

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1050
99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Offered April 5, 2018.

Senate Substitute No. 2 adopted, April 5, 2018.

Taken up for Perfection April 5, 2018. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

6654S.05P

AN ACT

To repeal sections 108.120, 137.555, 227.240, 263.245, 292.606, 301.010, 301.020, 301.055, 301.130, 301.350, 302.170, 302.173, 302.174, 302.720, 304.005, 304.012, 304.060, 304.180, 304.232, 304.820, 306.126, 307.175, and 414.032, RSMo, and to enact in lieu thereof twenty-seven new sections relating to transportation, with existing penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 108.120, 137.555, 227.240, 263.245, 292.606, 301.010, 2 301.020, 301.055, 301.130, 301.350, 302.170, 302.173, 302.174, 302.720, 304.005, 3 304.012, 304.060, 304.180, 304.232, 304.820, 306.126, 307.175, and 414.032, 4 RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be 5 known as sections 108.120, 137.555, 227.240, 227.539, 227.541, 227.542, 227.544, 6 263.245, 292.606, 301.010, 301.020, 301.055, 301.130, 301.350, 302.170, 302.173, 7 302.174, 302.720, 304.005, 304.012, 304.060, 304.180, 304.232, 304.820, 306.126, 8 307.175, and 414.032, to read as follows:

108.120. 1. The county commissions of the counties of this state are 2 hereby authorized to issue bonds for and on behalf of their respective counties for 3 the construction, reconstruction, improvement, maintenance and repair of any 4 and all public roads, highways, bridges [and], culverts, **streets, avenues, or** 5 **alleys** within such county, including the payment of any cost, judgment and 6 expense for property, or rights in property, acquired by purchase or eminent

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

7 domain, as may be provided by law, in such amount and such manner as may be
8 provided by the general law authorizing the issuance of bonds by counties.

9 2. The proceeds of all bonds issued under the provisions of this section
10 shall be paid into the county treasury where they shall be kept as a separate fund
11 to be known as "The Road Bond Construction Fund" and such proceeds shall be
12 used only for the purpose mentioned herein. [Such funds may be used in the
13 construction, reconstruction, improvement, maintenance and repair of any street,
14 avenue, road or alley in any incorporated city, town or village if such street,
15 avenue, road or alley or any part thereof shall form a part of a continuous road,
16 highway, bridge or culvert of said county leading into or through such city, town
17 or village.] **The county may contract with any other political subdivision**
18 **to share the proceeds of such bonds to be used for the purposes**
19 **authorized.**

137.555. In addition to other levies authorized by law, the county
2 commission in counties not adopting an alternative form of government and the
3 proper administrative body in counties adopting an alternative form of
4 government, in their discretion may levy an additional tax, not exceeding
5 thirty-five cents on each one hundred dollars assessed valuation, all of such tax
6 to be collected and turned into the county treasury, where it shall be known and
7 designated as "The Special Road and Bridge Fund" to be used for road and bridge
8 purposes and for no other purpose whatever; except that the term "road and
9 bridge purposes" may include certain storm water control projects off rights of
10 way that are directly related to the construction of roads and bridges, in any
11 county of the first classification without a charter form of government with a
12 population of at least ninety thousand inhabitants but not more than one
13 hundred thousand inhabitants, in any county of the first classification without
14 a charter form of government with a population of at least two hundred thousand
15 inhabitants, in any county of the first classification without a charter form of
16 government and bordered by one county of the first classification and one county
17 of the second classification or in any county of the first classification with a
18 charter form of government and containing part of a city with a population of
19 three hundred thousand or more inhabitants; provided, however, that all that
20 part or portion of such tax which shall arise from and be collected and paid upon
21 any property lying and being within any special road district shall be paid into
22 the county treasury and four-fifths of such part or portion of such tax so arising
23 from and collected and paid upon any property lying and being within any such

24 special road district shall be placed to the credit of such special road district from
25 which it arose and shall be paid out to such special road district upon warrants
26 of the county commission, in favor of the commissioners or treasurer of the
27 district as the case may be; provided further, that the part of such special road
28 and bridge tax arising from and paid upon property not situated in any special
29 road district and the one-fifth part retained in the county treasury may, in the
30 discretion of the county commission **and pursuant to a written contract**, be
31 **shared with any other political subdivision to be used [in] for road and**
32 **bridge purposes within the county, including but not limited to**
33 **constructing**, improving or repairing [any street in any incorporated city or
34 village in the county, if such street shall form a part of a continuous highway of
35 such county leading through such city or village] **streets, avenues, or alleys**
36 **of such political subdivision.**

227.240. 1. The location and removal of all telephone, cable television,
2 and electric light and power transmission lines, poles, wires, and conduits and all
3 pipelines and tramways, erected or constructed, or hereafter to be erected or
4 constructed by any corporation, municipality, public water supply district, sewer
5 district, association or persons, within the right-of-way of any state highway,
6 insofar as the public travel and traffic is concerned, and insofar as the same may
7 interfere with the construction or maintenance of any such highway, shall be
8 under the control and supervision of the state highways and transportation
9 commission.

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

16 3. **The department of transportation may establish a utility**
17 **corridor for the placement of utility facilities on the right-of-way of**
18 **highways in the state highway system. Such utility corridor shall be up**
19 **to twelve feet in width and placed within the existing right-of-way**
20 **when space is reasonably available, with the location of the utility**
21 **corridor to be determined by the state highways and transportation**
22 **commission. Utility providers shall be reimbursed by the department**
23 **of transportation for the expense of moving or relocating any**

24 **preexisting utility facilities located on property that is outside an**
25 **existing state highway right-of-way or utility corridor and is acquired**
26 **by the state for the purpose of expanding a state highway. The**
27 **commission shall promulgate rules setting forth a standardized**
28 **statewide system for requesting and issuing variances to requirements**
29 **set forth in this section.**

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

51 [4.] 5. The commission is authorized in the name of the state of Missouri
52 to institute and maintain, through the attorney general, such suits and actions
53 as may be necessary to enforce the provisions of this section. Any corporation,
54 association or the officers or agents of such corporations or associations, or any
55 other person who shall erect or maintain any such lines, poles, wires, conduits,
56 pipelines or tramways, within the right-of-way of such roads which are
57 hard-surfaced, which are not in accordance with such orders of the commission,
58 shall be deemed guilty of a misdemeanor.

227.539. The portion of State Highway 30 from State Highway 21

2 continuing east to State Highway P in St. Louis County shall be
3 designated as "Officer Blake Snyder Memorial Highway". The
4 department of transportation shall erect and maintain appropriate
5 signs designating such highway, with the costs to be paid by private
6 donations.

227.541. The portion of Interstate 70 from Rangeline Street
2 continuing west to Business Loop 70 in Boone County shall be
3 designated as "Highway Patrol Sgt. Benjamin Booth Memorial
4 Highway". The department of transportation shall erect and maintain
5 appropriate signs designating such highway, with the costs to be paid
6 by private donations.

227.542. The portion of Interstate Highway 70 from the eastern
2 edge of the intersection of U.S. Highway 63 and Interstate 70 continuing
3 west to Rangeline Street in Boone County shall be designated as
4 "Sheriff Roger I. Wilson Memorial Highway". The department of
5 transportation shall erect and maintain appropriate signs designating
6 such highway, with the costs to be paid by private donations.

227.544. The portion of State Highway 42 within Maries County
2 that is located within the city limits of Vienna shall be designated as
3 "PFC Ralph A. Branson, Jr. Memorial Highway". The department of
4 transportation shall erect and maintain appropriate signs designating
5 such highway, with the costs to be paid by private donations.

263.245. 1. Subject to voter approval under section 263.247, all
2 owners of land in:

3 (1) Any county with a township form of government, located north of the
4 Missouri River and having no portion of the county located east of U.S. Highway
5 63 [and located in];

6 (2) Any county of the third classification without a township form of
7 government and with more than four thousand one hundred but fewer than four
8 thousand two hundred inhabitants[.]; or [in]

9 (3) Any county of the third classification without a township form of
10 government and with more than two thousand three hundred but fewer than two
11 thousand four hundred inhabitants

12 shall control all brush growing on such owner's property that is designated as the
13 county right-of-way or county maintenance easement part of such owner's
14 property and which is adjacent to any county road. Such brush shall be cut,

15 burned, or otherwise destroyed as often as necessary in order to keep such lands
16 accessible for purposes of maintenance and safety of the county road **and to**
17 **prevent brush from interfering with any vehicle that may travel the**
18 **road.**

19 2. The county commission, either upon its own motion or upon receipt of
20 a written notice requesting the action from any residents of the county in which
21 the county road bordering the lands in question is located or upon written request
22 of any person regularly using the county road, may control such brush so as to
23 allow easy access to the land described in subsection 1 of this section, and for that
24 purpose the county commission, or its agents, servants, or employees shall have
25 authority to enter on such lands without being liable to an action of trespass
26 therefor, and shall keep an accurate account of the expenses incurred in
27 eradicating the brush, and shall verify such statement under seal of the county
28 commission, and transmit the same to the officer whose duty it is or may be to
29 extend state and county taxes on tax books or bills against real estate. Such
30 officer shall extend the aggregate expenses so charged against each tract of land
31 as a special tax, which shall then become [a lien on such lands,] **due on such**
32 **landowner's real and personal property tax assessment** and be collected
33 as state and county taxes are collected by law and paid to the county commission
34 and credited to the county control fund.

35 3. Before proceeding to control brush as provided in this section, the
36 county commission of the county in which the land is located shall notify the
37 owner of the land of the requirements of this law [by certified mail, return receipt
38 requested, from a list] **in writing using any mail service with delivery**
39 **tracking and an address** supplied by the officer who prepares the tax
40 list[,] and shall allow the owner of the land thirty days from [acknowledgment
41 date of return receipt, or] **the date of [refusal of acceptance of] delivery [as the**
42 **case may be,]** to eradicate all such brush growing on land designated as the
43 county right-of-way or county maintenance easement part of such owner's land
44 and which is adjacent to the county road. In the event that the property owner
45 cannot be located by [certified] mail, notice shall be placed in a newspaper of
46 general circulation in the county in which the land is located at least thirty days
47 before the county commission removes the brush pursuant to subsection 2 of this
48 section. Such property owner shall be granted an automatic thirty-day extension
49 due to hardship by notifying the county commission that such owner cannot
50 comply with the requirements of this section, due to hardship, within the first

51 thirty-day period. The property owner may be granted a second extension by a
52 majority vote of the county commission. There shall be no further extensions. For
53 the purposes of this subsection, "hardship" may be financial, physical or any other
54 condition that the county commission deems to be a valid reason to allow an
55 extension of time to comply with the requirements of this section.

56 4. County commissions shall not withhold rock, which is provided from
57 funds from the county aid road trust fund, for maintaining county roads due to
58 the abutting property owner's refusal to remove brush located on land designated
59 as the county right-of-way or county maintenance easement part of such owner's
60 land. County commissions shall use such rock on the county roads, even though
61 the brush is not removed, or county commissions may resort to the procedures in
62 this section to remove the brush.

63 **5. The county right-of-way or county maintenance easement shall**
64 **extend fifteen feet from the center of the county road or the distance**
65 **set forth in the original conveyance, whichever is greater. For**
66 **purposes of this subsection, the "center of the county road" shall be the**
67 **point equidistant from both edges of the drivable ground of the road in**
68 **its current condition.**

69 **6. In the event a county is required to obtain a land survey to**
70 **enforce this section, the costs of such survey shall be divided equally**
71 **between the county and the landowner.**

292.606. 1. Fees shall be collected for a period of six years from August
2 28, [2012] **2018.**

3 2. (1) Any employer required to report under subsection 1 of section
4 292.605, except local governments and family-owned farm operations, shall
5 submit an annual fee to the commission of one hundred dollars along with the
6 Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of
7 no more than fifty dollars for each such facility. Any person, firm or corporation
8 selling, delivering or transporting petroleum or petroleum products and whose
9 primary business deals with petroleum products or who is covered by the
10 provisions of chapter 323, if such person, firm or corporation is paying fees under
11 the provisions of the federal hazardous materials transportation registration and
12 fee assessment program, shall deduct such federal fees from those fees owed to
13 the state under the provisions of this subsection. If the federal fees exceed or are
14 equal to what would otherwise be owed under this subsection, such employer
15 shall not be liable for state fees under this subsection. In relation to petroleum

16 products "primary business" shall mean that the person, firm or corporation shall
17 earn more than fifty percent of hazardous chemical revenues from the sale,
18 delivery or transport of petroleum products. For the purpose of calculating fees,
19 all grades of gasoline are considered to be one product, all grades of heating oils,
20 diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy
21 distillate products except for grades of gasoline are considered to be one product,
22 and all varieties of motor lubricating oil are considered to be one product. For
23 the purposes of this section "facility" shall mean all buildings, equipment,
24 structures and other stationary items that are located on a single site or on
25 contiguous or adjacent sites and which are owned or operated by the same person.
26 If more than three hazardous substances or mixtures are reported on the Tier II
27 form, the employer shall submit an additional twenty dollar fee for each
28 hazardous substance or mixture. Fees collected under this subdivision shall be
29 for each hazardous chemical on hand at any one time in excess of ten thousand
30 pounds or for extremely hazardous substances on hand at any one time in excess
31 of five hundred pounds or the threshold planning quantity, whichever is less, or
32 for explosives or blasting agents on hand at any one time in excess of one
33 hundred pounds. However, no employer shall pay more than ten thousand dollars
34 per year in fees. Moneys acquired through litigation and any administrative fees
35 paid pursuant to subsection 3 of this section shall not be applied toward this cap.

36 (2) Employers engaged in transporting hazardous materials by pipeline
37 except local gas distribution companies regulated by the Missouri public service
38 commission shall pay to the commission a fee of two hundred fifty dollars for each
39 county in which they operate.

40 (3) Payment of fees is due each year by March first. A late fee of ten
41 percent of the total owed, plus one percent per month of the total, may be
42 assessed by the commission.

43 (4) If, on March first of each year, fees collected under this section and
44 natural resources damages made available pursuant to section 640.235 exceed one
45 million dollars, any excess over one million dollars shall be proportionately
46 credited to fees payable in the succeeding year by each employer who was
47 required to pay a fee and who did pay a fee in the year in which the excess
48 occurred. The limit of one million dollars contained herein shall be reviewed by
49 the commission concurrent with the review of fees as required in subsection 1 of
50 this section.

51 3. Beginning January 1, 2013, any employer filing its Tier II form

52 pursuant to subsection 1 of section 292.605 may request that the commission
53 distribute that employer's Tier II report to the local emergency planning
54 committees and fire departments listed in its Tier II report. Any employer opting
55 to have the commission distribute its Tier II report shall pay an additional fee of
56 ten dollars for each facility listed in the report at the time of filing to recoup the
57 commission's distribution costs. Fees shall be deposited in the chemical
58 emergency preparedness fund established under section 292.607. An employer
59 who pays the additional fee and whose Tier II report includes all local emergency
60 planning committees and fire departments required to be notified under
61 subsection 1 of section 292.605 shall satisfy the reporting requirements of
62 subsection 1 of section 292.605. The commission shall develop a mechanism for
63 an employer to exercise its option to have the commission distribute its Tier II
64 report.

65 4. Local emergency planning committees receiving funds under section
66 292.604 shall coordinate with the commission and the department in chemical
67 emergency planning, training, preparedness, and response activities. Local
68 emergency planning committees receiving funds under this section, section
69 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall
70 provide to the commission an annual report of expenditures and activities.

71 5. Fees collected by the department and all funds provided to local
72 emergency planning committees shall be used for chemical emergency
73 preparedness purposes as outlined in sections 292.600 to 292.625 and the federal
74 act, including contingency planning for chemical releases; exercising, evaluating,
75 and distributing plans, providing training related to chemical emergency
76 preparedness and prevention of chemical accidents; identifying facilities required
77 to report; processing the information submitted by facilities and making it
78 available to the public; receiving and handling emergency notifications of
79 chemical releases; operating a local emergency planning committee; and providing
80 public notice of chemical preparedness activities. Local emergency planning
81 committees receiving funds under this section may combine such funds with other
82 local emergency planning committees to further the purposes of sections 292.600
83 to 292.625, or the federal act.

84 6. The commission shall establish criteria and guidance on how funds
85 received by local emergency planning committees may be used.

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

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

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

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

16 [(3)] (4) "Axle load", the total load transmitted to the road by all wheels
17 whose centers are included between two parallel transverse vertical planes forty
18 inches apart, extending across the full width of the vehicle;

19 [(4)] (5) "Backhaul", the return trip of a vehicle transporting cargo or
20 general freight, especially when carrying goods back over all or part of the same
21 route;

22 [(5)] (6) "Boat transporter", any vehicle combination capable of carrying
23 cargo on the power unit and designed and used specifically to transport
24 assembled boats and boat hulls. Boats may be partially disassembled to facilitate
25 transporting;

26 [(6)] (7) "Body shop", a business that repairs physical damage on motor
27 vehicles that are not owned by the shop or its officers or employees by mending,
28 straightening, replacing body parts, or painting;

29 [(7)] (8) "Bus", a motor vehicle primarily for the transportation of a
30 driver and eight or more passengers but not including shuttle buses;

31 [(8)] (9) "Commercial motor vehicle", a motor vehicle designed or
32 regularly used for carrying freight and merchandise, or more than eight
33 passengers but not including vanpools or shuttle buses;

34 [(9)] (10) "Cotton trailer", a trailer designed and used exclusively for
35 transporting cotton at speeds less than forty miles per hour from field to field or
36 from field to market and return;

37 [(10)] (11) "Dealer", any person, firm, corporation, association, agent or
38 subagent engaged in the sale or exchange of new, used or reconstructed motor

39 vehicles or trailers;

40 [(11)] (12) "Director" or "director of revenue", the director of the
41 department of revenue;

42 [(12)] (13) "Driveaway operation":

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

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

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

58 [(13)] (14) "Dromedary", a box, deck, or plate mounted behind the cab
59 and forward of the fifth wheel on the frame of the power unit of a truck tractor-
60 semitrailer combination. A truck tractor equipped with a dromedary may carry
61 part of a load when operating independently or in a combination with a
62 semitrailer;

63 [(14)] (15) "Farm tractor", a tractor used exclusively for agricultural
64 purposes;

65 [(15)] (16) "Fleet", any group of ten or more motor vehicles owned by the
66 same owner;

67 [(16)] (17) "Fleet vehicle", a motor vehicle which is included as part of
68 a fleet;

69 [(17)] (18) "Fullmount", a vehicle mounted completely on the frame of
70 either the first or last vehicle in a saddlemount combination;

71 [(18)] (19) "Gross weight", the weight of vehicle and/or vehicle
72 combination without load, plus the weight of any load thereon;

73 [(19)] (20) "Hail-damaged vehicle", any vehicle, the body of which has
74 become dented as the result of the impact of hail;

75 [(20)] **(21)** "Highway", any public thoroughfare for vehicles, including
76 state roads, county roads and public streets, avenues, boulevards, parkways or
77 alleys in any municipality;

78 [(21)] **(22)** "Improved highway", a highway which has been paved with
79 gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that
80 it shall have a hard, smooth surface;

81 [(22)] **(23)** "Intersecting highway", any highway which joins another,
82 whether or not it crosses the same;

83 [(23)] **(24)** "Junk vehicle", a vehicle which:

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

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

88 [(24)] **(25)** "Kit vehicle", a motor vehicle assembled by a person other
89 than a generally recognized manufacturer of motor vehicles by the use of a glider
90 kit or replica purchased from an authorized manufacturer and accompanied by
91 a manufacturer's statement of origin;

92 [(25)] **(26)** "Land improvement contractors' commercial motor vehicle",
93 any not-for-hire commercial motor vehicle the operation of which is confined to:

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

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

104 [(26)] **(27)** "Local commercial motor vehicle", a commercial motor vehicle
105 whose operations are confined to a municipality and that area extending not more
106 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying
107 operations are confined solely to the transportation of property owned by any
108 person who is the owner or operator of such vehicle to or from a farm owned by
109 such person or under the person's control by virtue of a landlord and tenant lease;
110 provided that any such property transported to any such farm is for use in the

111 operation of such farm;

112 [(27)] **(28)** "Local log truck", a commercial motor vehicle which is
113 registered pursuant to this chapter to operate as a motor vehicle on the public
114 highways of this state, used exclusively in this state, used to transport harvested
115 forest products, operated solely at a forested site and in an area extending not
116 more than a one hundred mile radius from such site, carries a load with
117 dimensions not in excess of twenty-five cubic yards per two axles with dual
118 wheels, and when operated on the national system of interstate and defense
119 highways described in 23 U.S.C. Section 103, as amended, or outside the one
120 hundred mile radius from such site with an extended distance local log truck
121 permit, such vehicle shall not exceed the weight limits of section 304.180, does
122 not have more than four axles, and does not pull a trailer which has more than
123 two axles. Harvesting equipment which is used specifically for cutting, felling,
124 trimming, delimiting, debarking, chipping, skidding, loading, unloading, and
125 stacking may be transported on a local log truck. A local log truck may not
126 exceed the limits required by law, however, if the truck does exceed such limits
127 as determined by the inspecting officer, then notwithstanding any other
128 provisions of law to the contrary, such truck shall be subject to the weight limits
129 required by such sections as licensed for eighty thousand pounds;

130 [(28)] **(29)** "Local log truck tractor", a commercial motor vehicle which is
131 registered under this chapter to operate as a motor vehicle on the public
132 highways of this state, used exclusively in this state, used to transport harvested
133 forest products, operated at a forested site and in an area extending not more
134 than a one hundred mile radius from such site, operates with a weight not
135 exceeding twenty-two thousand four hundred pounds on one axle or with a weight
136 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and
137 when operated on the national system of interstate and defense highways
138 described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile
139 radius from such site with an extended distance local log truck permit, such
140 vehicle does not exceed the weight limits contained in section 304.180, and does
141 not have more than three axles and does not pull a trailer which has more than
142 two axles. Violations of axle weight limitations shall be subject to the load limit
143 penalty as described for in sections 304.180 to 304.220;

144 [(29)] **(30)** "Local transit bus", a bus whose operations are confined
145 wholly within a municipal corporation, or wholly within a municipal corporation
146 and a commercial zone, as defined in section 390.020, adjacent thereto, forming

147 a part of a public transportation system within such municipal corporation and
148 such municipal corporation and adjacent commercial zone;

149 [(30)] **(31)** "Log truck", a vehicle which is not a local log truck or local log
150 truck tractor and is used exclusively to transport harvested forest products to and
151 from forested sites which is registered pursuant to this chapter to operate as a
152 motor vehicle on the public highways of this state for the transportation of
153 harvested forest products;

154 [(31)] **(32)** "Major component parts", the rear clip, cowl, frame, body, cab,
155 front-end assembly, and front clip, as those terms are defined by the director of
156 revenue pursuant to rules and regulations or by illustrations;

157 [(32)] **(33)** "Manufacturer", any person, firm, corporation or association
158 engaged in the business of manufacturing or assembling motor vehicles, trailers
159 or vessels for sale;

160 [(33)] **(34)** "Motor change vehicle", a vehicle manufactured prior to
161 August, 1957, which receives a new, rebuilt or used engine, and which used the
162 number stamped on the original engine as the vehicle identification number;

163 [(34)] **(35)** "Motor vehicle", any self-propelled vehicle not operated
164 exclusively upon tracks, except farm tractors;

165 [(35)] **(36)** "Motor vehicle primarily for business use", any vehicle other
166 than a recreational motor vehicle, motorcycle, motortricycle, **autocycle**, or any
167 commercial motor vehicle licensed for over twelve thousand pounds:

168 (a) Offered for hire or lease; or

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

170 [(36)] **(37)** "Motorcycle", a motor vehicle operated on two wheels;

171 [(37)] **(38)** "Motorized bicycle", any two-wheeled or three-wheeled device
172 having an automatic transmission and a motor with a cylinder capacity of not
173 more than fifty cubic centimeters, which produces less than three gross brake
174 horsepower, and is capable of propelling the device at a maximum speed of not
175 more than thirty miles per hour on level ground;

176 [(38)] **(39)** "Motortricycle", a motor vehicle **upon which the operator**
177 **straddles or sits astride that is designed to be controlled by handle bars**
178 **and is** operated on three wheels, including a motorcycle while operated with any
179 conveyance, temporary or otherwise, requiring the use of a third wheel. A
180 motortricycle shall not be included in the definition of all-terrain vehicle;

181 [(39)] **(40)** "Municipality", any city, town or village, whether incorporated
182 or not;

183 [(40)] (41) "Nonresident", a resident of a state or country other than the
184 state of Missouri;

185 [(41)] (42) "Non-USA-std motor vehicle", a motor vehicle not originally
186 manufactured in compliance with United States emissions or safety standards;

187 [(42)] (43) "Operator", any person who operates or drives a motor vehicle;

188 [(43)] (44) "Owner", any person, firm, corporation or association, who
189 holds the legal title to a vehicle or in the event a vehicle is the subject of an
190 agreement for the conditional sale or lease thereof with the right of purchase
191 upon performance of the conditions stated in the agreement and with an
192 immediate right of possession vested in the conditional vendee or lessee, or in the
193 event a mortgagor of a vehicle is entitled to possession, then such conditional
194 vendee or lessee or mortgagor shall be deemed the owner;

195 [(44)] (45) "Public garage", a place of business where motor vehicles are
196 housed, stored, repaired, reconstructed or repainted for persons other than the
197 owners or operators of such place of business;

198 [(45)] (46) "Rebuilder", a business that repairs or rebuilds motor vehicles
199 owned by the rebuilder, but does not include certificated common or contract
200 carriers of persons or property;

201 [(46)] (47) "Reconstructed motor vehicle", a vehicle that is altered from
202 its original construction by the addition or substitution of two or more new or
203 used major component parts, excluding motor vehicles made from all new parts,
204 and new multistage manufactured vehicles;

205 [(47)] (48) "Recreational motor vehicle", any motor vehicle designed,
206 constructed or substantially modified so that it may be used and is used for the
207 purposes of temporary housing quarters, including therein sleeping and eating
208 facilities which are either permanently attached to the motor vehicle or attached
209 to a unit which is securely attached to the motor vehicle. Nothing herein shall
210 prevent any motor vehicle from being registered as a commercial motor vehicle
211 if the motor vehicle could otherwise be so registered;

212 [(48)] (49) "Recreational off-highway vehicle", any motorized vehicle
213 manufactured and used exclusively for off-highway use which is more than fifty
214 inches but no more than sixty-seven inches in width, with an unladen dry weight
215 of two thousand pounds or less, traveling on four or more nonhighway tires and
216 which may have access to ATV trails;

217 [(49)] (50) "Rollback or car carrier", any vehicle specifically designed to
218 transport wrecked, disabled or otherwise inoperable vehicles, when the

219 transportation is directly connected to a wrecker or towing service;

220 [(50)] **(51)** "Saddlemount combination", a combination of vehicles in
221 which a truck or truck tractor tows one or more trucks or truck tractors, each
222 connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The
223 "saddle" is a mechanism that connects the front axle of the towed vehicle to the
224 frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
225 connection. When two vehicles are towed in this manner the combination is
226 called a "double saddlemount combination". When three vehicles are towed in
227 this manner, the combination is called a "triple saddlemount combination";

228 [(51)] **(52)** "Salvage dealer and dismantler", a business that dismantles
229 used motor vehicles for the sale of the parts thereof, and buys and sells used
230 motor vehicle parts and accessories;

231 [(52)] **(53)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer
232 which:

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

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

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

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

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

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

255 vehicles;

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

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

261 [(53)] **(54)** "School bus", any motor vehicle used solely to transport
262 students to or from school or to transport students to or from any place for
263 educational purposes;

264 [(54)] **(55)** "Scrap processor", a business that, through the use of fixed or
265 mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and
266 vehicle parts for processing or transportation to a shredder or scrap metal
267 operator for recycling;

268 [(55)] **(56)** "Shuttle bus", a motor vehicle used or maintained by any
269 person, firm, or corporation as an incidental service to transport patrons or
270 customers of the regular business of such person, firm, or corporation to and from
271 the place of business of the person, firm, or corporation providing the service at
272 no fee or charge. Shuttle buses shall not be registered as buses or as commercial
273 motor vehicles;

274 [(56)] **(57)** "Special mobile equipment", every self-propelled vehicle not
275 designed or used primarily for the transportation of persons or property and
276 incidentally operated or moved over the highways, including farm equipment,
277 implements of husbandry, road construction or maintenance machinery, ditch-
278 digging apparatus, stone crushers, air compressors, power shovels, cranes,
279 graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
280 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished
281 machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers,
282 drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This
283 enumeration shall be deemed partial and shall not operate to exclude other such
284 vehicles which are within the general terms of this section;

285 [(57)] **(58)** "Specially constructed motor vehicle", a motor vehicle which
286 shall not have been originally constructed under a distinctive name, make, model
287 or type by a manufacturer of motor vehicles. The term specially constructed
288 motor vehicle includes kit vehicles;

289 [(58)] **(59)** "Stinger-steered combination", a truck tractor-semitrailer
290 wherein the fifth wheel is located on a drop frame located behind and below the

291 rearmost axle of the power unit;

292 [(59)] **(60)** "Tandem axle", a group of two or more axles, arranged one
293 behind another, the distance between the extremes of which is more than forty
294 inches and not more than ninety-six inches apart;

295 [(60)] **(61)** "Towaway trailer transporter combination", a combination of
296 vehicles consisting of a trailer transporter towing unit and two trailers or
297 semitrailers, with a total weight that does not exceed twenty-six thousand
298 pounds; and in which the trailers or semitrailers carry no property and constitute
299 inventory property of a manufacturer, distributor, or dealer of such trailers or
300 semitrailers;

301 [(61)] **(62)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled
302 motor vehicle designed for drawing other vehicles, but not for the carriage of any
303 load when operating independently. When attached to a semitrailer, it supports
304 a part of the weight thereof;

305 [(62)] **(63)** "Trailer", any vehicle without motive power designed for
306 carrying property or passengers on its own structure and for being drawn by a
307 self-propelled vehicle, except those running exclusively on tracks, including a
308 semitrailer or vehicle of the trailer type so designed and used in conjunction with
309 a self-propelled vehicle that a considerable part of its own weight rests upon and
310 is carried by the towing vehicle. The term trailer shall not include cotton trailers
311 as defined in this section and shall not include manufactured homes as defined
312 in section 700.010;

313 [(63)] **(64)** "Trailer transporter towing unit", a power unit that is not
314 used to carry property when operating in a towaway trailer transporter
315 combination;

316 [(64)] **(65)** "Truck", a motor vehicle designed, used, or maintained for the
317 transportation of property;

318 [(65)] **(66)** "Truck-tractor semitrailer-semitrailer", a combination vehicle
319 in which the two trailing units are connected with a B-train assembly which is
320 a rigid frame extension attached to the rear frame of a first semitrailer which
321 allows for a fifth-wheel connection point for the second semitrailer and has one
322 less articulation point than the conventional A-dolly connected truck-tractor
323 semitrailer-trailer combination;

324 [(66)] **(67)** "Truck-trailer boat transporter combination", a boat
325 transporter combination consisting of a straight truck towing a trailer using
326 typically a ball and socket connection with the trailer axle located substantially

327 at the trailer center of gravity rather than the rear of the trailer but so as to
328 maintain a downward force on the trailer tongue;

329 [(67)] **(68)** "Used parts dealer", a business that buys and sells used motor
330 vehicle parts or accessories, but not including a business that sells only new,
331 remanufactured or rebuilt parts. Business does not include isolated sales at a
332 swap meet of less than three days;

333 [(68)] **(69)** "Utility vehicle", any motorized vehicle manufactured and
334 used exclusively for off-highway use which is more than fifty inches but no more
335 than sixty-seven inches in width, with an unladen dry weight of two thousand
336 pounds or less, traveling on four or six wheels, to be used primarily for
337 landscaping, lawn care, or maintenance purposes;

338 [(69)] **(70)** "Vanpool", any van or other motor vehicle used or maintained
339 by any person, group, firm, corporation, association, city, county or state agency,
340 or any member thereof, for the transportation of not less than eight nor more
341 than forty-eight employees, per motor vehicle, to and from their place of
342 employment; however, a vanpool shall not be included in the definition of the
343 term bus or commercial motor vehicle as defined in this section, nor shall a
344 vanpool driver be deemed a chauffeur as that term is defined by section 303.020;
345 nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
346 personal, or maintenance uses constitute an unlicensed use of the motor vehicle,
347 unless used for monetary profit other than for use in a ride-sharing arrangement;

348 [(70)] **(71)** "Vehicle", any mechanical device on wheels, designed
349 primarily for use, or used, on highways, except motorized bicycles, vehicles
350 propelled or drawn by horses or human power, or vehicles used exclusively on
351 fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by
352 handicapped persons;

353 [(71)] **(72)** "Wrecker" or "tow truck", any emergency commercial vehicle
354 equipped, designed and used to assist or render aid and transport or tow disabled
355 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
356 point of storage or repair, including towing a replacement vehicle to replace a
357 disabled or wrecked vehicle;

358 [(72)] **(73)** "Wrecker or towing service", the act of transporting, towing
359 or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
360 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
361 the operator directly or indirectly receives compensation or other personal gain.

301.020. 1. Every owner of a motor vehicle or trailer, which shall be

2 operated or driven upon the highways of this state, except as herein otherwise
3 expressly provided, shall annually file, by mail or otherwise, in the office of the
4 director of revenue, an application for registration on a blank to be furnished by
5 the director of revenue for that purpose containing:

6 (1) A brief description of the motor vehicle or trailer to be registered,
7 including the name of the manufacturer, the vehicle identification number, the
8 amount of motive power of the motor vehicle, stated in figures of horsepower and
9 whether the motor vehicle is to be registered as a motor vehicle primarily for
10 business use as defined in section 301.010;

11 (2) The name, the applicant's identification number and address of the
12 owner of such motor vehicle or trailer;

13 (3) The gross weight of the vehicle and the desired load in pounds if the
14 vehicle is a commercial motor vehicle or trailer.

15 2. If the vehicle is a motor vehicle primarily for business use as defined
16 in section 301.010 and if such vehicle is five years of age or less, the director of
17 revenue shall retain the odometer information provided in the vehicle inspection
18 report, and provide for prompt access to such information, together with the
19 vehicle identification number for the motor vehicle to which such information
20 pertains, for a period of five years after the receipt of such information. This
21 section shall not apply unless:

22 (1) The application for the vehicle's certificate of ownership was submitted
23 after July 1, 1989; and

24 (2) The certificate was issued pursuant to a manufacturer's statement of
25 origin.

26 3. If the vehicle is any motor vehicle other than a motor vehicle primarily
27 for business use, a recreational motor vehicle, motorcycle, motortricycle,
28 **autocycle**, bus, or any commercial motor vehicle licensed for over twelve
29 thousand pounds and if such motor vehicle is five years of age or less, the director
30 of revenue shall retain the odometer information provided in the vehicle
31 inspection report, and provide for prompt access to such information, together
32 with the vehicle identification number for the motor vehicle to which such
33 information pertains, for a period of five years after the receipt of such
34 information. This subsection shall not apply unless:

35 (1) The application for the vehicle's certificate of ownership was submitted
36 after July 1, 1990; and

37 (2) The certificate was issued pursuant to a manufacturer's statement of

38 origin.

39 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change
40 vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as
41 defined in section 301.010, or prior salvage as referenced in section 301.573, the
42 owner or lienholder shall surrender the certificate of ownership. The owner shall
43 make an application for a new certificate of ownership, pay the required title fee,
44 and obtain the vehicle examination certificate required pursuant to subsection 9
45 of section 301.190. If an insurance company pays a claim on a salvage vehicle as
46 defined in section 301.010 and the owner retains the vehicle, as prior salvage, the
47 vehicle shall only be required to meet the examination requirements under
48 subsection 10 of section 301.190. Notarized bills of sale along with a copy of the
49 front and back of the certificate of ownership for all major component parts
50 installed on the vehicle and invoices for all essential parts which are not defined
51 as major component parts shall accompany the application for a new certificate
52 of ownership. If the vehicle is a specially constructed motor vehicle, as defined
53 in section 301.010, two pictures of the vehicle shall be submitted with the
54 application. If the vehicle is a kit vehicle, the applicant shall submit the invoice
55 and the manufacturer's statement of origin on the kit. If the vehicle requires the
56 issuance of a special number by the director of revenue or a replacement vehicle
57 identification number, the applicant shall submit the required application and
58 application fee. All applications required under this subsection shall be
59 submitted with any applicable taxes which may be due on the purchase of the
60 vehicle or parts. The director of revenue shall appropriately designate
61 "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor
62 Vehicle", or "Specially Constructed Motor Vehicle" on the current and all
63 subsequent issues of the certificate of ownership of such vehicle.

64 5. Every insurance company that pays a claim for repair of a motor
65 vehicle which as the result of such repairs becomes a reconstructed motor vehicle
66 as defined in section 301.010 or that pays a claim on a salvage vehicle as defined
67 in section 301.010 and the owner is retaining the vehicle shall in writing notify
68 the owner of the vehicle, and in a first party claim, the lienholder if a lien is in
69 effect, that he is required to surrender the certificate of ownership, and the
70 documents and fees required pursuant to subsection 4 of this section to obtain a
71 prior salvage motor vehicle certificate of ownership or documents and fees as
72 otherwise required by law to obtain a salvage certificate of ownership, from the
73 director of revenue. The insurance company shall within thirty days of the

74 payment of such claims report to the director of revenue the name and address
 75 of such owner, the year, make, model, vehicle identification number, and license
 76 plate number of the vehicle, and the date of loss and payment.

77 6. Anyone who fails to comply with the requirements of this section shall
 78 be guilty of a class B misdemeanor.

79 7. An applicant for registration may make a donation of one dollar to
 80 promote a blindness education, screening and treatment program. The director
 81 of revenue shall collect the donations and deposit all such donations in the state
 82 treasury to the credit of the blindness education, screening and treatment
 83 program fund established in section 209.015. Moneys in the blindness education,
 84 screening and treatment program fund shall be used solely for the purposes
 85 established in section 209.015; except that the department of revenue shall retain
 86 no more than one percent for its administrative costs. The donation prescribed
 87 in this subsection is voluntary and may be refused by the applicant for
 88 registration at the time of issuance or renewal. The director shall inquire of each
 89 applicant at the time the applicant presents the completed application to the
 90 director whether the applicant is interested in making the one dollar donation
 91 prescribed in this subsection.

92 8. An applicant for registration may make a donation of one dollar to
 93 promote an organ donor program. The director of revenue shall collect the
 94 donations and deposit all such donations in the state treasury to the credit of the
 95 organ donor program fund as established in sections 194.297 to 194.304. Moneys
 96 in the organ donor fund shall be used solely for the purposes established in
 97 sections 194.297 to 194.304, except that the department of revenue shall retain
 98 no more than one percent for its administrative costs. The donation prescribed
 99 in this subsection is voluntary and may be refused by the applicant for
 100 registration at the time of issuance or renewal. The director shall inquire of each
 101 applicant at the time the applicant presents the completed application to the
 102 director whether the applicant is interested in making the one dollar donation
 103 prescribed in this subsection.

301.055. 1. The annual registration fee for motor vehicles other than
 2 commercial motor vehicles is:

3	Less than 12 horsepower	\$18.00
4	12 horsepower and less than 24 horsepower	21.00
5	24 horsepower and less than 36 horsepower	24.00
6	36 horsepower and less than 48 horsepower	33.00

7	48 horsepower and less than 60 horsepower	39.00
8	60 horsepower and less than 72 horsepower	45.00
9	72 horsepower and more	51.00
10	Motorcycles	8.50
11	Motortricycles	10.00
12	Autocycles	10.00

13 **2. Notwithstanding any other provision of law, the registration**
14 **of any autocycle registered as a motorcycle or motortricycle prior to**
15 **August 28, 2018, shall remain in effect until the expiration of the**
16 **registration period for such vehicle at which time the owner shall be**
17 **required to renew the motor vehicle's registration under the autocycle**
18 **classification and pay the appropriate registration fee.**

301.130. 1. The director of revenue, upon receipt of a proper application
2 for registration, required fees and any other information which may be required
3 by law, shall issue to the applicant a certificate of registration in such manner
4 and form as the director of revenue may prescribe and a set of license plates, or
5 other evidence of registration, as provided by this section. Each set of license
6 plates shall bear the name or abbreviated name of this state, the words "SHOW-
7 ME STATE", the month and year in which the registration shall expire, and an
8 arrangement of numbers or letters, or both, as shall be assigned from year to year
9 by the director of revenue. The plates shall also contain fully reflective material
10 with a common color scheme and design for each type of license plate issued
11 pursuant to this chapter. The plates shall be clearly visible at night, and shall
12 be aesthetically attractive. Special plates for qualified disabled veterans will
13 have the "DISABLED VETERAN" wording on the license plates in preference to
14 the words "SHOW-ME STATE" and special plates for members of the National
15 Guard will have the "NATIONAL GUARD" wording in preference to the words
16 "SHOW-ME STATE".

17 2. The arrangement of letters and numbers of license plates shall be
18 uniform throughout each classification of registration. The director may provide
19 for the arrangement of the numbers in groups or otherwise, and for other
20 distinguishing marks on the plates.

21 3. All property-carrying commercial motor vehicles to be registered at a
22 gross weight in excess of twelve thousand pounds, all passenger-carrying
23 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,
24 motorcycles, motortricycles, **autocycles**, motorscooters, and driveaway vehicles

25 shall be registered with the director of revenue as provided for in subsection 3 of
26 section 301.030, or with the state highways and transportation commission as
27 otherwise provided in this chapter, but only one license plate shall be issued for
28 each such vehicle, except as provided in this subsection. The applicant for
29 registration of any property-carrying commercial vehicle registered at a gross
30 weight in excess of twelve thousand pounds may request and be issued two
31 license plates for such vehicle, and if such plates are issued, the director of
32 revenue shall provide for distinguishing marks on the plates indicating one plate
33 is for the front and the other is for the rear of such vehicle. The director may
34 assess and collect an additional charge from the applicant in an amount not to
35 exceed the fee prescribed for personalized license plates in subsection 1 of section
36 301.144.

37 4. The plates issued to manufacturers and dealers shall bear the letters
38 and numbers as prescribed by section 301.560, and the director may place upon
39 the plates other letters or marks to distinguish commercial motor vehicles and
40 trailers and other types of motor vehicles.

41 5. No motor vehicle or trailer shall be operated on any highway of this
42 state unless it shall have displayed thereon the license plate or set of license
43 plates issued by the director of revenue or the state highways and transportation
44 commission and authorized by section 301.140. Each such plate shall be securely
45 fastened to the motor vehicle or trailer in a manner so that all parts thereof shall
46 be plainly visible and reasonably clean so that the reflective qualities thereof are
47 not impaired. Each such plate may be encased in a transparent cover so long as
48 the plate is plainly visible and its reflective qualities are not impaired. License
49 plates shall be fastened to all motor vehicles except trucks, tractors, truck
50 tractors or truck-tractors licensed in excess of twelve thousand pounds on the
51 front and rear of such vehicles not less than eight nor more than forty-eight
52 inches above the ground, with the letters and numbers thereon right side up. The
53 license plates on trailers, motorcycles, motortricycles, **autocycles**, and
54 motorscooters shall be displayed on the rear of such vehicles either horizontally
55 or vertically, with the letters and numbers plainly visible. The license plate on
56 buses, other than school buses, and on trucks, tractors, truck tractors or truck-
57 tractors licensed in excess of twelve thousand pounds shall be displayed on the
58 front of such vehicles not less than eight nor more than forty-eight inches above
59 the ground, with the letters and numbers thereon right side up or if two plates
60 are issued for the vehicle pursuant to subsection 3 of this section, displayed in

61 the same manner on the front and rear of such vehicles. The license plate or
62 plates authorized by section 301.140, when properly attached, shall be prima facie
63 evidence that the required fees have been paid.

64 6. (1) The director of revenue shall issue annually or biennially a tab or
65 set of tabs as provided by law as evidence of the annual payment of registration
66 fees and the current registration of a vehicle in lieu of the set of
67 plates. Beginning January 1, 2010, the director may prescribe any additional
68 information recorded on the tab or tabs to ensure that the tab or tabs positively
69 correlate with the license plate or plates issued by the department of revenue for
70 such vehicle. Such tabs shall be produced in each license bureau office.

71 (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and
72 display such tab or tabs in the designated area of the license plate, no more than
73 one per plate.

74 (3) A tab or set of tabs issued by the director of revenue when attached
75 to a vehicle in the prescribed manner shall be prima facie evidence that the
76 registration fee for such vehicle has been paid.

77 (4) Except as otherwise provided in this section, the director of revenue
78 shall issue plates for a period of at least six years.

79 (5) For those commercial motor vehicles and trailers registered pursuant
80 to section 301.041, the plate issued by the highways and transportation
81 commission shall be a permanent nonexpiring license plate for which no tabs
82 shall be issued. Nothing in this section shall relieve the owner of any vehicle
83 permanently registered pursuant to this section from the obligation to pay the
84 annual registration fee due for the vehicle. The permanent nonexpiring license
85 plate shall be returned to the highways and transportation commission upon the
86 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring
87 license plate is issued, or the plate may be transferred to a replacement
88 commercial motor vehicle when the owner files a supplemental application with
89 the Missouri highways and transportation commission for the registration of such
90 replacement commercial motor vehicle. Upon payment of the annual registration
91 fee, the highways and transportation commission shall issue a certificate of
92 registration or other suitable evidence of payment of the annual fee, and such
93 evidence of payment shall be carried at all times in the vehicle for which it is
94 issued.

95 (6) Upon the sale or disposal of any vehicle permanently registered under
96 this section, or upon the termination of a lease of any such vehicle, the permanent

97 nonexpiring plate issued for such vehicle shall be returned to the highways and
98 transportation commission and shall not be valid for operation of such vehicle, or
99 the plate may be transferred to a replacement vehicle when the owner files a
100 supplemental application with the Missouri highways and transportation
101 commission for the registration of such replacement vehicle. If a vehicle which
102 is permanently registered under this section is sold, wrecked or otherwise
103 disposed of, or the lease terminated, the registrant shall be given credit for any
104 unused portion of the annual registration fee when the vehicle is replaced by the
105 purchase or lease of another vehicle during the registration year.

106 7. The director of revenue and the highways and transportation
107 commission may prescribe rules and regulations for the effective administration
108 of this section. No rule or portion of a rule promulgated under the authority of
109 this section shall become effective unless it has been promulgated pursuant to the
110 provisions of section 536.024.

111 8. Notwithstanding the provisions of any other law to the contrary, owners
112 of motor vehicles other than apportioned motor vehicles or commercial motor
113 vehicles licensed in excess of twenty-four thousand pounds gross weight may
114 apply for special personalized license plates. Vehicles licensed for twenty-four
115 thousand pounds that display special personalized license plates shall be subject
116 to the provisions of subsections 1 and 2 of section 301.030. On and after August
117 28, 2016, owners of motor vehicles, other than apportioned motor vehicles or
118 commercial motor vehicles licensed in excess of twenty-four thousand pounds
119 gross weight, may apply for any preexisting or hereafter statutorily created
120 special personalized license plates.

121 9. No later than January 1, 2019, the director of revenue shall commence
122 the reissuance of new license plates of such design as approved by the advisory
123 committee under section 301.125 consistent with the terms, conditions, and
124 provisions of section 301.125 and this chapter. Except as otherwise provided in
125 this section, in addition to all other fees required by law, applicants for
126 registration of vehicles with license plates that expire during the period of
127 reissuance, applicants for registration of trailers or semitrailers with license
128 plates that expire during the period of reissuance and applicants for registration
129 of vehicles that are to be issued new license plates during the period of reissuance
130 shall pay the cost of the plates required by this subsection. The additional cost
131 prescribed in this subsection shall not be charged to persons receiving special
132 license plates issued under section 301.073 or 301.443. Historic motor vehicle

133 license plates registered pursuant to section 301.131 and specialized license
134 plates are exempt from the provisions of this subsection. Except for new,
135 replacement, and transfer applications, permanent nonexpiring license plates
136 issued to commercial motor vehicles and trailers registered under section 301.041
137 are exempt from the provisions of this subsection.

301.350. 1. Upon receipt of an application for registration of a motor
2 vehicle, trailer, manufacturer or dealer, as provided in this chapter, the director
3 of revenue shall file such application and register such motor vehicle, trailer,
4 manufacturer or dealer, together with the facts stated in the application, under
5 a distinctive number assigned to such motor vehicle, trailer, manufacturer or
6 dealer. Separate records shall be kept as follows:

- 7 (1) Motor vehicles registered by owners;
- 8 (2) Commercial motor vehicles;
- 9 (3) Trailers;
- 10 (4) Motorcycles and motor tricycles;
- 11 (5) **Autocycles;**
- 12 (6) Manufacturers and dealers.

13 2. The director of revenue may keep such other classifications and records
14 as he may deem necessary and may enter contracts or agreements or otherwise
15 make arrangements for computerized access to odometer and title information.

16 3. All of such books and records shall be kept open to public inspection
17 during reasonable business hours.

18 4. The governor may cause the records of the department of revenue to be
19 audited by the state auditor at any time.

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

- 2 (1) "Biometric data", shall include, but not be limited to, the following:
 - 3 (a) Facial feature pattern characteristics;
 - 4 (b) Voice data used for comparing live speech with a previously created
5 speech model of a person's voice;
 - 6 (c) Iris recognition data containing color or texture patterns or codes;
 - 7 (d) Retinal scans, reading through the pupil to measure blood vessels
8 lining the retina;
 - 9 (e) Fingerprint, palm prints, hand geometry, measure of any and all
10 characteristics of biometric information, including shape and length of fingertips,
11 or recording ridge pattern or fingertip characteristics;
 - 12 (f) Eye spacing;

13 (g) Characteristic gait or walk;

14 (h) DNA;

15 (i) Keystroke dynamic, measuring pressure applied to key pads or other
16 digital receiving devices;

17 (2) "Commercial purposes", shall not include data used or compiled solely
18 to be used for, or obtained or compiled solely for purposes expressly allowed
19 under Missouri law or the federal Drivers Privacy Protection Act;

20 (3) "Source documents", original or certified copies, where applicable, of
21 documents presented by an applicant as required under 6 CFR Part 37 to the
22 department of revenue to apply for a driver's license or nondriver's
23 license. Source documents shall also include any documents required for the
24 issuance of driver's licenses or nondriver's licenses by the department of revenue
25 under the provisions of this chapter or accompanying regulations.

26 2. Except as provided in subsection 3 of this section and as required to
27 carry out the provisions of subsection 4 of this section, the department of revenue
28 shall not retain copies, in any format, of source documents presented by
29 individuals applying for or holding driver's licenses or nondriver's licenses or use
30 technology to capture digital images of source documents so that the images are
31 capable of being retained in electronic storage in a transferable
32 format. Documents retained as provided or required by subsections 3 and 4 of
33 this section shall be stored solely on a system not connected to the internet nor
34 to a wide area network that connects to the internet. Once stored on such
35 system, the documents and data shall be purged from any systems on which they
36 were previously stored so as to make them irretrievable.

37 3. The provisions of this section shall not apply to:

38 (1) Original application forms, which may be retained but not scanned
39 except as provided in this section;

40 (2) Test score documents issued by state highway patrol driver examiners;

41 (3) Documents demonstrating lawful presence of any applicant who is not
42 a citizen of the United States, including documents demonstrating duration of the
43 person's lawful presence in the United States;

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

48 (5) **Documents submitted by a commercial driver's license**

49 **applicant who is a Missouri resident and is active duty military or a**
50 **veteran, as "veteran" is defined in 38 U.S.C. 101, which allow for waiver**
51 **of the commercial driver's license knowledge test, skills test, or both;**
52 **and**

53 (6) Any other document at the request of and for the convenience of the
54 applicant where the applicant requests the department of revenue review
55 alternative documents as proof required for issuance of a driver's license,
56 nondriver's license, or instruction permit.

57 4. (1) To the extent not prohibited under subsection 13 of this section, the
58 department of revenue shall amend procedures for applying for a driver's license
59 or identification card in order to comply with the goals or standards of the federal
60 REAL ID Act of 2005, any rules or regulations promulgated under the authority
61 granted in such Act, or any requirements adopted by the American Association
62 of Motor Vehicle Administrators for furtherance of the Act, unless such action
63 conflicts with Missouri law.

64 (2) The department of revenue shall issue driver's licenses or
65 identification cards that are compliant with the federal REAL ID Act of 2005, as
66 amended, to all applicants for driver's licenses or identification cards unless an
67 applicant requests a driver's license or identification card that is not REAL ID
68 compliant. Except as provided in subsection 3 of this section and as required to
69 carry out the provisions of this subsection, the department of revenue shall not
70 retain the source documents of individuals applying for driver's licenses or
71 identification cards not compliant with REAL ID. Upon initial application for a
72 driver's license or identification card, the department shall inform applicants of
73 the option of being issued a REAL ID compliant driver's license or identification
74 card or a driver's license or identification card that is not compliant with REAL
75 ID. The department shall inform all applicants:

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

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

82 b. Electronic copies of source documents will be retained by the
83 department and destroyed after the minimum time required for retention by the
84 federal REAL ID Act of 2005, as amended;

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

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

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

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

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

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

102 5. The department of revenue shall not use, collect, obtain, share, or
103 retain biometric data nor shall the department use biometric technology to
104 produce a driver's license or nondriver's license or to uniquely identify licensees
105 or license applicants. This subsection shall not apply to digital images nor
106 licensee signatures required for the issuance of driver's licenses and nondriver's
107 licenses or to biometric data collected from employees of the department of
108 revenue, employees of the office of administration who provide information
109 technology support to the department of revenue, contracted license offices, and
110 contracted manufacturers engaged in the production, processing, or manufacture
111 of driver's licenses or identification cards in positions which require a background
112 check in order to be compliant with the federal REAL ID Act or any rules or
113 regulations promulgated under the authority of such Act. Except as otherwise
114 provided by law, applicants' source documents and Social Security numbers shall
115 not be stored in any database accessible by any other state or the federal
116 government. Such database shall contain only the data fields included on driver's
117 licenses and nondriver identification cards compliant with the federal REAL ID
118 Act, and the driving records of the individuals holding such driver's licenses and
119 nondriver identification cards.

120 6. Notwithstanding any provision of this chapter that requires an

121 applicant to provide reasonable proof of lawful presence for issuance or renewal
122 of a noncommercial driver's license, noncommercial instruction permit, or a
123 nondriver's license, an applicant shall not have his or her privacy rights violated
124 in order to obtain or renew a Missouri noncommercial driver's license,
125 noncommercial instruction permit, or a nondriver's license.

126 7. No citizen of this state shall have his or her privacy compromised by
127 the state or agents of the state. The state shall within reason protect the
128 sovereignty of the citizens the state is entrusted to protect. Any data derived
129 from a person's application shall not be sold for commercial purposes to any other
130 organization or any other state without the express permission of the applicant
131 without a court order; except such information may be shared with a law
132 enforcement agency, judge, prosecuting attorney, or officer of the court, or with
133 another state for the limited purposes set out in section 302.600, or for the
134 purposes set forth in section 32.091, or for conducting driver history checks in
135 compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section
136 31309. The state of Missouri shall protect the privacy of its citizens when
137 handling any written, digital, or electronic data, and shall not participate in any
138 standardized identification system using driver's and nondriver's license records
139 except as provided in this section.

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

151 9. Any person harmed or damaged by any violation of this section may
152 bring a civil action for damages, including noneconomic and punitive damages,
153 as well as injunctive relief, in the circuit court where that person resided at the
154 time of the violation or in the circuit court of Cole County to recover such
155 damages from the department of revenue and any persons participating in such
156 violation. Sovereign immunity shall not be available as a defense for the

157 department of revenue in such an action. In the event the plaintiff prevails on
158 any count of his or her claim, the plaintiff shall be entitled to recover reasonable
159 attorney fees from the defendants.

160 10. The department of revenue may promulgate rules necessary to
161 implement the provisions of this section. Any rule or portion of a rule, as that
162 term is defined in section 536.010, that is created under the authority delegated
163 in this section shall become effective only if it complies with and is subject to all
164 of the provisions of chapter 536 and, if applicable, section 536.028. This section
165 and chapter 536 are nonseverable and if any of the powers vested with the
166 general assembly pursuant to chapter 536 to review, to delay the effective date,
167 or to disapprove and annul a rule are subsequently held unconstitutional, then
168 the grant of rulemaking authority and any rule proposed or adopted after August
169 28, 2017, shall be invalid and void.

170 11. Biometric data, digital images, source documents, and licensee
171 signatures, or any copies of the same, required to be collected or retained to
172 comply with the requirements of the federal REAL ID Act of 2005 shall be
173 retained for no longer than the minimum duration required to maintain
174 compliance, and immediately thereafter shall be securely destroyed so as to make
175 them irretrievable.

176 12. No agency, department, or official of this state or of any political
177 subdivision thereof shall use, collect, obtain, share, or retain radio frequency
178 identification data from a REAL ID compliant driver's license or identification
179 card issued by a state, nor use the same to uniquely identify any individual.

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

189 14. If the federal REAL ID Act of 2005 is modified or repealed such that
190 driver's licenses and identification cards issued by this state that are not
191 compliant with the federal REAL ID Act of 2005 are once again sufficient for
192 federal identification purposes, the department shall not issue a driver's license

193 or identification card that complies with the federal REAL ID Act of 2005 and
194 shall securely destroy, within thirty days, any source documents retained by the
195 department for the purpose of compliance with such Act.

196 15. The provisions of this section shall expire five years after August 28,
197 2017.

302.173. 1. Any applicant for a license, who does not possess a valid
2 license issued pursuant to the laws of this state, another state, or a country
3 which has a reciprocal agreement with the state of Missouri regarding the
4 exchange of licenses pursuant to section 302.172 shall be examined as herein
5 provided. Any person who has failed to renew such person's license on or before
6 the date of its expiration or within six months thereafter must take the complete
7 examination. Any active member of the Armed Forces, their adult dependents or
8 any active member of the Peace Corps may apply for a renewal license without
9 examination of any kind, unless otherwise required by sections 302.700 to
10 302.780, provided the renewal application shows that the previous license had not
11 been suspended or revoked. Any person honorably discharged from the Armed
12 Forces of the United States who held a valid license prior to being inducted may
13 apply for a renewal license within sixty days after such person's honorable
14 discharge without submitting to any examination of such person's ability to safely
15 operate a motor vehicle over the highways of this state unless otherwise required
16 by sections 302.700 to 302.780, other than the vision test provided in section
17 302.175, unless the facts set out in the renewal application or record of
18 convictions on the expiring license, or the records of the director show that there
19 is good cause to authorize the director to require the applicant to submit to the
20 complete examination. No applicant for a renewal license shall be required to
21 submit to any examination of his or her ability to safely operate a motor vehicle
22 over the highways of this state unless otherwise required by sections 302.700 to
23 302.780 or regulations promulgated thereunder, other than a test of the
24 applicant's ability to understand highway signs regulating, warning or directing
25 traffic and the vision test provided in section 302.175, unless the facts set out in
26 the renewal application or record of convictions on the expiring license, or the
27 records of the director show that there is good cause to authorize the director to
28 require the applicant to submit to the complete examination. The examination
29 shall be made available in each county. Reasonable notice of the time and place
30 of the examination shall be given the applicant by the person or officer designated
31 to conduct it. The complete examination shall include a test of the applicant's

32 natural or corrected vision as prescribed in section 302.175, the applicant's ability
33 to understand highway signs regulating, warning or directing traffic, the
34 applicant's practical knowledge of the traffic laws of this state, and an actual
35 demonstration of ability to exercise due care in the operation of a motor vehicle
36 of the classification for which the license is sought. When an applicant for a
37 license has a license from a state which has requirements for issuance of a license
38 comparable to the Missouri requirements or a license from a country which has
39 a reciprocal agreement with the state of Missouri regarding the exchange of
40 licenses pursuant to section 302.172 and such license has not expired more than
41 six months prior to the date of application for the Missouri license, the director
42 may waive the test of the applicant's practical knowledge of the traffic laws of
43 this state, and the requirement of actual demonstration of ability to exercise due
44 care in the operation of a motor vehicle. If the director has reasonable grounds
45 to believe that an applicant is suffering from some known physical or mental
46 ailment which ordinarily would interfere with the applicant's fitness to operate
47 a motor vehicle safely upon the highways, the director may require that the
48 examination include a physical or mental examination by a licensed physician of
49 the applicant's choice, at the applicant's expense, to determine the fact. The
50 director shall prescribe regulations to ensure uniformity in the examinations and
51 in the grading thereof and shall prescribe and furnish all forms to the members
52 of the highway patrol and to other persons authorized to conduct examinations
53 as may be necessary to enable the officer or person to properly conduct the
54 examination. The records of the examination shall be forwarded to the director
55 who shall not issue any license hereunder if in the director's opinion the
56 applicant is not qualified to operate a motor vehicle safely upon the highways of
57 this state.

58 2. Beginning July 1, 2005, when the examiner has reasonable grounds to
59 believe that an individual has committed fraud or deception during the
60 examination process, the license examiner shall immediately forward to the
61 director all information relevant to any fraud or deception, including, but not
62 limited to, a statement of the examiner's grounds for belief that the person
63 committed or attempted to commit fraud or deception in the written, skills, or
64 vision examination.

65 3. The director of revenue shall delegate the power to conduct the
66 examinations required for a license or permit to any member of the highway
67 patrol or any person employed by the highway patrol. The powers delegated to

68 any examiner may be revoked at any time by the director of revenue upon notice.

69 4. Notwithstanding the requirements of subsections 1 and 3 of this
70 section, the successful completion of a motorcycle rider training course approved
71 pursuant to sections 302.133 to 302.137 shall constitute an actual demonstration
72 of the person's ability to exercise due care in the operation of a motorcycle or
73 motortricycle, and no further **practical knowledge or** driving test shall be
74 required to obtain a motorcycle or motortricycle license or endorsement. **The**
75 **motorcycle rider training course completion shall be accepted for**
76 **purposes of motorcycle license or endorsement issuance for one year**
77 **from the date of course completion.**

78 5. Notwithstanding the requirements of subsections 1 and 3 of this
79 section, the successful completion of a military motorcycle rider training course
80 that meets or exceeds the Motorcycle Safety Foundation curriculum standards by
81 an applicant who is an active member of the [U.S.] **United States** Armed Forces,
82 shall constitute an actual demonstration of the person's ability to exercise due
83 care in the operation of a motorcycle or motortricycle, and no further **practical**
84 **knowledge or** driving test shall be required to obtain a motorcycle or
85 motortricycle license or endorsement. **The military motorcycle rider**
86 **training course completion shall be accepted for purposes of**
87 **motorcycle license or endorsement issuance for one year from the date**
88 **of course completion.** The director of revenue is authorized to promulgate
89 rules and regulations for the administration and implementation of this
90 subsection including rules governing the presentment of motorcycle training
91 course completion cards from a military motorcycle rider training course or other
92 documentation showing that the applicant has successfully completed a course in
93 basic motorcycle safety instruction that meets or exceeds curriculum standards
94 established by the Motorcycle Safety Foundation or other national organization
95 whose purpose is to improve the safety of motorcyclists on the nation's streets and
96 highways. Any rule or portion of a rule, as that term is defined in section
97 536.010, that is created under the authority delegated in this section shall
98 become effective only if it complies with and is subject to all of the provisions of
99 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
100 nonseverable and if any of the powers vested with the general assembly pursuant
101 to chapter 536 to review, to delay the effective date, or to disapprove and annul
102 a rule are subsequently held unconstitutional, then the grant of rulemaking
103 authority and any rule proposed or adopted after August 28, 2012, shall be

104 invalid and void.

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

2 (1) "Deaf person", any person who, because of hearing loss, is not able to
3 discriminate speech when spoken in a normal conversation tone regardless of the
4 use of amplification devices;

5 (2) ["Hearing-impaired person", any person who, because of hearing loss,
6 has a diminished capacity to discriminate speech when spoken in a normal
7 conversational tone;

8 (3) "[J88] "DHH", a notation on a driver's license that indicates the
9 person is a deaf or [hearing-impaired] **hard of hearing** person who uses
10 alternative communication;

11 **(3) "Hard of hearing person", any person who, because of hearing**
12 **loss, has a diminished capacity to discriminate speech when spoken in**
13 **a normal conversation tone.**

14 2. Any resident of this state who is a deaf or [hearing-impaired] **hard of**
15 **hearing** person may apply to the department of revenue to have the notation
16 "[J88] DHH" placed on the person's driver's license. The department of revenue,
17 by rule, may establish the cost and criteria for placement of the "[J88] DHH"
18 notation, such as requiring an applicant to submit certain medical proof of
19 deafness or hearing [impairment] loss. **The department may also, by rule,**
20 **elect to use the phrase "deaf or hard of hearing" in lieu of the notation**
21 **"DHH" on a driver's license.**

22 3. **The Missouri commission for the deaf and hard of hearing**
23 **shall make an informational video in American Sign Language**
24 **explaining what a "DHH" notation means on a driver's license and**
25 **informing Missourians of their right to receive a license with the "DHH"**
26 **notation under this section. This video shall also be captioned in**
27 **English and converted to QR-Code which shall be posted in a**
28 **conspicuous place at every driver's license office in Missouri.**

29 4. Any rule or portion of a rule, as that term is defined in section 536.010,
30 that is created under the authority delegated in this section shall become effective
31 only if it complies with and is subject to all of the provisions of chapter 536 and,
32 if applicable, section 536.028. This section and chapter 536 are nonseverable and
33 if any of the powers vested with the general assembly pursuant to chapter 536 to
34 review, to delay the effective date or to disapprove and annul a rule are
35 subsequently held unconstitutional, then the grant of rulemaking authority and

36 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

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

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

36 for those who are functionally illiterate; provided, however, that any such
37 alternate test must comply with the minimum requirements of the Commercial
38 Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by
39 the Secretary.

40 (1) The written and driving tests shall be held at such times and in such
41 places as the superintendent may designate. A twenty-five dollar examination
42 fee shall be paid by the applicant upon completion of any written or driving test,
43 except the examination fee shall be waived for applicants seventy years of age or
44 older renewing a license with a school bus endorsement. The director shall
45 delegate the power to conduct the examinations required under sections 302.700
46 to 302.780 to any member of the highway patrol or any person employed by the
47 highway patrol qualified to give driving examinations. The written test shall only
48 be administered in the English language. No translators shall be allowed for
49 applicants taking the test.

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

57 (3) Beginning August 28, 2006, the director shall only issue or renew
58 third-party tester certification to community colleges established under chapter
59 178 or to private companies who own, lease, or maintain their own fleet and
60 administer in-house testing to their employees, or to school districts and their
61 agents that administer in-house testing to the school district's or agent's
62 employees. Any third-party tester who violates any of the rules and regulations
63 adopted and promulgated pursuant to this section shall be subject to having his
64 certification revoked by the department. The department shall provide written
65 notice and an opportunity for the third-party tester to be heard in substantially
66 the same manner as provided in chapter 536. If any applicant submits evidence
67 that he has successfully completed a test administered by a third-party tester, the
68 actual driving test for a commercial driver's license may then be waived.

69 (4) Every applicant for renewal of a commercial driver's license shall
70 provide such certifications and information as required by the Secretary and if
71 such person transports a hazardous material must also meet the requirements of

72 the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and
73 required by regulations promulgated by the Secretary. Such person shall be
74 required to take the written test for such endorsement. A twenty-five dollar
75 examination fee shall be paid upon completion of such tests.

76 (5) The director shall have the authority to waive the **knowledge and**
77 driving skills [test] **tests** for any qualified military applicant for a commercial
78 driver's license who is currently licensed at the time of application for a
79 commercial driver's license. The director shall impose conditions and limitations
80 to restrict the applicants from whom the department may accept alternative
81 requirements for the **knowledge and skills [test] tests** described in federal
82 regulation **49 CFR 383.71 and 49 CFR 383.77**. An applicant must certify that,
83 during the two-year period immediately preceding application for a commercial
84 driver's license, all of the following apply:

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

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

88 (c) The applicant has not had any convictions for any type of motor vehicle
89 for the disqualifying offenses contained in this chapter or federal rule 49 CFR
90 383.51(b);

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

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

97 (f) The applicant has been regularly employed within the last [ninety
98 days] **year** in a military position requiring operation of a commercial motor
99 vehicle and has operated the vehicle for at least sixty days during the two years
100 immediately preceding application for a commercial driver's license. The vehicle
101 must be representative of the commercial motor vehicle the driver applicant
102 operates or expects to operate;

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

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

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

110 (j) The applicant will be required to complete all applicable knowledge
111 tests, **except when the applicant provides proof of approved military**
112 **training sufficient for waiver of the knowledge and skills tests as**
113 **specified in subdivision (5) of subsection 3 of section 302.170.**

114 3. A commercial driver's license or commercial driver's instruction permit
115 may not be issued to a person while the person is disqualified from driving a
116 commercial motor vehicle, when a disqualification is pending in any state or while
117 the person's driver's license is suspended, revoked, or cancelled in any state; nor
118 may a commercial driver's license be issued unless the person first surrenders in
119 a manner prescribed by the director any commercial driver's license issued by
120 another state, which license shall be returned to the issuing state for
121 cancellation.

122 4. Beginning July 1, 2005, the director shall not issue an instruction
123 permit under this section unless the director verifies that the applicant is
124 lawfully present in the United States before accepting the application. The
125 director may, by rule or regulation, establish procedures to verify the lawful
126 presence of the applicant under this section. No rule or portion of a rule
127 promulgated pursuant to the authority of this section shall become effective
128 unless it has been promulgated pursuant to chapter 536.

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

304.005. 1. As used in this section, the term "autocycle" means a
2 three-wheeled motor vehicle which the drivers and passengers ride in a partially
3 or completely enclosed nonstraddle seating area, that is designed to be controlled
4 with a steering wheel and pedals, and that has met applicable Department of
5 Transportation National Highway Traffic Safety Administration requirements or
6 Federal Motorcycle Safety Standards.

7 2. Notwithstanding subsection 2 of section 302.020, a person operating or
8 riding in an autocycle [shall] **may** not be required to wear protective headgear
9 [if the vehicle is equipped with a roof that meets or exceeds the standards

10 established for protective headgear].

11 3. No person shall operate an autocycle on any highway or street in this
12 state unless the person has a valid driver's license. The operator of an autocycle,
13 however, shall not be required to obtain a motorcycle or motortricycle license or
14 endorsement pursuant to sections 302.010 to 302.340.

 304.012. 1. Every person operating a motor vehicle on the roads and
2 highways of this state shall drive the vehicle in a careful and prudent manner
3 and at a rate of speed so as not to endanger the property of another or the life or
4 limb of any person and shall exercise the highest degree of care.

5 2. **Violations of the degree of care required in subsection 1 of this**
6 **section may include if proven to have caused the driver of the vehicle**
7 **to be distracted, but not be limited to, operation of a vehicle while**
8 **using a cell phone, personal digital assistant, electronic device with**
9 **mobile data access, laptop computer, pager, electronic game, portable**
10 **computing device, or global navigation satellite system receiver other**
11 **than via hands-free or voice-operated technology which may include**
12 **the use of a headset, or while otherwise diverting one's attention from**
13 **safe operation of the vehicle. This subsection shall not apply to the use**
14 **of a device or technology that is permanently embedded into the**
15 **architecture and design of the motor vehicle, but the use of such**
16 **embedded device or technology shall be subject to subsection 1 of this**
17 **section.**

18 3. Any person who violates the provisions of this section is guilty of a
19 class B misdemeanor **and shall be fined not less than twenty-five dollars,**
20 unless an accident is involved then it shall be a class A misdemeanor **and the**
21 **person shall be fined not less than one hundred dollars.**

 304.060. 1. The state board of education shall adopt and enforce
2 regulations not inconsistent with law to cover the design and operation of all
3 school buses used for the transportation of school children when owned and
4 operated by any school district or privately owned and operated under contract
5 with any school district in this state, and such regulations shall by reference be
6 made a part of any such contract with a school district. The state board of
7 education may adopt rules and regulations governing the use of other vehicles
8 owned by a district or operated under contract with any school district in this
9 state and used for the purpose of transporting school children. The operator of
10 such vehicle shall be licensed in accordance with section 302.272, and such

11 vehicle shall transport no more children than the manufacturer suggests as
12 appropriate for such vehicle. The state board of education may also adopt rules
13 and regulations governing the use of authorized common carriers for the
14 transportation of students on field trips or other special trips for educational
15 purposes. Every school district, its officers and employees, and every person
16 employed under contract by a school district shall be subject to such
17 regulations. The state board of education shall cooperate with the state
18 transportation department and the state highway patrol in placing suitable
19 warning signs at intervals on the highways of the state.

20 **2. Notwithstanding the provisions of subsection 1 of this section,**
21 **any school board in the state of Missouri in an urban district**
22 **containing the greater part of the population of a city which has more**
23 **than three hundred thousand inhabitants may contract with any**
24 **municipality, bi-state agency, or other governmental entity for the**
25 **purpose of transporting school children attending a grade or grades not**
26 **lower than the ninth nor higher than the twelfth grade, provided that**
27 **such contract shall be for additional transportation services, and shall**
28 **not replace or fulfill any of the school district's obligations pursuant to**
29 **section 167.231. The school district may notify students of the option**
30 **to use district contracted transportation services.**

31 **3.** Any officer or employee of any school district who violates any of the
32 regulations or fails to include obligation to comply with such regulations in any
33 contract executed by him on behalf of a school district shall be guilty of
34 misconduct and subject to removal from office or employment. Any person
35 operating a school bus under contract with a school district who fails to comply
36 with any such regulations shall be guilty of breach of contract and such contract
37 shall be cancelled after notice and hearing by the responsible officers of such
38 school district.

39 **[3.] 4.** Any other provision of the law to the contrary notwithstanding, in
40 any county of the first class with a charter form of government adjoining a city
41 not within a county, school buses may bear the word "special".

304.180. 1. No vehicle or combination of vehicles shall be moved or
2 operated on any highway in this state having a greater weight than twenty
3 thousand pounds on one axle, no combination of vehicles operated by transporters
4 of general freight over regular routes as defined in section 390.020 shall be moved
5 or operated on any highway of this state having a greater weight than the vehicle

6 manufacturer's rating on a steering axle with the maximum weight not to exceed
 7 twelve thousand pounds on a steering axle, and no vehicle shall be moved or
 8 operated on any state highway of this state having a greater weight than
 9 thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall
 10 mean a group of two or more axles, arranged one behind another, the distance
 11 between the extremes of which is more than forty inches and not more than
 12 ninety-six inches apart.

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

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

21 Distance in feet between the
 22 extremes of any group of two or
 23 more consecutive axles,
 24 measured to the nearest foot,
 25 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		

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

72	47	60,000	73,500	77,500	80,000
73	48	60,000	74,000	78,000	80,000
74	49	60,000	74,500	78,500	80,000
75	50	60,000	75,500	79,000	80,000
76	51	60,000	76,000	80,000	80,000
77	52	60,000	76,500	80,000	80,000
78	53	60,000	77,500	80,000	80,000
79	54	60,000	78,000	80,000	80,000
80	55	60,000	78,500	80,000	80,000
81	56	60,000	79,500	80,000	80,000
82	57	60,000	80,000	80,000	80,000

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

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

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

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

106 12, and 13 of this section.

107 7. Notwithstanding any provision of this section to the contrary, the
108 commission shall issue a single-use special permit, or, upon request of the owner
109 of the truck or equipment[,] shall issue an annual permit, for the transporting of
110 any **crane**, concrete pump truck, or well-drillers' equipment. The commission
111 shall set fees for the issuance of permits **and parameters for the transport**
112 **of cranes** pursuant to this subsection. Notwithstanding the provisions of section
113 301.133, concrete pump trucks or well-drillers' equipment may be operated on
114 state-maintained roads and highways at any time on any day.

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

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

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

139 11. Notwithstanding any provision of this section or any other law to the
140 contrary, the commission shall issue emergency utility response permits for the
141 transporting of utility wires or cables, poles, and equipment needed for repair

142 work immediately following a disaster where utility service has been
143 disrupted. Under exigent circumstances, verbal approval of such operation may
144 be made either by the department of transportation motor carrier compliance
145 supervisor or other designated motor carrier services representative. Utility
146 vehicles and equipment used to assist utility companies granted special permits
147 under this subsection may be operated and transported on state-maintained roads
148 and highways at any time on any day. The commission shall promulgate all
149 necessary rules and regulations for the administration of this section. Any rule
150 or portion of a rule, as that term is defined in section 536.010, that is created
151 under the authority delegated in this section shall become effective only if it
152 complies with and is subject to all of the provisions of chapter 536 and, if
153 applicable, section 536.028. This section and chapter 536 are nonseverable and
154 if any of the powers vested with the general assembly pursuant to chapter 536 to
155 review, to delay the effective date, or to disapprove and annul a rule are
156 subsequently held unconstitutional, then the grant of rulemaking authority and
157 any rule proposed or adopted after August 28, 2014, shall be invalid and void.

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

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

304.232. 1. The Missouri state highway patrol shall approve procedures
2 for the certification of municipal police officers, sheriffs, deputy sheriffs, and
3 other law enforcement officials that enforce sections 304.170 to 304.230.

4 2. The certification procedures shall meet the requirements of the
5 memorandum of understanding between the state of Missouri and the commercial

6 vehicle safety alliance or any successor organization, as periodically adopted or
7 amended.

8 3. Commercial motor vehicle safety data collection, management, and
9 distribution by law enforcement officials shall be compatible with the information
10 systems of the Missouri state highway patrol.

11 4. The Missouri state highway patrol shall establish reasonable fees
12 sufficient to recover the cost of training, recurring training, data collection and
13 management, certifying, and additional administrative functions for law
14 enforcement officials approved under this section.

15 5. The agencies for which law enforcement officials approved under this
16 section shall adhere to the Motor Carrier Safety Assistance Program
17 requirements under 49 Code of Federal Regulations Part 350 of the Federal Motor
18 Carrier Safety Regulations.

19 6. The agencies for which law enforcement officials approved under this
20 section shall be subject to periodic program reviews and be required to submit a
21 commercial vehicle safety plan that is consistent with and incorporated into the
22 statewide enforcement plan.

23 7. Beginning January 1, 2009, no local law enforcement officer may
24 conduct a random commercial motor vehicle roadside inspection to determine
25 compliance with the provisions of sections 304.170 to 304.230 unless the law
26 enforcement officer has satisfactorily completed, as a part of his or her training,
27 the basic course of instruction developed by the commercial vehicle safety alliance
28 and has been approved by the Missouri state highway patrol under this
29 section. Law enforcement officers authorized to enforce the provisions of sections
30 304.170 to 304.230 shall annually receive in-service training related to
31 commercial motor vehicle operations, including but not limited to training in
32 current federal motor carrier safety regulations, safety inspection procedures, and
33 out-of-service criteria. The annual training requirements shall be approved by
34 the superintendent of the state highway patrol.

35 8. Law enforcement officers who have received commercial vehicle safety
36 alliance certification prior to January 1, 2009, shall be exempt from the
37 provisions of this section and such officers shall be qualified to conduct random
38 roadside inspections described under this section and section 304.230.

39 9. **No safety inspection shall be performed on the shoulder of any**
40 **highway with a posted speed limit in excess of forty miles per hour.**

41 10. The superintendent of the state highway patrol shall promulgate rules

42 and regulations necessary to administer the certification procedures and any
43 other provisions of this section. Any rule or portion of a rule, as that term is
44 defined in section 536.010, that is created under the authority delegated in this
45 section shall become effective only if it complies with and is subject to all of the
46 provisions of chapter 536 and, if applicable, section 536.028. This section and
47 chapter 536 are nonseverable and if any of the powers vested with the general
48 assembly pursuant to chapter 536 to review, to delay the effective date, or to
49 disapprove and annul a rule are subsequently held unconstitutional, then the
50 grant of rulemaking authority and any rule proposed or adopted after August 28,
51 2008, shall be invalid and void.

304.820. 1. [Except as otherwise provided in this section, no person
2 twenty-one years of age or younger operating a moving motor vehicle upon the
3 highways of this state shall, by means of a hand-held electronic wireless
4 communications device, send, read, or write a text message or electronic message.

5 2.] Except as otherwise provided in this section, no person shall operate
6 a commercial motor vehicle while using a hand-held mobile telephone.

7 [3.] 2. Except as otherwise provided in this section, no person shall
8 operate a commercial motor vehicle while using a wireless communications device
9 to send, read, or write a text message or electronic message.

10 [4.] 3. The provisions of [subsection] **subsections 1** [through subsection
11 **3] and 2** of this section shall not apply to a person operating:

12 (1) An authorized emergency vehicle; or

13 (2) A moving motor vehicle while using a hand-held electronic wireless
14 communications device to:

15 (a) Report illegal activity;

16 (b) Summon medical or other emergency help; **or**

17 (c) Prevent injury to a person or property[; or

18 (d) Relay information between a transit or for-hire operator and that
19 operator's dispatcher, in which the device is permanently affixed to the vehicle].

20 [5. Nothing in this section shall be construed or interpreted as prohibiting
21 a person from making or taking part in a telephone call, by means of a hand-held
22 electronic wireless communications device, while operating a noncommercial
23 motor vehicle upon the highways of this state.

24 6.] 4. As used in this section, "electronic message" means a self-contained
25 piece of digital communication that is designed or intended to be transmitted
26 between hand-held electronic wireless communication devices. "Electronic

27 message" includes, but is not limited to, electronic mail, a text message, an
28 instant message, or a command or request to access an internet site.

29 [7.] 5. As used in this section, "hand-held electronic wireless
30 communications device" includes any hand-held cellular phone, palm pilot,
31 blackberry, or other mobile electronic device used to communicate verbally or by
32 text or electronic messaging, but shall not apply to any device that is
33 permanently embedded into the architecture and design of the motor vehicle.

34 [8.] 6. As used in this section, "making or taking part in a telephone call"
35 means listening to or engaging in verbal communication through a hand-held
36 electronic wireless communication device.

37 [9.] 7. As used in this section, "send, read, or write a text message or
38 electronic message" means using a hand-held electronic wireless
39 telecommunications device to manually communicate with any person by using
40 an electronic message. Sending, reading, or writing a text message or electronic
41 message does not include reading, selecting, or entering a phone number or name
42 into a hand-held electronic wireless communications device for the purpose of
43 making a telephone call.

44 [10.] 8. A violation of this section shall be deemed an infraction and shall
45 be deemed a moving violation for purposes of point assessment under section
46 302.302.

47 [11.] 9. **With this section and section 304.012**, the state preempts the
48 field of regulating the use of hand-held electronic wireless communications
49 devices in motor vehicles, and the provisions of this section shall supercede any
50 local laws, ordinances, orders, rules, or regulations enacted by a county,
51 municipality, or other political subdivision to regulate the use of hand-held
52 electronic wireless communication devices by the operator of a motor vehicle.

53 [12.] 10. The provisions of this section shall not apply to:

- 54 (1) The operator of a vehicle that is lawfully parked or stopped;
- 55 (2) Any of the following while in the performance of their official duties:
56 a law enforcement officer; a member of a fire department; or the operator of a
57 public or private ambulance;
- 58 (3) The use of factory-installed or aftermarket global positioning systems
59 (GPS) or wireless communications devices used to transmit or receive data as part
60 of a digital dispatch system;
- 61 (4) The use of voice-operated technology;
- 62 (5) The use of two-way radio transmitters or receivers by a licensee of the

63 Federal Communications Commission in the Amateur Radio Service.

306.126. 1. The operator of a motorboat shall not allow any person to ride
2 or sit on the gunwales, decking over the bow, railing, top of seat back or decking
3 over the back of the motorboat while under way, unless such person is inboard
4 of adequate guards or railing provided on the motorboat to prevent a passenger
5 from being lost overboard. As used in this section, the term "adequate guards or
6 railing" means guards or railings having a height parameter of at least six inches
7 but not more than eighteen inches. Nothing in this section shall be construed to
8 mean that passengers or other persons aboard a motorboat cannot occupy the
9 decking over the bow of the boat to moor it to a mooring buoy or to cast off from
10 such a buoy, or for any other necessary purpose. The provisions of this section
11 shall not apply to vessels propelled by sail **or vessels propelled by jet motors**
12 **or propellers operating on a stretch of waterway not created or**
13 **widened by impoundment.**

14 2. Whenever any person leaves any watercraft, other than a personal
15 watercraft, on the waters of the Mississippi River, the waters of the Missouri
16 River or the lakes of this state and enters the water between the hours of 11:00
17 a.m. and sunset, the operator of such watercraft shall display on the watercraft
18 a red or orange flag measuring not less than twelve inches by twelve inches. The
19 provisions of this subsection shall not apply to watercraft that is moored or
20 anchored. The flag required by this subsection shall be visible for three hundred
21 sixty degrees around the horizon when displayed and shall be displayed only
22 when an occupant of the watercraft has left the confines of the watercraft and
23 entered the water. The flag required by this subsection shall not be displayed
24 when the watercraft is engaged in towing any person, but shall be displayed when
25 such person has ceased being towed and has reentered the water.

26 3. No operator shall knowingly operate any watercraft within fifty yards
27 of a flag required by subsection 2 of this section at a speed in excess of a slow-no
28 wake speed.

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

8 bona fide emergencies.

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

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

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

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

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

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

28 (b) Vehicles **and equipment** owned **or leased** by a contractor or
29 subcontractor performing work for the department of transportation, except that
30 the amber or amber and white lights shall be displayed on vehicles described in
31 this paragraph only when such vehicles **or equipment** are [stationary] **located**
32 **in a work zone as defined in section 304.580, highway workers as**
33 **defined in section 304.580 are present, and such work zone is**
34 **designated by a sign or signs;**

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

44 services, whether privately, municipally, or cooperatively owned.

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

414.032. 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel,
2 gasoline, gasoline-alcohol blends and other motor fuels shall meet the
3 requirements in the annual book of ASTM standards and supplements
4 thereto. The director may promulgate rules and regulations on the labeling,
5 standards for, and identity of motor fuels and heating oils.

6 2. The director may inspect gasoline, gasoline-alcohol blends or other
7 motor fuels to insure that these fuels conform to advertised grade and octane. In
8 no event shall the penalty for a first violation of this section exceed a written
9 reprimand.

10 **3. The director may waive specific requirements in this section**
11 **and in regulations promulgated according to this section, or may**
12 **establish temporary alternative requirements for fuels as determined**
13 **to be necessary in the event of an extreme and unusual fuel supply**
14 **circumstance as a result of a petroleum pipeline or petroleum refinery**
15 **equipment failure, emergency, or a natural disaster as determined by**
16 **the director for a specified period of time.**

17 **4. Any waiver issued under subsection 3 of this section shall be**
18 **as limited in scope and applicability as necessary, and shall apply**
19 **equally and uniformly to all persons and companies in the impacted**
20 **petroleum motor fuel supply and distribution system, including but not**
21 **limited to petroleum producers, terminals, distributors, and retailers.**

Section B. Because of the need to protect lives on our roads and highways,
2 the repeal and reenactment of section 307.175 of this act is deemed necessary for
3 the immediate preservation of the public health, welfare, peace and safety, and
4 is hereby declared to be an emergency act within the meaning of the constitution,
5 and the repeal and reenactment of section 307.175 of this act shall be in full force

6 and effect upon its passage and approval.

✓

Unofficial

Bill

Copy