

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 89

100TH GENERAL ASSEMBLY

2019

0253S.04T

AN ACT

To repeal sections 144.070, 301.020, 301.032, 301.191, 302.170, 302.720, 302.768, 304.580, 304.585, 304.894, and 307.350, RSMo, and to enact in lieu thereof eleven new sections relating to transportation, with existing penalty provisions.

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

Section A. Sections 144.070, 301.020, 301.032, 301.191, 302.170, 302.720, 2 302.768, 304.580, 304.585, 304.894, and 307.350, RSMo, are repealed and eleven 3 new sections enacted in lieu thereof, to be known as sections 144.070, 301.020, 4 301.032, 301.191, 302.170, 302.720, 302.768, 304.580, 304.585, 304.894, and 5 307.350, to read as follows:

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

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

14 of title for any new or used motor vehicle, trailer, boat, or outboard motor subject
15 to sales tax as provided in the Missouri sales tax law until the tax levied for the
16 sale of the same under sections 144.010 to 144.510 has been paid as provided in
17 this section or is registered under the provisions of subsection 5 of this section.

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

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

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

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

45 6. **Every applicant to be a lease or rental company shall furnish**
46 **with the application a corporate surety bond or irrevocable letter of**
47 **credit, as defined in section 400.5-102, issued by any state or federal**
48 **financial institution in the penal sum of one hundred thousand dollars,**
49 **on a form approved by the department. The bond or irrevocable letter**

50 of credit shall be conditioned upon the lease or rental company
51 complying with the provisions of any statutes applicable to lease or
52 rental companies, and the bond shall be an indemnity for any loss
53 sustained by reason of the acts of the person bonded when such acts
54 constitute grounds for the suspension or revocation of the lease or
55 rental license. The bond shall be executed in the name of the state of
56 Missouri for the benefit of all aggrieved parties or the irrevocable
57 letter of credit shall name the state of Missouri as the beneficiary;
58 except that, the aggregate liability of the surety or financial institution
59 to the aggrieved parties shall, in no event, exceed the amount of the
60 bond or irrevocable letter of credit. The proceeds of the bond or
61 irrevocable letter of credit shall be paid upon receipt by the
62 department of a final judgment from a Missouri court of competent
63 jurisdiction against the principal and in favor of an aggrieved party.

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

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

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

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

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

76 (5) Operates each of its divisions on a basis separate from each of its other
77 divisions. However, when the transfer of a motor vehicle, trailer, boat or
78 outboard motor occurs within a corporation which holds a license to operate as
79 a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the
80 provisions in subdivision (3) of this subsection shall not apply.

81 [7.] 8. If the owner of any motor vehicle, trailer, boat, or outboard motor
82 desires to charge and collect sales tax as provided in this section, the owner shall
83 make application to the director of revenue for a permit to operate as a motor
84 vehicle, trailer, boat, or outboard motor leasing company. The director of revenue
85 shall promulgate rules and regulations determining the qualifications of such a

86 company, and the method of collection and reporting of sales tax charged and
87 collected. Such regulations shall apply only to owners of motor vehicles, trailers,
88 boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or
89 outboard motor leasing companies under the provisions of subsection 5 of this
90 section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat
91 or outboard motor renting or leasing company can come under sections 144.010,
92 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and
93 outboard motors held for renting and leasing are included.

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

100 [8.] 10. Beginning July 1, 2010, any motor vehicle dealer licensed under
101 section 301.560 engaged in the business of selling motor vehicles or trailers may
102 apply to the director of revenue for authority to collect and remit the sales tax
103 required under this section on all motor vehicles sold by the motor vehicle dealer.
104 A motor vehicle dealer receiving authority to collect and remit the tax is subject
105 to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer
106 authorized to collect and remit sales taxes on motor vehicles under this
107 subsection shall be entitled to deduct and retain an amount equal to two percent
108 of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax
109 collected under this subsection that is retained by a motor vehicle dealer
110 pursuant to section 144.140 shall not constitute state revenue. In no event shall
111 revenues from the general revenue fund or any other state fund be utilized to
112 compensate motor vehicle dealers for their role in collecting and remitting sales
113 taxes on motor vehicles. In the event this subsection or any portion thereof is
114 held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor
115 vehicle dealer shall be authorized to collect and remit sales taxes on motor
116 vehicles under this section. No motor vehicle dealer shall seek compensation
117 from the state of Missouri or its agencies if a court of competent jurisdiction
118 declares that the retention of two percent of the motor vehicle sales tax is
119 unconstitutional and orders the return of such revenues.

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] **ten** years of age or less **and has**
17 **less than one hundred fifty thousand miles on the odometer**, the director
18 of revenue shall retain the odometer information provided in the vehicle
19 inspection report, and provide for prompt access to such information, together
20 with the vehicle identification number for the motor vehicle to which such
21 information pertains, for a period of [five] **ten** years after the receipt of such
22 information. This section shall not apply unless:

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

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

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

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

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

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

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

75 director of revenue. The insurance company shall within thirty days of the
76 payment of such claims report to the director of revenue the name and address
77 of such owner, the year, make, model, vehicle identification number, and license
78 plate number of the vehicle, and the date of loss and payment.

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

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

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

301.032. 1. Notwithstanding the provisions of sections 301.030 and
2 301.035 to the contrary, the director of revenue shall establish a system of
3 registration of all fleet vehicles owned or purchased by a fleet owner registered
4 pursuant to this section. The director of revenue shall prescribe the forms for
5 such fleet registration and the forms and procedures for the registration updates

6 prescribed in this section. Any owner of ten or more motor vehicles which must
7 be registered in accordance with this chapter may register as a fleet owner. All
8 registered fleet owners may, at their option, register all motor vehicles included
9 in the fleet on a calendar year or biennial basis pursuant to this section in lieu
10 of the registration periods provided in sections 301.030, 301.035, and
11 301.147. The director shall issue an identification number to each registered
12 owner of fleet vehicles.

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

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

36 4. Except as specifically provided in this subsection, all fleet vehicles
37 registered pursuant to this section shall be issued a special license plate which
38 shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the
39 manner prescribed by the advisory committee established in section
40 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee
41 beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles

42 may apply for fleet license plates bearing a company name or logo, the size and
43 design thereof subject to approval by the director. All fleet license plates shall
44 be made with fully reflective material with a common color scheme and design,
45 shall be clearly visible at night, and shall be aesthetically attractive, as
46 prescribed by section 301.130. Fleet vehicles shall be issued multiyear license
47 plates as provided in this section which shall not require issuance of a renewal
48 tab. Upon payment of appropriate registration fees, the director of revenue shall
49 issue a registration certificate or other suitable evidence of payment of the annual
50 or biennial fee, and such evidence of payment shall be carried at all times in the
51 vehicle for which it is issued. [The director of revenue shall promulgate rules and
52 regulations establishing the procedure for application and issuance of fleet vehicle
53 license plates.]

54 5. Notwithstanding the provisions of sections 307.350 to 307.390 to the
55 contrary, a fleet vehicle registered in Missouri is exempt from the requirements
56 of sections 307.350 to 307.390 if at the time of the annual fleet registration, such
57 fleet vehicle is situated outside the state of Missouri.

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

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

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

77 **7. A recipient of a lease or rental company license issued by the**

78 director of revenue as prescribed in section 144.070 operating as a
79 registered fleet owner under this section shall register such fleet with
80 the director of revenue on an annual or biennial basis in lieu of the
81 individual motor vehicle registration periods as prescribed in sections
82 301.030, 301.035, and 301.147. If an applicant elects a biennial fleet
83 registration, the annual fleet license plate fees prescribed in
84 subdivision (1) of subsection 6 of this section shall be doubled. An
85 agent fee as prescribed in subdivision (1) of subsection 1 of section
86 136.055 shall apply to the issuance of fleet registrations issued under
87 subsections 6 to 10 of this section, and if a biennial fleet registration is
88 elected, the agent fee shall be collected in an amount equal to the fee
89 for two years.

90 8. Prior to the issuance of fleet license plates under subsections
91 6 to 10 of this section, the applicant shall provide proof of insurance as
92 required under section 303.024 or 303.026.

93 9. The authority of a recipient of a lease or rental company
94 license issued by the director of revenue as prescribed in section
95 144.070 to operate as a fleet owner as provided in this section shall
96 expire on January 1 of the licensure period.

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

102 11. The director shall make all necessary rules and regulations
103 for the administration of this section and shall design all necessary
104 forms required by this section. Any rule or portion of a rule, as that
105 term is defined in section 536.010, that is created under the authority
106 delegated in this section shall become effective only if it complies with
107 and is subject to all the provisions of chapter 536 and, if applicable,
108 section 536.028. This section and chapter 536 are nonseverable and if
109 any of the powers vested with the general assembly under chapter 536
110 to review, to delay the effective date, or to disapprove and annul a rule
111 are subsequently held unconstitutional, then the grant of rulemaking
112 authority and any rule proposed or adopted after August 28, 2019, shall
113 be invalid and void.

301.191. 1. When an application is made for an original Missouri

2 certificate of ownership for a previously untitled trailer [sixteen feet or more in
3 length] which is stated to be homemade, the applicant shall present a certificate
4 of inspection as provided in this section. No certificate of ownership shall be
5 issued for such a homemade trailer if no certificate of inspection is presented.

6 2. As used in this section, "homemade" means made by a person who is
7 not a manufacturer using readily distinguishable manufacturers' identifying
8 numbers or a statement of origin.

9 3. Every person constructing a homemade trailer [sixteen feet or more in
10 length] shall obtain an inspection from the sheriff of his or her county of
11 residence or from the Missouri state highway patrol prior to applying for a
12 certificate of ownership. If the person constructing the trailer sells or transfers
13 the trailer prior to applying for a certificate of ownership, the sheriff's or the
14 Missouri state highway patrol's certificate of inspection shall be transferred with
15 the trailer.

16 4. A fee of [ten] **twenty-five** dollars shall be paid for the inspection. If
17 the inspection is completed by the sheriff, the proceeds from the inspections shall
18 be deposited by the sheriff within thirty days into the county law enforcement
19 fund if one exists; otherwise into the county general revenue fund. If the
20 inspection is completed by the Missouri state highway patrol, the applicant shall
21 pay the [ten] **twenty-five** dollar inspection fee to the director of revenue at the
22 time of application for a certificate of ownership for the homemade trailer. The
23 fee shall be deposited in the state treasury to the credit of the state highway
24 fund.

25 5. The sheriff or Missouri state highway patrol shall inspect the trailer
26 and certify it if the trailer appears to be homemade. The sheriff or Missouri state
27 highway patrol may request the owner to provide any documents or other
28 evidence showing that the trailer was homemade. When a trailer is certified by
29 the sheriff, the sheriff may stamp a permanent identifying number in the tongue
30 of the frame. The certificate of inspection shall be on a form designed and
31 provided by the director of revenue.

32 6. Upon presentation of the certificate of inspection and all applicable
33 documents and fees including the identification plate fee provided in section
34 301.380, the director of revenue shall issue a readily distinguishable
35 manufacturers' identifying number plate. The identification number plate shall
36 be affixed to the tongue of the trailer's frame.

37 7. The sheriff or Missouri state highway patrol may seize any trailer

38 which has been stolen or has identifying numbers obliterated or removed. The
39 sheriff or Missouri state highway patrol may hold the trailer as evidence while
40 an investigation is conducted. The trailer shall be returned if no related criminal
41 charges are filed within thirty days or when the charges are later dropped or
42 dismissed or when the owner is acquitted.

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 subsection 4 of this
33 section shall be stored solely on a system not connected to the internet nor to a
34 wide area network that connects to the internet. Once stored on such system, the
35 documents and data shall be purged from any systems on which they were
36 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 **and Missouri commercial third-party tester examiners;**

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

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

49 (5) Documents submitted by a commercial driver's license **or commercial**
50 **driver instruction permit** applicant who is a Missouri resident and is [active
51 duty military or a veteran, as "veteran" is defined in 38 U.S.C. Section 101,] **a**
52 **qualified current or former military service member** which [allows] **allow**
53 for waiver of the commercial driver's license knowledge test, skills test, or both;
54 and

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

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

66 (2) The department of revenue shall issue driver's licenses or
67 identification cards that are compliant with the federal REAL ID Act of 2005, as

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

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

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

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

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

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

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

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

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

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

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

122 6. Notwithstanding any provision of this chapter that requires an
123 applicant to provide reasonable proof of lawful presence for issuance or renewal
124 of a noncommercial driver's license, noncommercial instruction permit, or a
125 nondriver's license, an applicant shall not have his or her privacy rights violated
126 in order to obtain or renew a Missouri noncommercial driver's license,
127 noncommercial instruction permit, or a nondriver's license.

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

140 standardized identification system using driver's and nondriver's license records
141 except as provided in this section.

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

153 9. Any person harmed or damaged by any violation of this section may
154 bring a civil action for damages, including noneconomic and punitive damages,
155 as well as injunctive relief, in the circuit court where that person resided at the
156 time of the violation or in the circuit court of Cole County to recover such
157 damages from the department of revenue and any persons participating in such
158 violation. Sovereign immunity shall not be available as a defense for the
159 department of revenue in such an action. In the event the plaintiff prevails on
160 any count of his or her claim, the plaintiff shall be entitled to recover reasonable
161 attorney fees from the defendants.

162 10. The department of revenue may promulgate rules necessary to
163 implement the provisions of this section. Any rule or portion of a rule, as that
164 term is defined in section 536.010, that is created under the authority delegated
165 in this section shall become effective only if it complies with and is subject to all
166 of the provisions of chapter 536 and, if applicable, section 536.028. This section
167 and chapter 536 are nonseverable and if any of the powers vested with the
168 general assembly pursuant to chapter 536 to review, to delay the effective date,
169 or to disapprove and annul a rule are subsequently held unconstitutional, then
170 the grant of rulemaking authority and any rule proposed or adopted after August
171 28, 2017, shall be invalid and void.

172 11. Biometric data, digital images, source documents, and licensee
173 signatures, or any copies of the same, required to be collected or retained to
174 comply with the requirements of the federal REAL ID Act of 2005 shall be
175 digitally retained for no longer than the minimum duration required to maintain

176 compliance, and immediately thereafter shall be securely destroyed so as to make
177 them irretrievable.

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

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

191 14. If the federal REAL ID Act of 2005 is modified or repealed such that
192 driver's licenses and identification cards issued by this state that are not
193 compliant with the federal REAL ID Act of 2005 are once again sufficient for
194 federal identification purposes, the department shall not issue a driver's license
195 or identification card that complies with the federal REAL ID Act of 2005 and
196 shall securely destroy, within thirty days, any source documents retained by the
197 department for the purpose of compliance with such Act.

198 15. The provisions of this section shall expire five years after August 28,
199 2017.

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 **nonrenewable and shall be** valid for the vehicle being operated for a period
14 of not more than **[six months] one year**, and shall not be issued until the permit
15 holder has met all other requirements of sections 302.700 to 302.780, except for
16 the driving test. [A permit holder, unless otherwise disqualified, may be granted
17 one six-month renewal within a one-year period.] The fee for such permit [or
18 renewal] shall be **[five] ten** dollars. [In the alternative, a commercial driver's
19 instruction permit shall be issued for a thirty-day period to allow the holder of
20 a valid driver's license to operate a commercial motor vehicle if the applicant has
21 completed all other requirements except the driving test. The permit may be
22 renewed for one additional thirty-day period and the fee for the permit and for
23 renewal shall be five dollars] **The fee for a duplicate of such permit shall**
24 **be five dollars.**

25 2. No person may be issued a commercial driver's license until he has
26 passed written and driving tests for the operation of a commercial motor vehicle
27 which complies with the minimum federal standards established by the Secretary
28 and has satisfied all other requirements of the Commercial Motor Vehicle Safety
29 Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements
30 imposed by state law. **Applicants for a commercial driver's license shall**
31 **complete an entry-level driver training program as required under 49**
32 **CFR 380.609.** All applicants for a commercial driver's license shall have
33 maintained the appropriate class of commercial driver's instruction permit issued
34 by this state or any other state for a minimum of fourteen calendar days prior to
35 the date of taking the skills test. Applicants for a hazardous materials
36 endorsement must also meet the requirements of the U.S. Patriot Act of 2001
37 (Title X of Public Law 107-56) as specified and required by regulations
38 promulgated by the Secretary. Nothing contained in this subsection shall be
39 construed as prohibiting the director from establishing alternate testing formats
40 for those who are functionally illiterate; provided, however, that any such
41 alternate test must comply with the minimum requirements of the Commercial
42 Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by
43 the Secretary.

44 (1) The written and driving tests shall be held at such times and in such
45 places as the superintendent may designate. A twenty-five dollar examination
46 fee shall be paid by the applicant upon completion of any written or driving test,
47 except the examination fee shall be waived for applicants seventy years of age or
48 older renewing a license with a school bus endorsement. The director shall

49 delegate the power to conduct the examinations required under sections 302.700
50 to 302.780 to any member of the highway patrol or any person employed by the
51 highway patrol qualified to give driving examinations. The written test shall only
52 be administered in the English language. No translators shall be allowed for
53 applicants taking the test.

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

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

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

80 (5) The director shall have the authority to waive the driving skills [test]
81 **and written tests** for any qualified **current or former military service**
82 **member** applicant for a **commercial driver's instruction permit or**
83 commercial driver's license who is currently licensed at the time of application for
84 a **commercial driver's instruction permit or** commercial driver's

85 license. The director shall impose conditions and limitations **and require**
86 **certification and evidence** to restrict the applicants from whom the
87 department may accept **the** alternative requirements for the skills [test] **and**
88 **written tests** described in federal regulation **49 CFR 383.71 and** 49 CFR
89 383.77. [An applicant must certify that, during the two-year period immediately
90 preceding application for a commercial driver's license, all of the following apply:
91 (a) The applicant has not had more than one license;
92 (b) The applicant has not had any license suspended, revoked, or
93 cancelled;
94 (c) The applicant has not had any convictions for any type of motor vehicle
95 for the disqualifying offenses contained in this chapter or federal rule 49 CFR
96 383.51(b);
97 (d) The applicant has not had more than one conviction for any type of
98 motor vehicle for serious traffic violations;
99 (e) The applicant has not had any conviction for a violation of state or
100 local law relating to motor vehicle traffic control, but not including any parking
101 violation, arising in connection with any traffic accident, and has no record of an
102 accident in which he or she was at fault;
103 (f) The applicant has been regularly employed within the last ninety days
104 in a military position requiring operation of a commercial motor vehicle and has
105 operated the vehicle for at least sixty days during the two years immediately
106 preceding application for a commercial driver's license. The vehicle must be
107 representative of the commercial motor vehicle the driver applicant operates or
108 expects to operate;
109 (g) The applicant, if on active duty, must provide a notarized affidavit
110 signed by a commanding officer as proof of driving experience as indicated in
111 paragraph (f) of this subdivision;
112 (h) The applicant, if honorably discharged from military service, must
113 provide a form-DD214 or other proof of military occupational specialty;
114 (i) The applicant must] **Applicants shall** meet all federal and state
115 qualifications to operate a commercial vehicle[; and
116 (j) The applicant will]. **Applicants shall** be required to complete all
117 applicable [knowledge] tests, **except when the applicant provides proof of**
118 **approved military training sufficient for waiver of the written and**
119 **skills tests as specified in subdivision (5) of subsection 3 of section**
120 **302.170.**

121 3. A commercial driver's license or commercial driver's instruction permit
122 may not be issued to a person while the person is disqualified from driving a
123 commercial motor vehicle, when a disqualification is pending in any state or while
124 the person's driver's license is suspended, revoked, or cancelled in any state; nor
125 may a commercial driver's license be issued unless the person first surrenders in
126 a manner prescribed by the director any commercial driver's license issued by
127 another state, which license shall be returned to the issuing state for
128 cancellation.

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

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

142 **6. Notwithstanding the provisions of this section or any other**
143 **law to the contrary, beginning December 1, 2019, the director of the**
144 **department of revenue shall certify as a third-party tester any private**
145 **education institution or other private entity, provided the institution**
146 **or entity meets the necessary qualifications required by the state.**

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

6 (1) Nonexcepted interstate: certifies the applicant is a driver operating
7 or expecting to operate in interstate or foreign commerce, or is otherwise subject
8 to and meets requirements of 49 CFR Part 391 and is required to obtain a
9 medical examiner's certificate as defined in 49 CFR Part 391.45;

10 (2) Excepted interstate: certifies the applicant is a driver operating or

11 expecting to operate entirely in interstate commerce that is not subject to Part
12 391 and is subject to Missouri driver qualifications and not required to obtain a
13 medical examiner's certificate;

14 (3) Nonexcepted intrastate: certifies the applicant is a driver operating
15 only in intrastate commerce and is subject to Missouri driver qualifications;

16 (4) Excepted intrastate: certifies the applicant operates or expects to
17 operate only in intrastate commerce, and engaging only in operations excepted
18 from all parts of the Missouri driver qualification requirements.

19 2. Any applicant who cannot meet certification requirements under one
20 of the categories **[defined] described** in subsection 1 of this section shall be
21 denied issuance of a commercial driver's license or commercial driver's instruction
22 permit.

23 3. An applicant certifying to operation in nonexcepted interstate or
24 nonexcepted intrastate commerce shall provide the state with an original or copy
25 of a current medical examiner's certificate or a medical examiner's certificate
26 accompanied by a medical variance or waiver, **until such time as the medical**
27 **examiner's certificate information is received electronically through a**
28 **verification system approved by the Federal Motor Carrier Safety**
29 **Administration.** The state shall retain [the original or copy of] the
30 documentation of physical qualification for a minimum of three years beyond the
31 date the certificate was issued.

32 4. Applicants certifying to operation in nonexcepted interstate commerce
33 or nonexcepted intrastate commerce shall provide [an] updated medical certificate
34 or variance **[documents] information** to maintain a certified status during the
35 term of the commercial driver's license or commercial driver's instruction permit
36 in order to retain commercial privileges.

37 5. The director shall post the medical examiner's certificate of
38 information, medical variance if applicable, the applicant's self-certification and
39 certification status to the Missouri driver record within ten calendar days and
40 such information will become part of the CDLIS driver record.

41 6. Applicants certifying to operation in nonexcepted interstate commerce
42 or nonexcepted intrastate commerce who fail to provide or maintain a current
43 medical examiner's certificate, or if the state has received notice of a medical
44 variance or waiver expiring or being rescinded, the state shall, within ten
45 calendar days, update the driver's medical certification status to "not
46 certified". The state shall notify the driver of the change in certification status

47 and require the driver to annually comply with requirements for a commercial
48 driver's license downgrade within sixty days of the expiration of the applicant
49 certification.

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

53 8. Any person who falsifies any information in an application for or
54 update of medical certification status information for a commercial driver's
55 license shall not be licensed to operate a commercial motor vehicle, or the
56 person's commercial driver's license shall be cancelled for a period of one year
57 after the director discovers such falsification.

58 9. The director may promulgate rules and regulations necessary to
59 administer and enforce this section. Any rule or portion of a rule, as that term
60 is defined in section 536.010, that is created under the authority delegated in this
61 section shall become effective only if it complies with and is subject to all of the
62 provisions of chapter 536 and, if applicable, section 536.028. This section and
63 chapter 536 are nonseverable and if any of the powers vested with the general
64 assembly pursuant to chapter 536 to review, to delay the effective date, or to
65 disapprove and annul a rule are subsequently held unconstitutional, then the
66 grant of rulemaking authority and any rule proposed or adopted after August 28,
67 2012, shall be invalid and void.

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

16 **highway or the right-of-way of a state highway. "Utility worker" means**
17 **any employee or person employed under contract of a utility that**
18 **provides gas, heat, electricity, water, steam, telecommunications or**
19 **cable services, or sewer services, whether privately, municipally, or**
20 **cooperatively owned, while in performance of his or her job duties.**

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

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

6 (2) Passing in violation of subsection 4 of section 304.582;

7 (3) Failure to stop for a work zone flagman or failure to obey traffic
8 control devices erected in the construction zone or work zone for purposes of
9 controlling the flow of motor vehicles through the zone;

10 (4) Driving through or around a work zone by any lane not clearly
11 designated to motorists for the flow of traffic through or around the work zone;

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

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

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

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

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

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

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

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

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

31 2. Upon conviction or a plea of guilty for committing the offense of

32 endangerment of a highway worker under subsection 1 of this section if no injury
33 or death to a highway worker resulted from the offense, in addition to any other
34 penalty authorized by law, the person shall be subject to a fine of not more than
35 one thousand dollars and shall have four points assessed to his or her driver's
36 license under section 302.302.

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

50 4. Except for the offense established under subdivision (6) of subsection
51 1 of this section, no person shall be deemed to commit the offense of
52 endangerment of a highway worker except when the act or omission constituting
53 the offense occurred when one or more highway workers were in the construction
54 zone or work zone.

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

60 **6. (1) Notwithstanding any provision of this section or any other**
61 **law to the contrary, the director of the department of revenue or his or**
62 **her agent shall order the revocation of a driver's license upon its**
63 **determination that an individual holding such license was involved in**
64 **a physical accident where his or her negligent acts or omissions**
65 **contributed to his or her vehicle striking a highway worker within a**
66 **designated construction zone or work zone where department of**
67 **transportation guidelines involving notice and signage were properly**

68 implemented. The department shall make its determination of these
69 facts on the basis of the report of a law enforcement officer
70 investigating the incident and this determination shall be final unless
71 a hearing is requested and held as provided under subdivision (2) of
72 this subsection. Upon its determination that the facts support a license
73 revocation, the department shall issue a notice of revocation which
74 shall be mailed to the person at the last known address shown on the
75 department's records. The notice is deemed received three days after
76 mailing unless returned by postal authorities. The notice of revocation
77 shall clearly specify the reason and statutory grounds for the
78 revocation, the effective date of the revocation which shall be at least
79 fifteen days from the date the department issued its order, the right of
80 the person to request a hearing, and the date by which the request for
81 a hearing must be made.

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

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

87 (b) Petitioning for a hearing before a circuit division or
88 associate division of the court in the county in which the work zone
89 accident occurred. The individual may request such court to issue an
90 order staying the revocation until such time as the petition for review
91 can be heard. If the court, in its discretion, grants such stay, it shall
92 enter the order upon a form prescribed by the director of revenue and
93 shall send a copy of such order to the director. Such order shall serve
94 as proof of the privilege to operate a motor vehicle in this state, and
95 the director shall maintain possession of the person's license to operate
96 a motor vehicle until the termination of any suspension under this
97 subsection. The clerk of the court shall notify the prosecuting attorney
98 of the county, and the prosecutor shall appear at the hearing on behalf
99 of the director of revenue. At the hearing, the court shall determine
100 only:

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

104 b. Whether the department of transportation guidelines

105 involving notice and signage were properly implemented in such work
106 zone; and

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

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

113 (3) The department of revenue administrative adjudication to
114 reinstate a driver's license that was revoked under this subsection, and
115 any evidence provided to the department related to such adjudication,
116 shall not be produced by subpoena or any other means and made
117 available as evidence in any other administrative action, civil case, or
118 criminal prosecution. The court's determinations issued under this
119 section, and the evidence provided to the court relating to such
120 determinations, shall not be produced by subpoena or any other means
121 and made available in any other administrative action, civil case, or
122 criminal prosecution. Nothing in this subdivision shall be construed to
123 prevent the department from providing information to the system
124 authorized under 49 U.S.C. Section 31309, or any successor federal law,
125 pertaining to the licensing, identification, and disqualification of
126 operators of commercial motor vehicles.

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

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

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

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

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

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

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

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

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

35 4. Except for the offense established under subdivision (6) of subsection
36 1 of this section, no person shall be deemed to have committed the offense of
37 endangerment of an emergency responder except when the act or omission
38 constituting the offense occurred when one or more emergency responders were
39 responding to an active emergency.

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

46 **6. (1) Notwithstanding any provision of this section or any other**
47 **law to the contrary, the director of the department of revenue or his or**
48 **her agent shall order the revocation of a driver's license upon its**
49 **determination that an individual holding such license was involved in**
50 **a physical accident where his or her negligent acts or omissions**

51 substantially contributed to his or her vehicle striking an emergency
52 responder within an active emergency zone where the appropriate
53 visual markings for active emergency zones were properly
54 implemented. The department shall make its determination of these
55 facts on the basis of the report of a law enforcement officer
56 investigating the incident and this determination shall be final unless
57 a hearing is requested and held as provided under subdivision (2) of
58 this subsection. Upon its determination that the facts support a license
59 revocation, the department shall issue a notice of revocation which
60 shall be mailed to the person at the last known address shown on the
61 department's records. The notice is deemed received three days after
62 mailing unless returned by postal authorities. The notice of revocation
63 shall clearly specify the reason and statutory grounds for the
64 revocation, the effective date of the revocation which shall be at least
65 fifteen days from the date the department issued its order, the right of
66 the person to request a hearing, and the date by which the request for
67 a hearing must be made.

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

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

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

87 a. Whether the person was involved in a physical accident where

88 his or her vehicle struck an emergency responder within an active
89 emergency zone;

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

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

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

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

307.350. 1. The owner of every motor vehicle as defined in section
2 301.010 which is required to be registered in this state, except:

3 (1) Motor vehicles **having less than one hundred fifty thousand**
4 **miles**, for the ~~[five-year]~~ **ten-year** period following their model year of
5 manufacture, excluding prior salvage vehicles immediately following a rebuilding
6 process and vehicles subject to the provisions of section 307.380;

7 (2) Those motor vehicles which are engaged in interstate commerce and
8 are proportionately registered in this state with the Missouri highway reciprocity
9 commission, although the owner may request that such vehicle be inspected by
10 an official inspection station, and a peace officer may stop and inspect such
11 vehicles to determine whether the mechanical condition is in compliance with the
12 safety regulations established by the United States Department of
13 Transportation; and

- 14 (3) Historic motor vehicles registered pursuant to section 301.131;
- 15 (4) Vehicles registered in excess of twenty-four thousand pounds for a
16 period of less than twelve months;
17 shall submit such vehicles to a biennial inspection of their mechanism and
18 equipment in accordance with the provisions of sections 307.350 to 307.390 and
19 obtain a certificate of inspection and approval and a sticker, seal, or other device
20 from a duly authorized official inspection station. The inspection, except the
21 inspection of school buses which shall be made at the time provided in section
22 307.375, shall be made at the time prescribed in the rules and regulations issued
23 by the superintendent of the Missouri state highway patrol; but the inspection of
24 a vehicle shall not be made more than sixty days prior to the date of application
25 for registration or within sixty days of when a vehicle's registration is
26 transferred; however, if a vehicle was purchased from a motor vehicle dealer and
27 a valid inspection had been made within sixty days of the purchase date, the new
28 owner shall be able to utilize an inspection performed within ninety days prior
29 to the application for registration or transfer. Any vehicle manufactured as an
30 even-numbered model year vehicle shall be inspected and approved pursuant to
31 the safety inspection program established pursuant to sections 307.350 to 307.390
32 in each even-numbered calendar year and any such vehicle manufactured as an
33 odd-numbered model year vehicle shall be inspected and approved pursuant to
34 sections 307.350 to 307.390 in each odd-numbered year. The certificate of
35 inspection and approval shall be a sticker, seal, or other device or combination
36 thereof, as the superintendent of the Missouri state highway patrol prescribes by
37 regulation and shall be displayed upon the motor vehicle or trailer as prescribed
38 by the regulations established by him. The replacement of certificates of
39 inspection and approval which are lost or destroyed shall be made by the
40 superintendent of the Missouri state highway patrol under regulations prescribed
41 by him.
- 42 2. For the purpose of obtaining an inspection only, it shall be lawful to
43 operate a vehicle over the most direct route between the owner's usual place of
44 residence and an inspection station of such owner's choice, notwithstanding the
45 fact that the vehicle does not have a current state registration license. It shall
46 also be lawful to operate such a vehicle from an inspection station to another
47 place where repairs may be made and to return the vehicle to the inspection
48 station notwithstanding the absence of a current state registration license.
- 49 3. No person whose motor vehicle was duly inspected and approved as

50 provided in this section shall be required to have the same motor vehicle again
51 inspected and approved for the sole reason that such person wishes to obtain a
52 set of any special personalized license plates available pursuant to section
53 301.144 or a set of any license plates available pursuant to section 301.142, prior
54 to the expiration date of such motor vehicle's current registration.

55 4. Notwithstanding the provisions of section 307.390, violation of this
56 section shall be deemed an infraction.

✓
Unofficial

Bill

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