carrier a certificate issued by the [division]  
22 state highways and transportation commission authorizing such  
23 operations.

24 2. Application for a certificate shall be made in writing  
25 to the [division] state highways and transportation commission  
26 and shall contain such information as the [division] state  
27 highways and transportation commission shall, by rule, require  
28 and shall include:

1 (1) Full information concerning the ownership, financial  
2 [condition] status of applicant through the submission of  
3 documentation describing assets, liabilities, and capital,  
4 equipment to be used and a statement listing the physical  
5 equipment of applicant and the reasonable value thereof;

6 (2) The complete route or routes over which the applicant  
7 desires to operate, or territory to be served; except that the  
8 state highways and transportation commission shall not restrict  
9 any certificate or permit authorizing the transportation of  
10 household goods or passengers with reference to any route or  
11 routes; except that the state highways and transportation  
12 commission shall restrict the applicant's registration against  
13 the transportation of any hazardous material as designated in  
14 Title 49, Code of Federal Regulations, if the state highways and  
15 transportation commission finds that the applicant has not shown  
16 it is qualified to safely transport that hazardous material in  
17 compliance with all registration, liability insurance, and safety  
18 requirements applicable to the transportation of that hazardous  
19 material pursuant to Title 49, Code of Federal Regulations;

20 (3) The proposed rates, schedule or schedules, or timetable  
21 of the applicant.

22 3. [Except as provided for in subsection 4 of this section,  
23 if the division] If the state highways and transportation  
24 commission finds that an applicant seeking to transport [general  
25 and specialized commodities in truckload lots, agricultural  
26 commodities in bulk in dump trucks] household goods, or  
27 passengers [in charter service] is fit, willing and able to  
28 properly perform the service proposed and to conform to the

1 provisions of this chapter and the requirements, rules and  
2 regulations of the [division] state highways and transportation  
3 commission established thereunder, a certificate therefor shall  
4 be issued.

5 4. [If the division finds that an applicant seeking to  
6 transport:

7 (1) General and specialized commodities in  
8 less-than-truckload lots;

9 (2) Commodities in bulk in dump trucks, other than  
10 agricultural commodities in bulk in dump trucks, as defined in  
11 section 390.020;

12 (3) Mobile homes;

13 (4) Household goods;

14 (5) Passengers other than in charter service;

15 (6) Gasoline, fuel oil or liquefied petroleum gas;

16 (7) Boats; is fit, willing and able to properly perform the  
17 service proposed, and to conform to the provisions of this  
18 chapter and the requirement, rules and regulations of the  
19 division, and that the service proposed will serve a useful  
20 present or future public purpose, a certificate therefor  
21 specifying the service authorized shall be issued, unless the  
22 division finds on the basis of evidence presented by persons  
23 objecting to the issuance of a certificate that the  
24 transportation to be authorized by the certificate will be  
25 inconsistent with the public convenience and necessity.

26 5. In making findings under subsection 4 of this section,  
27 the division shall consider the testimony of the applicant, the  
28 proposed users of the service contemplated by the applicant, and  
29 any other relevant testimony or evidence, and the division shall

1 consider, and to the extent applicable, make findings on at least  
2 the following:

3 (1) The transportation policy of section 390.011; and

4 (2) The criteria set forth in this subsection. In cases  
5 where persons object to the issuance of a certificate, the  
6 diversion of revenue or traffic from existing carriers shall be  
7 considered.

8 6.] The [division] state highways and transportation  
9 commission shall streamline and simplify to the maximum extent  
10 practicable the process for issuance of certificates to which the  
11 provisions of this section apply.

12 [7.] 5. The [division] state highways and transportation  
13 commission shall dismiss on its motion any application for  
14 substantially the same common [or contract] authority that has  
15 been previously denied within six months of filing the subsequent  
16 application.

17 390.054. Beginning August 28, 2011, and continuing  
18 thereafter, no certificate or permit to transport household goods  
19 in intrastate commerce shall be issued or renewed unless the  
20 applicant demonstrates that the applicant has workers'  
21 compensation insurance coverage that complies with chapter 287,  
22 for all employees. If any household goods carrier subject to the  
23 provisions of this chapter or chapter 387 is found by the  
24 division of workers' compensation to be out of compliance with  
25 chapter 287, the division shall report such fact to the state  
26 highways and transportation commission. The commission shall  
27 suspend the household goods carrier's certificate or permit  
28 pursuant to section 390.106 until such time the carrier

1 demonstrates that it has procured workers' compensation insurance  
2 coverage that complies with chapter 287.

3 390.061. 1. Except as otherwise provided in section  
4 390.030, no person shall engage in the business of a contract  
5 carrier of household goods or passengers in intrastate commerce  
6 on any public highway in this state unless there is in force with  
7 respect to such carrier a permit issued by the [division of motor  
8 carrier and railroad safety] state highways and transportation  
9 commission authorizing such operations.

10 2. Applications for such permits shall be made to the  
11 [division] state highways and transportation commission in  
12 writing and shall contain such information as the [division]  
13 state highways and transportation commission shall, by rule,  
14 require and shall include:

15 (1) Full information concerning the ownership, financial  
16 [condition] status of applicant through the submission of  
17 documentation describing assets, liabilities, and capital,  
18 equipment to be used and a statement listing the physical  
19 equipment of applicant and the reasonable value thereof;

20 (2) The complete route or routes over which the applicant  
21 desires to operate, or territory to be served; except that the  
22 state highways and transportation commission shall not restrict  
23 any certificate or permit authorizing the transportation of  
24 household goods or passengers with reference to any route or  
25 routes; except that the state highways and transportation  
26 commission shall restrict the applicant's registration against  
27 the transportation of any hazardous material as designated in  
28 Title 49, Code of Federal Regulations, if the state highways and

1 transportation commission finds that the applicant has not shown  
2 it is qualified to safely transport that hazardous material in  
3 compliance with all registration, liability insurance, and safety  
4 requirements applicable to the transportation of that hazardous  
5 material pursuant to Title 49, Code of Federal Regulations.

6 3. If the [division] state highways and transportation  
7 commission shall find that the applicant is seeking to transport  
8 [general and specialized commodities in truckload lots,  
9 agricultural commodities in bulk,] household goods, or passengers  
10 [in charter service], and is fit, willing and able to properly  
11 perform the service proposed and to conform to the provisions of  
12 this chapter and the requirements, rules and regulations of the  
13 [division] state highways and transportation commission  
14 thereunder, a permit therefor shall be issued.

15 4. [If the division finds that an applicant seeking to  
16 transport commodities or passengers as described in subsection 4  
17 of section 390.051 is fit, willing and able to properly perform  
18 the service proposed, and to conform to the provisions of this  
19 chapter and the requirements, rules and regulations of the  
20 division, and that the service proposed will serve a useful  
21 present or future purpose, a permit therefor specifying the  
22 service authorized shall be issued, unless the division finds on  
23 the basis of evidence presented by persons objecting to the  
24 issuance of a permit that the transportation to be authorized by  
25 the permit will be inconsistent with the public convenience and  
26 necessity.

27 5.] Any permit issued under this section shall specify the  
28 service to be rendered, the contracting parties, and the [points

1 or] area to be served.

2 [6.] 5. The [division] state highways and transportation  
3 commission will not have jurisdiction over contract rates. A  
4 copy of the original contract must be filed with the [division]  
5 state highways and transportation commission prior to issuance of  
6 a permit. In the event the applicant chooses not to disclose  
7 contract rates in the application, the contract shall contain in  
8 lieu of rates a specific provision which incorporates by  
9 reference a schedule of rates, in writing, to be effective  
10 between carrier and shipper. Current contracts and rate  
11 schedules must be maintained by the carrier and contracting  
12 shippers. A contract permit, authorizing the transportation of  
13 [commodities] household goods or passengers [other than as  
14 described in subsection 4 of section 390.051], may be amended to  
15 include additional contracting parties by the filing of said  
16 contracts with the [division] state highways and transportation  
17 commission and acknowledgment by the [division] state highways  
18 and transportation commission.

19 390.116. 1. Common carriers of [property] household goods  
20 may establish reasonable through routes or interline service and  
21 joint rates, charges and classifications with other such carriers  
22 or with common carriers by railroad or express; and common  
23 carriers of passengers may establish reasonable through routes  
24 and joint rates, fares or charges with other such carriers or  
25 with common carriers by railroad. In case of such joint rates,  
26 fares, charges or classifications, it shall be the duty of the  
27 participating carriers[, parties thereto,] to establish just and  
28 reasonable regulations and practices in connection therewith, and

1 just, reasonable and equitable divisions thereof as between the  
2 carriers participating therein which shall not unduly prefer or  
3 prejudice any of such participating carriers and shall not result  
4 in any rate, fare, charge, classification, regulation, or  
5 practice that is unjust or unreasonable to the shipper or  
6 receiver of the household goods. Carriers of household goods  
7 participating in through routes or interline service shall  
8 publish joint tariffs and evidence of concurrence or acceptance  
9 thereof, in accordance with section 387.080, or individual  
10 tariffs for each participating carrier, which shall set forth the  
11 joint or individual rates, fares, charges, classifications,  
12 regulations, practices, and division of rates applicable to such  
13 through routes or interline service, all in accordance with the  
14 applicable provisions in chapter 387.

15 2. The [division] state highways and transportation  
16 commission may, whenever deemed by it to be necessary or  
17 desirable in the public interest, after hearing, upon complaint  
18 or upon its own motion, order the establishment of just and  
19 reasonable through routes and joint rates, fares, charges,  
20 regulations or practices, applicable to the transportation of  
21 passengers [or property] by common carriers.

22 390.280. 1. Certificates or permits, or both, which were  
23 issued before January 1, 1995, and which authorized a person to  
24 transport any property in intrastate commerce by motor vehicle as  
25 a common carrier or contract carrier, or both, are void, except  
26 that to the extent such certificates or permits, or portions  
27 thereof, authorized a person to transport household goods over  
28 irregular routes or passengers in intrastate commerce, or any  
29 property or passengers in interstate commerce, those certificates

1 or permits, or portions thereof, are exempt from the provisions  
2 of this subsection.

3 2. Persons who owned certificates or permits, or both, that  
4 were in active status with the division on December 31, 1994, and  
5 persons to whom the division issued certificates and permits  
6 after December 31, 1994, pursuant to emergency rules adopted by  
7 the division, are deemed to be qualified as registered property  
8 carriers, unless the person's certificate or permit has been  
9 suspended, revoked or transferred to another person as provided  
10 by law. A person deemed qualified pursuant to this subsection is  
11 not required to file an application pursuant to section 390.290  
12 to continue providing intrastate transportation as a registered  
13 property carrier, but rather, upon such person's compliance with  
14 the licensing and insurance requirements of the division the  
15 person is deemed to have a property carrier registration in force  
16 as required pursuant to section 390.270, authorizing the person  
17 to transport property except household goods in intrastate  
18 commerce on the public highways, unless the person's property  
19 carrier registration is suspended, revoked or transferred to  
20 another person as provided by law. Within a reasonable time  
21 after August 28, 1996, the division shall issue property carrier  
22 registrations to all persons who are deemed to be qualified as  
23 registered property carriers and deemed to have property carrier  
24 registrations in force pursuant to this subsection.

25 3. Notwithstanding any provision of this section to the  
26 contrary, this section shall not be construed as authorizing any  
27 person to transport any hazardous material as designated in Title  
28 49, Code of Federal Regulations, except hazardous materials which  
29 that person was expressly authorized to transport in intrastate

1 commerce within this state on August 28, 1996. A person may file  
2 an application for property carrier registration pursuant to  
3 section 390.290 to transport additional hazardous materials.  
4 Nothing in this section shall be construed to conflict with  
5 chapter 260, or of relieving an applicant of any duty to obtain a  
6 license pursuant to chapter 260.

7 4. Notwithstanding any provision of the law to the  
8 contrary, any geographic restriction or provision limiting the  
9 carrier's scope of authority to particular routes within this  
10 state contained in a certificate or permit, or both, authorizing  
11 the transportation of household goods in intrastate commerce,  
12 which was issued prior to August 28, 2011, and any similar  
13 provision contained in a carrier's tariff schedule filed prior to  
14 such date, shall be deemed void. In lieu of the geographic  
15 restrictions expressed in such certificates, permits, or tariff  
16 schedules, a motor carrier shall be authorized to provide  
17 intrastate transportation of household goods between all points  
18 and destinations within the state until such time the  
19 certificates, permits, and tariff schedules are reissued or  
20 amended to reflect the motor carrier's statewide operating  
21 authority. Nothing contained in the provisions of sections  
22 390.051 to 390.116 shall be construed to exempt or to alter the  
23 obligation of compliance by carriers transporting passengers  
24 point-to-point within the jurisdiction described in 67.1802 from  
25 the provisions of sections 67.1800 to 67.1822.

26 444.771. Notwithstanding any other provision of law to the  
27 contrary, the commission and the department shall not issue any  
28 permits under this chapter or under chapters 643 or 644, to any  
29 person whose mine plan boundary is within one thousand feet of

1 any real property where an accredited school has been located for  
2 at least five years prior to any such application for permits  
3 made pursuant to such provisions, except that the provisions of  
4 this section shall not apply to any request for an expansion to  
5 an existing mine and/or to any underground mining operation.

6 537.293. 1. Notwithstanding any other provision of law,  
7 the use of vehicles on a public street or highway in a manner  
8 which is legal under state and local law shall not constitute a  
9 public or private nuisance, and shall not be the basis of a civil  
10 action for public or private nuisance.

11 2. No individual or business entity shall be subject to any  
12 civil action in law or equity for a public or private nuisance on  
13 the basis of such individual or business entity legally using  
14 vehicles on a public street or highway. Any actions by a court  
15 in this state to enjoin the use of a public street or highway in  
16 violation of this section and any damages awarded or imposed by a  
17 court, or assessed by a jury, against an individual or business  
18 entity for public or private nuisance in violation of this  
19 section shall be null and void.

20 3. Notwithstanding any other provision of law, nothing in  
21 this section shall be construed to limit civil liability for  
22 compensatory damages arising from physical injury to another  
23 human being.

24 577.023. 1. For purposes of this section, unless the  
25 context clearly indicates otherwise:

26 (1) An "aggravated offender" is a person who:

27 (a) Has pleaded guilty to or has been found guilty of three  
28 or more intoxication-related traffic offenses; or

29 (b) Has pleaded guilty to or has been found guilty of one

1 or more intoxication-related traffic offense and, in addition,  
2 any of the following: involuntary manslaughter under subdivision  
3 (2) or (3) of subsection 1 of section 565.024; murder in the  
4 second degree under section 565.021, where the underlying felony  
5 is an intoxication-related traffic offense; or assault in the  
6 second degree under subdivision (4) of subsection 1 of section  
7 565.060; or assault of a law enforcement officer in the second  
8 degree under subdivision (4) of subsection 1 of section 565.082;

9 (2) A "chronic offender" is:

10 (a) A person who has pleaded guilty to or has been found  
11 guilty of four or more intoxication-related traffic offenses; or  
12 (b) A person who has pleaded guilty to or has been found  
13 guilty of, on two or more separate occasions, any combination of  
14 the following: involuntary manslaughter under subdivision (2) or  
15 (3) of subsection 1 of section 565.024; murder in the second  
16 degree under section 565.021, where the underlying felony is an  
17 intoxication-related traffic offense; assault in the second  
18 degree under subdivision (4) of subsection 1 of section 565.060;  
19 or assault of a law enforcement officer in the second degree  
20 under subdivision (4) of subsection 1 of section 565.082; or  
21 (c) A person who has pleaded guilty to or has been found  
22 guilty of two or more intoxication-related traffic offenses and,  
23 in addition, any of the following: involuntary manslaughter  
24 under subdivision (2) or (3) of subsection 1 of section 565.024;  
25 murder in the second degree under section 565.021, where the  
26 underlying felony is an intoxication-related traffic offense;  
27 assault in the second degree under subdivision (4) of subsection  
28 1 of section 565.060; or assault of a law enforcement officer in  
29 the second degree under subdivision (4) of subsection 1 of

1 section 565.082;

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

9 (4) An "intoxication-related traffic offense" is driving  
10 while intoxicated, driving with excessive blood alcohol content,  
11 involuntary manslaughter pursuant to subdivision (2) or (3) of  
12 subsection 1 of section 565.024, murder in the second degree  
13 under section 565.021, where the underlying felony is an  
14 intoxication-related traffic offense, assault in the second  
15 degree pursuant to subdivision (4) of subsection 1 of section  
16 565.060, assault of a law enforcement officer in the second  
17 degree pursuant to subdivision (4) of subsection 1 of section  
18 565.082, or driving under the influence of alcohol or drugs in  
19 violation of state law or a county or municipal ordinance;

20 (5) A "persistent offender" is one of the following:

21 (a) A person who has pleaded guilty to or has been found  
22 guilty of two or more intoxication-related traffic offenses;

23 (b) A person who has pleaded guilty to or has been found  
24 guilty of involuntary manslaughter pursuant to subdivision (2) or  
25 (3) of subsection 1 of section 565.024, assault in the second  
26 degree pursuant to subdivision (4) of subsection 1 of section  
27 565.060, assault of a law enforcement officer in the second  
28 degree pursuant to subdivision (4) of subsection 1 of section  
29 565.082; and

1           (6) A "prior offender" is a person who has pleaded guilty  
2 to or has been found guilty of one intoxication-related traffic  
3 offense, where such prior offense occurred within five years of  
4 the occurrence of the intoxication-related traffic offense for  
5 which the person is charged.

6           2. Any person who pleads guilty to or is found guilty of a  
7 violation of section 577.010 or 577.012 who is alleged and proved  
8 to be a prior offender shall be guilty of a class A misdemeanor.

9           3. Any person who pleads guilty to or is found guilty of a  
10 violation of section 577.010 or 577.012 who is alleged and proved  
11 to be a persistent offender shall be guilty of a class D felony.

12           4. Any person who pleads guilty to or is found guilty of a  
13 violation of section 577.010 or section 577.012 who is alleged  
14 and proved to be an aggravated offender shall be guilty of a  
15 class C felony.

16           5. Any person who pleads guilty to or is found guilty of a  
17 violation of section 577.010 or section 577.012 who is alleged  
18 and proved to be a chronic offender shall be guilty of a class B  
19 felony.

20           6. No state, county, or municipal court shall suspend the  
21 imposition of sentence as to a prior offender, persistent  
22 offender, aggravated offender, or chronic offender under this  
23 section nor sentence such person to pay a fine in lieu of a term  
24 of imprisonment, section 557.011 to the contrary notwithstanding.

25           (1) No prior offender shall be eligible for parole or  
26 probation until he or she has served a minimum of ten days  
27 imprisonment:

28           (a) Unless as a condition of such parole or probation such  
29 person performs at least thirty days involving at least two

1 hundred forty hours of community service under the supervision of  
2 the court in those jurisdictions which have a recognized program  
3 for community service; or

4 (b) The offender participates in and successfully completes  
5 a program established pursuant to section 478.007 or other  
6 court-ordered treatment program, if available, and as part of  
7 either program, the offender performs at least thirty days of  
8 community service under the supervision of the court.

9 (2) No persistent offender shall be eligible for parole or  
10 probation until he or she has served a minimum of thirty days  
11 imprisonment:

12 (a) Unless as a condition of such parole or probation such  
13 person performs at least sixty days involving at least four  
14 hundred eighty hours of community service under the supervision  
15 of the court; or

16 (b) The offender participates in and successfully completes  
17 a program established pursuant to section 478.007 or other  
18 court-ordered treatment program, if available, and as part of  
19 either program, the offender performs at least sixty days of  
20 community service under the supervision of the court.

21 (3) No aggravated offender shall be eligible for parole or  
22 probation until he or she has served a minimum of sixty days  
23 imprisonment.

24 (4) No chronic offender shall be eligible for parole or  
25 probation until he or she has served a minimum of two years  
26 imprisonment. In addition to any other terms or conditions of  
27 probation, the court shall consider, as a condition of probation  
28 for any person who pleads guilty to or is found guilty of an  
29 intoxication-related traffic offense, requiring the offender to

1 abstain from consuming or using alcohol or any products  
2 containing alcohol as demonstrated by continuous alcohol  
3 monitoring or by verifiable breath alcohol testing performed a  
4 minimum of four times per day as scheduled by the court for such  
5 duration as determined by the court, but not less than ninety  
6 days. The court may, in addition to imposing any other fine,  
7 costs, or assessments provided by law, require the offender to  
8 bear any costs associated with continuous alcohol monitoring or  
9 verifiable breath alcohol testing.

10 7. The state, county, or municipal court shall find the  
11 defendant to be a prior offender, persistent offender, aggravated  
12 offender, or chronic offender if:

13 (1) The indictment or information, original or amended, or  
14 the information in lieu of an indictment pleads all essential  
15 facts warranting a finding that the defendant is a prior offender  
16 or persistent offender; and

17 (2) Evidence is introduced that establishes sufficient  
18 facts pleaded to warrant a finding beyond a reasonable doubt the  
19 defendant is a prior offender, persistent offender, aggravated  
20 offender, or chronic offender; and

21 (3) The court makes findings of fact that warrant a finding  
22 beyond a reasonable doubt by the court that the defendant is a  
23 prior offender, persistent offender, aggravated offender, or  
24 chronic offender.

25 8. In a jury trial, the facts shall be pleaded, established  
26 and found prior to submission to the jury outside of its hearing.

27 9. In a trial without a jury or upon a plea of guilty, the  
28 court may defer the proof in findings of such facts to a later  
29 time, but prior to sentencing.

1           10. The defendant shall be accorded full rights of  
2   confrontation and cross-examination, with the opportunity to  
3   present evidence, at such hearings.

4           11. The defendant may waive proof of the facts alleged.

5           12. Nothing in this section shall prevent the use of  
6   presentence investigations or commitments.

7           13. At the sentencing hearing both the state, county, or  
8   municipality and the defendant shall be permitted to present  
9   additional information bearing on the issue of sentence.

10          14. The pleas or findings of guilt shall be prior to the  
11   date of commission of the present offense.

12          15. The court shall not instruct the jury as to the range  
13   of punishment or allow the jury, upon a finding of guilt, to  
14   assess and declare the punishment as part of its verdict in cases  
15   of prior offenders, persistent offenders, aggravated offenders,  
16   or chronic offenders.

17          16. Evidence of a prior conviction, plea of guilty, or  
18   finding of guilt in an intoxication-related traffic offense shall  
19   be heard and determined by the trial court out of the hearing of  
20   the jury prior to the submission of the case to the jury, and  
21   shall include but not be limited to evidence received by a search  
22   of the records of the Missouri uniform law enforcement system,  
23   including criminal history records from the central repository or  
24   records from the driving while intoxicated tracking system  
25   (DWITS) maintained by the Missouri state highway patrol, or the  
26   certified driving record maintained by the Missouri department of  
27   revenue. After hearing the evidence, the court shall enter its  
28   findings thereon. A plea of guilty or a finding of guilt followed  
29   by incarceration, a fine, a suspended imposition of sentence,

1 suspended execution of sentence, probation or parole or any  
2 combination thereof in any intoxication-related traffic offense  
3 in a state, county or municipal court or any combination thereof,  
4 shall be treated as a prior plea of guilty or finding of guilt  
5 for purposes of this section.

6 Section 1. 1. Any member of the National Rifle  
7 Association, after an annual payment of an emblem-use  
8 authorization fee to the National Rifle Association, may receive  
9 special license plates for any vehicle the member owns, either  
10 solely or jointly, other than an apportioned motor vehicle or a  
11 commercial motor vehicle licensed in excess of eighteen thousand  
12 pounds gross weight. The National Rifle Association hereby  
13 authorizes the use of its official emblem to be affixed on  
14 multi-year personalized license plates within the plate area  
15 prescribed by the director of revenue and as provided in this  
16 section. Any contribution to the National Rifle Association  
17 derived from this section, except reasonable administrative  
18 costs, shall be used solely for the purposes of the National  
19 Rifle Association. Any member of the National Rifle Association  
20 may annually apply for the use of the emblem.

21 2. Upon annual application and payment of a twenty-five  
22 dollar emblem-use contribution to the National Rifle Association,  
23 that organization shall issue to the vehicle owner, without  
24 further charge, an emblem-use authorization statement, which  
25 shall be presented by the vehicle owner to the director of  
26 revenue at the time of registration. Upon presentation of the  
27 annual statement and payment of a fifteen dollar fee in addition  
28 to the regular registration fees, and presentation of any  
29 documents which may be required by law, the director of revenue

1 shall issue to the vehicle owner a special license plate which  
2 shall bear the emblem of the National Rifle Association and the  
3 words "National Rifle Association" in place of the words "SHOW-ME  
4 STATE". Such license plates shall be made with fully reflective  
5 material with a common color scheme and design of the standard  
6 license plate, shall be clearly visible at night, shall have a  
7 reflective white background in the area of the plate  
8 configuration, and shall be aesthetically attractive, as  
9 prescribed by section 301.130. Notwithstanding the provisions of  
10 section 301.144, no additional fee shall be charged for the  
11 personalization of license plates pursuant to this section.

12 3. A vehicle owner who was previously issued a plate with  
13 the National Rifle Association emblem authorized by this section,  
14 but who does not provide an emblem-use authorization statement at  
15 a subsequent time of registration, shall be issued a new plate  
16 which does not bear the organization's emblem, as otherwise  
17 provided by law. The director of revenue shall make necessary  
18 rules and regulations for the enforcement of this section, and  
19 shall design all necessary forms required by this section.

20 Section B. The repeal and reenactment of section 302.700  
21 and the enactment of section 302.768 of this act shall become  
22 effective on the date the director of the department of revenue  
23 begins accepting commercial driver license medical certifications  
24 under sections 302.700 and 302.768, or on May 1, 2013, whichever  
25 occurs first. If the director of revenue begins accepting  
26 commercial driver license medical certifications under sections  
27 302.700 and 302.768 prior to May 1, 2013, the director of the  
28 department of revenue shall notify the revisor of statutes of  
29 such fact.

1 Section C. The repeal and reenactment of section 301.147  
2 shall become effective July 1, 2012.

3 √

---

*Eric Burdick*      *Bill Huff*

---