

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

# SENATE BILL NO. 51

97TH GENERAL ASSEMBLY

2013

0197S.07T

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## AN ACT

To repeal sections 34.040, 64.196, 135.710, 136.055, 137.010, section 301.140 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute for senate bill no. 568 merged with conference committee substitute for senate bill no. 611, ninety-sixth general assembly, second regular session, section 301.140 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, 301.301, 301.449, 302.132, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.154, 304.180, 304.820, and 307.400, RSMo, and to enact in lieu thereof twenty new sections relating to regulation of motor vehicles, with existing penalty provisions.

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

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

Section A. Sections 34.040, 64.196, 135.710, 136.055, 137.010, section  
2 301.140 as enacted by conference committee substitute for senate substitute for  
3 senate committee substitute for house committee substitute for house bill no.  
4 1402 merged with conference committee substitute for house committee substitute  
5 for senate substitute for senate committee substitute for senate bill no. 470  
6 merged with conference committee substitute for house committee substitute for  
7 senate bill no. 568 merged with conference committee substitute for senate bill  
8 no. 611, ninety-sixth general assembly, second regular session, section 301.140  
9 as enacted by conference committee substitute for senate substitute for senate  
10 committee substitute for house committee substitute for house bill no. 1402,  
11 ninety-sixth general assembly, second regular session, 301.301, 301.449, 302.132,  
12 302.700, as enacted by conference committee substitute for senate substitute for  
13 senate committee substitute for house committee substitute for house bill no.  
14 1402, merged with conference committee substitute for house committee  
15 substitute for senate substitute for senate committee substitute for senate bill no.  
16 470, merged with conference committee substitute for house committee substitute  
17 no. 2 for senate committee substitute for senate bill no. 480, merged with  
18 conference committee substitute for house committee substitute for senate bill no.  
19 568, ninety-sixth general assembly, second regular session, 302.720, 302.735,  
20 302.740, 302.755, 304.154, 304.180, 304.820, and 307.400, RSMo, are repealed and  
21 twenty new sections enacted in lieu thereof, to be known as sections 34.040,  
22 64.196, 135.710, 136.055, 137.010, 301.140, 301.301, 301.449, 302.132, 302.700,  
23 302.720, 302.735, 302.740, 302.755, 302.767, 304.154, 304.180, 304.820, 307.400,  
24 and 1, to read as follows:

34.040. 1. All purchases in excess of three thousand dollars shall be  
2 based on competitive bids, except as otherwise provided in this chapter.

3 2. On any purchase where the estimated expenditure shall be twenty-five  
4 thousand dollars or over, except as provided in subsection 5 of this section, the  
5 commissioner of administration shall:

6 (1) Advertise for bids in at least two daily newspapers of general  
7 circulation in such places as are most likely to reach prospective bidders and may  
8 advertise in at least two weekly minority newspapers and may provide such  
9 information through an electronic medium available to the general public at least  
10 five days before bids for such purchases are to be opened. Other methods of  
11 advertisement, which may include minority business purchase councils, however,  
12 may be adopted by the commissioner of administration when such other methods

13 are deemed more advantageous for the supplies to be purchased;

14 (2) Post a notice of the proposed purchase in his or her office; and

15 (3) Solicit bids by mail or other reasonable method generally available to  
16 the public from prospective suppliers. All bids for such supplies shall be mailed  
17 or delivered to the office of the commissioner of administration so as to reach  
18 such office before the time set for opening bids.

19 3. The contract shall be let to the lowest and best bidder. The  
20 commissioner of administration shall have the right to reject any or all bids and  
21 advertise for new bids, or purchase the required supplies on the open market if  
22 they can be so purchased at a better price. When bids received pursuant to this  
23 section are unreasonable or unacceptable as to terms and conditions,  
24 noncompetitive, or the low bid exceeds available funds and it is determined in  
25 writing by the commissioner of administration that time or other circumstances  
26 will not permit the delay required to resolicit competitive bids, a contract may be  
27 negotiated pursuant to this section, provided that each responsible bidder who  
28 submitted such bid under the original solicitation is notified of the determination  
29 and is given a reasonable opportunity to modify their bid and submit a best and  
30 final bid to the state. In cases where the bids received are noncompetitive or the  
31 low bid exceeds available funds, the negotiated price shall be lower than the  
32 lowest rejected bid of any responsible bidder under the original solicitation.

33 4. **The director of the department of revenue shall follow bidding**  
34 **procedures pursuant to this section and may promulgate rules**  
35 **necessary to establish such procedures. No points shall be awarded on**  
36 **a request for proposal for a contract license office to a bidder for a**  
37 **return-to-the-state provision offer.**

38 5. All bids shall be based on standard specifications wherever such  
39 specifications have been approved by the commissioner of administration. The  
40 commissioner of administration shall make rules governing the delivery,  
41 inspection, storage and distribution of all supplies so purchased and governing  
42 the manner in which all claims for supplies delivered shall be submitted,  
43 examined, approved and paid. The commissioner shall determine the amount of  
44 bond or deposit and the character thereof which shall accompany bids or  
45 contracts.

46 [5.] 6. The department of natural resources may, without the approval  
47 of the commissioner of administration required pursuant to this section, enter  
48 into contracts of up to five hundred thousand dollars to abate illegal waste tire

49 sites pursuant to section 260.276 when the director of the department determines  
50 that urgent action is needed to protect public health, safety, natural resources or  
51 the environment. The department shall follow bidding procedures pursuant to  
52 this section and may promulgate rules necessary to establish such  
53 procedures. Any rule or portion of a rule, as that term is defined in section  
54 536.010, that is created under the authority delegated in this section shall  
55 become effective only if it complies with and is subject to all of the provisions of  
56 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
57 nonseverable and if any of the powers vested with the general assembly pursuant  
58 to chapter 536 to review, to delay the effective date or to disapprove and annul  
59 a rule are subsequently held unconstitutional, then the grant of rulemaking  
60 authority and any rule proposed or adopted after August 28, 1999, shall be  
61 invalid and void.

62 [6.] 7. The commissioner of administration and other agencies to which  
63 the state purchasing law applies shall not contract for goods or services with a  
64 vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible  
65 personal property or for the purpose of storage, use, or consumption in this state  
66 but fails to collect and properly pay the tax as provided in chapter 144. For the  
67 purposes of this section, "affiliate of the vendor" shall mean any person or entity  
68 that is controlled by or is under common control with the vendor, whether  
69 through stock ownership or otherwise.

64.196. 1. After August 28, 2001, any county seeking to adopt a building  
2 code in a manner set forth in section 64.180 shall, in creating or amending such  
3 code, adopt a current, calendar year 1999 or later edition, nationally recognized  
4 building code, as amended.

5 **2. No county building ordinance adopted under this section shall**  
6 **conflict with liquified petroleum gas installations regulations**  
7 **established under section 323.020.**

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

2 (1) "Alternative fuels", any motor fuel at least seventy percent of the  
3 volume of which consists of one or more of the following:

- 4 (a) Ethanol;
- 5 (b) Natural gas;
- 6 (c) Compressed natural gas, **or CNG**;
- 7 (d) Liquified natural gas, **or LNG**;
- 8 (e) Liquified petroleum gas, **LP gas, propane, or autogas**;

9 (f) Any mixture of biodiesel and diesel fuel, without regard to any use of  
10 kerosene;

11 (g) Hydrogen;

12 (2) "Department", the department of natural resources;

13 (3) "Eligible applicant", a business entity that is the owner of a qualified  
14 alternative fuel vehicle refueling property **or makes more than twenty-five**  
15 **qualified conversions in a one-year period;**

16 (4) **"Motor vehicle", any automobile, truck, truck-tractor, or any**  
17 **motor bus or self propelled vehicle not exclusively operated or driven**  
18 **upon fixed rails or tracks. The term does not include:**

19 (a) **Farm tractors or machinery including tractors and machinery**  
20 **designed for off-road use but capable of movement on roads at low**  
21 **speeds; or**

22 (b) **A vehicle solely operated on rails;**

23 (5) "Qualified alternative fuel vehicle refueling property", property in this  
24 state owned by an eligible applicant and used for storing alternative fuels and for  
25 dispensing such alternative fuels into fuel tanks of motor vehicles owned by such  
26 eligible applicant or private citizens which, if constructed after August 28, 2008,  
27 was constructed with at least fifty-one percent of the costs being paid to qualified  
28 Missouri contractors for the:

29 (a) Fabrication of premanufactured equipment or process piping used in  
30 the construction of such facility;

31 (b) Construction of such facility; and

32 (c) General maintenance of such facility during the time period in which  
33 such facility receives any tax credit under this section.

34 If no qualified Missouri contractor is located within seventy-five miles of the  
35 property, the requirement that fifty-one percent of the costs shall be paid to  
36 qualified Missouri contractors shall not apply;

37 **[(5)] (6) "Qualified conversion", the conversion of a motor vehicle**  
38  **fueled solely by petroleum-based fuels to a motor vehicle which**  
39  **incorporates an alternative fuel listed under subdivision (1) of this**  
40  **subsection as either the primary or secondary source. The converted**  
41  **vehicle must operate using an alternative fuel decal under subsection**  
42  **1 of section 142.869, if applicable. Installations which inject fuel**  
43  **additives are not considered qualified conversions;**

44 (7) "Qualified Missouri contractor", a contractor whose principal place of

45 business is located in Missouri and has been located in Missouri for a period of  
46 not less than five years.

47 2. For all tax years beginning on or after January 1, [2009] **2014**, but  
48 before January 1, [2012] **2017**, any eligible applicant who installs and operates  
49 a qualified alternative fuel vehicle refueling property shall be allowed a credit  
50 against the tax otherwise due under chapter 143, excluding withholding tax  
51 imposed by sections 143.191 to 143.265, or due under chapter 147 or chapter 148  
52 for any tax year in which the applicant is constructing the refueling  
53 property. The credit allowed in this [section] **subsection** per eligible applicant  
54 shall not exceed the lesser of twenty thousand dollars or twenty percent of the  
55 total costs directly associated with the purchase and installation of any  
56 alternative fuel storage and dispensing equipment on any qualified alternative  
57 fuel vehicle refueling property, which shall not include the following:

58 (1) Costs associated with the purchase of land upon which to place a  
59 qualified alternative fuel vehicle refueling property;

60 (2) Costs associated with the purchase of an existing qualified alternative  
61 fuel vehicle refueling property; or

62 (3) Costs for the construction or purchase of any structure.

63 3. Tax credits allowed by this section shall be claimed by the eligible  
64 applicant at the time such applicant files a return for the tax year in which the  
65 storage and dispensing facilities were placed in service at a qualified alternative  
66 fuel vehicle refueling property, and shall be applied against the income tax  
67 liability imposed by chapter 143, chapter 147, or chapter 148 after all other  
68 credits provided by law have been applied. The cumulative amount of tax credits  
69 which may be claimed by eligible applicants claiming all credits authorized in  
70 this section shall not exceed [the following amounts:

71 (1) In taxable year 2009, three million dollars;

72 (2) In taxable year 2010, two million dollars; and

73 (3) In taxable year 2011,] one million dollars **per year**.

74 4. If the amount of the tax credit exceeds the eligible applicant's tax  
75 liability, the difference shall not be refundable. Any amount of credit that an  
76 eligible applicant is prohibited by this section from claiming in a taxable year  
77 may be carried forward to any of such applicant's two subsequent taxable  
78 years. Tax credits allowed under this section may be assigned, transferred, sold,  
79 or otherwise conveyed.

80 5. An alternative fuel vehicle refueling property, for which an eligible

81 applicant receives tax credits under this section, which ceases to sell alternative  
82 fuel shall cause the forfeiture of such eligible applicant's tax credits provided  
83 under this section for the taxable year in which the alternative fuel vehicle  
84 refueling property ceased to sell alternative fuel and for future taxable years with  
85 no recapture of tax credits obtained by an eligible applicant with respect to such  
86 applicant's tax years which ended before the sale of alternative fuel ceased.

87         6. The director of revenue shall establish the procedure by which the tax  
88 credits in this section may be claimed, and shall establish a procedure by which  
89 the cumulative amount of tax credits is apportioned equally among all eligible  
90 applicants claiming the credit. To the maximum extent possible, the director of  
91 revenue shall establish the procedure described in this subsection in such a  
92 manner as to ensure that eligible applicants can claim all the tax credits possible  
93 up to the cumulative amount of tax credits available for the taxable year. No  
94 eligible applicant claiming a tax credit under this section shall be liable for any  
95 interest or penalty for filing a tax return after the date fixed for filing such return  
96 as a result of the apportionment procedure under this subsection.

97         7. Any eligible applicant desiring to claim a tax credit under this section  
98 shall submit the appropriate application for such credit with the  
99 department. The application for a tax credit under this section shall include any  
100 information required by the department. The department shall review the  
101 applications and certify to the department of revenue each eligible applicant that  
102 qualifies for the tax credit.

103         8. The department and the department of revenue may promulgate rules  
104 to implement the provisions of 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 delegated  
106 in this section shall become effective only if it complies with and is subject to all  
107 of the provisions of chapter 536 and, if applicable, section 536.028. This section  
108 and chapter 536 are nonseverable and if any of the powers vested with the  
109 general assembly pursuant to chapter 536 to review, to delay the effective date,  
110 or to disapprove and annul a rule are subsequently held unconstitutional, then  
111 the grant of rulemaking authority and any rule proposed or adopted after August  
112 28, 2008, shall be invalid and void.

113         9. Pursuant to section 23.253 of the Missouri sunset act:

114         (1) The provisions of the new program authorized under this section shall  
115 automatically sunset six years after August 28, [2008] **2013**, unless reauthorized  
116 by an act of the general assembly; and

117 (2) If such program is reauthorized, the program authorized under this  
118 section shall automatically sunset twelve years after the effective date of the  
119 reauthorization of this section; and

120 (3) This section shall terminate on December thirty-first of the calendar  
121 year immediately following the calendar year in which the program authorized  
122 under this section is sunset.

136.055. 1. Any person who is selected or appointed by the state director  
2 of revenue as provided in subsection 2 of this section to act as an agent of the  
3 department of revenue, whose duties shall be the processing of motor vehicle title  
4 and registration transactions and the collection of sales and use taxes when  
5 required under sections 144.070 and 144.440, and who receives no salary from the  
6 department of revenue, shall be authorized to collect from the party requiring  
7 such services additional fees as compensation in full and for all services rendered  
8 on the following basis:

9 (1) For each motor vehicle or trailer registration issued, renewed or  
10 transferred--~~[three]~~ **five** dollars [and fifty cents] and ~~[seven]~~ **ten** dollars for  
11 those licenses sold or biennially renewed pursuant to section 301.147;

12 (2) For each application or transfer of title--~~[two dollars and fifty cents]~~  
13 **five dollars**;

14 (3) For each **address change or** instruction permit, nondriver license,  
15 chauffeur's, operator's or driver's license issued for a period of three years or less--  
16 ~~[two]~~ **five** dollars [and fifty cents] and ~~[five]~~ **ten** dollars for licenses or  
17 instruction permits issued or renewed for a period exceeding three years;

18 (4) For each notice of lien processed--~~[two]~~ **five** dollars [and fifty cents];

19 (5) No notary fee or other fee or additional charge shall be paid or  
20 collected except for electronic [telephone] transmission reception--two dollars.

21 2. The director of revenue shall award fee office contracts under this  
22 section through a competitive bidding process. The competitive bidding process  
23 shall give priority to organizations and entities that are exempt from taxation  
24 under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as  
25 amended, and political subdivisions, including but not limited to, municipalities,  
26 counties, and fire protection districts. The director of the department of revenue  
27 may promulgate rules and regulations necessary to carry out the provisions of  
28 this subsection. Any rule or portion of a rule, as that term is defined in section  
29 536.010, that is created under the authority delegated in this subsection shall  
30 become effective only if it complies with and is subject to all of the provisions of



31 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
32 nonseverable and if any of the powers vested with the general assembly pursuant  
33 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
34 a rule are subsequently held unconstitutional, then the grant of rulemaking  
35 authority and any rule proposed or adopted after August 28, 2009, shall be  
36 invalid and void.

37 3. All fees collected by a tax-exempt organization may be retained and  
38 used by the organization.

39 4. All fees charged shall not exceed those in this section. The fees  
40 imposed by this section shall be collected by all permanent offices and all full-  
41 time or temporary offices maintained by the department of revenue.

42 5. Any person acting as agent of the department of revenue for the sale  
43 and issuance of registrations, licenses, and other documents related to motor  
44 vehicles shall have an insurable interest in all license plates, licenses, tabs, forms  
45 and other documents held on behalf of the department.

46 6. The fees authorized by this section shall not be collected by motor  
47 vehicle dealers acting as agents of the department of revenue under section  
48 32.095 or those motor vehicle dealers authorized to collect and remit sales tax  
49 under subsection 8 of section 144.070.

50 7. **The department shall reimburse reasonable costs incurred**  
51 **associated with the transactions required in a contract license office.**

52 8. Notwithstanding any other provision of law to the contrary, the state  
53 auditor may audit all records maintained and established by the fee office in the  
54 same manner as the auditor may audit any agency of the state, and the  
55 department shall ensure that this audit requirement is a necessary condition for  
56 the award of all fee office contracts. No confidential records shall be divulged in  
57 such a way to reveal personally identifiable information.

137.010. The following words, terms and phrases when used in laws  
2 governing taxation and revenue in the state of Missouri shall have the meanings  
3 ascribed to them in this section, except when the context clearly indicates a  
4 different meaning:

5 (1) "Grain and other agricultural crops in an unmanufactured condition"  
6 shall mean grains and feeds including, but not limited to, soybeans, cow peas,  
7 wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other  
8 products as are usually stored in grain and other elevators and on farms; but  
9 excluding such grains and other agricultural crops after being processed into

10 products of such processing, when packaged or sacked. The term "processing"  
11 shall not include hulling, cleaning, drying, grating, or polishing;

12 (2) "Hydroelectric power generating equipment", very-low-head turbine  
13 generators with a nameplate generating capacity of at least four hundred  
14 kilowatts but not more than six hundred kilowatts and machinery and equipment  
15 used directly in the production, generation, conversion, storage, or conveyance of  
16 hydroelectric power to land-based devices and appurtenances used in the  
17 transmission of electrical energy;

18 (3) "Intangible personal property", for the purpose of taxation, shall  
19 include all property other than real property and tangible personal property, as  
20 defined by this section;

21 (4) "Real property" includes land itself, whether laid out in town lots or  
22 otherwise, and all growing crops, buildings, structures, improvements and  
23 fixtures of whatever kind thereon, hydroelectric power generating equipment, the  
24 installed poles used in the transmission or reception of electrical energy, audio  
25 signals, video signals or similar purposes, provided the owner of such installed  
26 poles is also an owner of a fee simple interest, possessor of an easement, holder  
27 of a license or franchise, or is the beneficiary of a right-of-way dedicated for  
28 public utility purposes for the underlying land; attached wires, transformers,  
29 amplifiers, substations, and other such devices and appurtenances used in the  
30 transmission or reception of electrical energy, audio signals, video signals or  
31 similar purposes when owned by the owner of the installed poles, otherwise such  
32 items are considered personal property; and stationary property used for  
33 **generation, transportation or storage** of liquid and gaseous products,  
34 including, but not limited to, petroleum products, natural gas, **propane or LP**  
35 **gas, solar or wind power equipment**, water, and sewage;

36 (5) "Tangible personal property" includes every tangible thing being the  
37 subject of ownership or part ownership whether animate or inanimate, other than  
38 money, and not forming part or parcel of real property as herein defined, but does  
39 not include household goods, furniture, wearing apparel and articles of personal  
40 use and adornment, as defined by the state tax commission, owned and used by  
41 a person in his home or dwelling place.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer,  
2 the certificate of registration and the right to use the number plates shall expire  
3 and the number plates shall be removed by the owner at the time of the transfer  
4 of possession, and it shall be unlawful for any person other than the person to

5 whom such number plates were originally issued to have the same in his or her  
6 possession whether in use or not, unless such possession is solely for charitable  
7 purposes; except that the buyer of a motor vehicle or trailer who trades in a motor  
8 vehicle or trailer may attach the license plates from the traded-in motor vehicle  
9 or trailer to the newly purchased motor vehicle or trailer. The operation of a  
10 motor vehicle with such transferred plates shall be lawful for no more than thirty  
11 days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall  
12 include any single motor vehicle or trailer sold by the buyer of the newly  
13 purchased vehicle or trailer, as long as the license plates for the trade-in motor  
14 vehicle or trailer are still valid.

15         2. In the case of a transfer of ownership the original owner may register  
16 another motor vehicle under the same number, upon the payment of a fee of two  
17 dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a  
18 passenger-carrying commercial motor vehicle) seating capacity, not in excess of  
19 that originally registered. When such motor vehicle is of greater horsepower,  
20 gross weight or (in the case of a passenger-carrying commercial motor vehicle)  
21 seating capacity, for which a greater fee is prescribed, applicant shall pay a  
22 transfer fee of two dollars and a pro rata portion for the difference in fees. When  
23 such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying  
24 commercial motor vehicle) seating capacity, for which a lesser fee is prescribed,  
25 applicant shall not be entitled to a refund.

26         3. License plates may be transferred from a motor vehicle which will no  
27 longer be operated to a newly purchased motor vehicle by the owner of such  
28 vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased  
29 vehicle is of horsepower, gross weight or (in the case of a passenger-carrying  
30 commercial motor vehicle) seating capacity, not in excess of that of the vehicle  
31 which will no longer be operated. When the newly purchased motor vehicle is of  
32 greater horsepower, gross weight or (in the case of a passenger-carrying  
33 commercial motor vehicle) seating capacity, for which a greater fee is prescribed,  
34 the applicant shall pay a transfer fee of two dollars and a pro rata portion of the  
35 difference in fees. When the newly purchased vehicle is of less horsepower, gross  
36 weight or (in the case of a passenger-carrying commercial motor vehicle) seating  
37 capacity, for which a lesser fee is prescribed, the applicant shall not be entitled  
38 to a refund.

39         4. The director of the department of revenue shall have authority to  
40 produce or allow others to produce a weather resistant, nontearing temporary

41 permit authorizing the operation of a motor vehicle or trailer by a buyer for not  
42 more than thirty days from the date of purchase. The temporary permit  
43 authorized under this section may be purchased by the purchaser of a motor  
44 vehicle or trailer from the central office of the department of revenue or from an  
45 authorized agent of the department of revenue upon proof of purchase of a motor  
46 vehicle or trailer for which the buyer has no registration plate available for  
47 transfer and upon proof of financial responsibility, or from a motor vehicle dealer  
48 upon purchase of a motor vehicle or trailer for which the buyer has no  
49 registration plate available for transfer, or from a motor vehicle dealer upon  
50 purchase of a motor vehicle or trailer for which the buyer has registered and is  
51 awaiting receipt of registration plates. The director of the department of revenue  
52 or a producer authorized by the director of the department of revenue may make  
53 temporary permits available to registered dealers in this state, authorized agents  
54 of the department of revenue or the department of revenue. The price paid by a  
55 motor vehicle dealer, an authorized agent of the department of revenue or the  
56 department of revenue for a temporary permit shall not exceed five dollars for  
57 each permit. The director of the department of revenue shall direct motor vehicle  
58 dealers and authorized agents to obtain temporary permits from an authorized  
59 producer. Amounts received by the director of the department of revenue for  
60 temporary permits shall constitute state revenue; however, amounts received by  
61 an authorized producer other than the director of the department of revenue shall  
62 not constitute state revenue and any amounts received by motor vehicle dealers  
63 or authorized agents for temporary permits purchased from a producer other than  
64 the director of the department of revenue shall not constitute state revenue. In  
65 no event shall revenues from the general revenue fund or any other state fund be  
66 utilized to compensate motor vehicle dealers or other producers for their role in  
67 producing temporary permits as authorized under this section. Amounts that do  
68 not constitute state revenue under this section shall also not constitute fees for  
69 registration or certificates of title to be collected by the director of the department  
70 of revenue under section 301.190. No motor vehicle dealer, authorized agent or  
71 the department of revenue shall charge more than five dollars for each permit  
72 issued. The permit shall be valid for a period of thirty days from the date of  
73 purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle  
74 or trailer by a motor vehicle dealer for which the purchaser obtains a permit as  
75 set out above. No permit shall be issued for a vehicle under this section unless  
76 the buyer shows proof of financial responsibility. Each temporary permit issued

77 shall be securely fastened to the back or rear of the motor vehicle in a manner  
78 and place on the motor vehicle consistent with registration plates so that all parts  
79 and qualities of the temporary permit thereof shall be plainly and clearly visible,  
80 reasonably clean and are not impaired in any way.

81           5. The permit shall be issued on a form prescribed by the director of the  
82 department of revenue and issued only for the applicant's temporary operation  
83 of the motor vehicle or trailer purchased to enable the applicant to temporarily  
84 operate the motor vehicle while proper title and registration plates are being  
85 obtained, or while awaiting receipt of registration plates, and shall be displayed  
86 on no other motor vehicle. Temporary permits issued pursuant to this section  
87 shall not be transferable or renewable and shall not be valid upon issuance of  
88 proper registration plates for the motor vehicle or trailer. The director of the  
89 department of revenue shall determine the size, material, design, numbering  
90 configuration, construction, and color of the permit. The director of the  
91 department of revenue, at his or her discretion, shall have the authority to  
92 reissue, and thereby extend the use of, a temporary permit previously and legally  
93 issued for a motor vehicle or trailer while proper title and registration are being  
94 obtained.

95           6. Every motor vehicle dealer that issues temporary permits shall keep,  
96 for inspection by proper officers, an accurate record of each permit issued by  
97 recording the permit number, the motor vehicle dealer's number, buyer's name  
98 and address, the motor vehicle's year, make, and manufacturer's vehicle  
99 identification number, and the permit's date of issuance and expiration  
100 date. Upon the issuance of a temporary permit by either the central office of the  
101 department of revenue, a motor vehicle dealer or an authorized agent of the  
102 department of revenue, the director of the department of revenue shall make the  
103 information associated with the issued temporary permit immediately available  
104 to the law enforcement community of the state of Missouri.

105           7. Upon the transfer of ownership of any currently registered motor  
106 vehicle wherein the owner cannot transfer the license plates due to a change of  
107 motor vehicle category, the owner may surrender the license plates issued to the  
108 motor vehicle and receive credit for any unused portion of the original  
109 registration fee against the registration fee of another motor vehicle. Such credit  
110 shall be granted based upon the date the license plates are surrendered. No  
111 refunds shall be made on the unused portion of any license plates surrendered for  
112 such credit.

113 8. The provisions of subsections 4, 5, and 6 of this section shall expire  
114 July 1, 2019.

115 9. An additional temporary license plate produced in a manner and of  
116 materials determined by the director to be the most cost-effective means of  
117 production with a configuration that matches an existing or newly issued plate  
118 may be purchased by a motor vehicle owner to be placed in the interior of the  
119 vehicle's rear window such that the driver's view out of the rear window is not  
120 obstructed and the plate configuration is clearly visible from the outside of the  
121 vehicle to serve as the visible plate when a bicycle rack or other item obstructs  
122 the view of the actual plate. Such temporary plate is only authorized for use  
123 when the matching actual plate is affixed to the vehicle in the manner prescribed  
124 in subsection 5 of section 301.130. The fee charged for the temporary plate shall  
125 be equal to the fee charged for a temporary permit issued under subsection 4 of  
126 this section. Replacement temporary plates authorized in this subsection may be  
127 issued as needed upon the payment of a fee equal to the fee charged for a  
128 temporary permit under subsection 4 of this section. The newly produced third  
129 plate may only be used on the vehicle with the matching plate, and the additional  
130 plate shall be clearly recognizable as a third plate and only used for the purpose  
131 specified in this subsection.

132 **10. Notwithstanding the provisions of section 301.217, the**  
133 **director may issue a temporary permit to an individual who possesses**  
134 **a salvage motor vehicle which requires an inspection under subsection**  
135 **9 of section 301.190. The operation of a salvage motor vehicle for which**  
136 **the permit has been issued shall be limited to the most direct route**  
137 **from the residence, maintenance, or storage facility of the individual**  
138 **in possession of such motor vehicle to the nearest authorized**  
139 **inspection facility and return to the originating**  
140 **location. Notwithstanding any other requirements for the issuance of**  
141 **a temporary permit under this section, an individual obtaining a**  
142 **temporary permit for the purpose of operating a motor vehicle to and**  
143 **from an examination facility as prescribed in this subsection shall also**  
144 **purchase the required motor vehicle examination form which is**  
145 **required to be completed for an examination under subsection 9 of**  
146 **section 301.190 and provide satisfactory evidence that such vehicle has**  
147 **passed a motor vehicle safety inspection for such vehicle as required**  
148 **in section 307.350.**

149           **11.** The director of the department of revenue may promulgate all  
150 necessary rules and regulations for the administration of this section. Any rule  
151 or portion of a rule, as that term is defined in section 536.010, that is created  
152 under the authority delegated in this section shall become effective only if it  
153 complies with and is subject to all of the provisions of chapter 536 and, if  
154 applicable, section 536.028. This section and chapter 536 are nonseverable and  
155 if any of the powers vested with the general assembly pursuant to chapter 536 to  
156 review, to delay the effective date, or to disapprove and annul a rule are  
157 subsequently held unconstitutional, then the grant of rulemaking authority and  
158 any rule proposed or adopted after August 28, 2012, shall be invalid and void.

159           **[11.] 12.** The repeal and reenactment of this section shall become  
160 effective on the date the department of revenue or a producer authorized by the  
161 director of the department of revenue begins producing temporary permits  
162 described in subsection 4 of such section, or on July 1, 2013, whichever occurs  
163 first. If the director of revenue or a producer authorized by the director of the  
164 department of revenue begins producing temporary permits prior to July 1, 2013,  
165 the director of the department of revenue shall notify the revisor of statutes of  
166 such fact.

                  [301.140. 1. Upon the transfer of ownership of any motor  
2           vehicle or trailer, the certificate of registration and the right to use  
3           the number plates shall expire and the number plates shall be  
4           removed by the owner at the time of the transfer of possession, and  
5           it shall be unlawful for any person other than the person to whom  
6           such number plates were originally issued to have the same in his  
7           or her possession whether in use or not, unless such possession is  
8           solely for charitable purposes; except that the buyer of a motor  
9           vehicle or trailer who trades in a motor vehicle or trailer may  
10          attach the license plates from the traded-in motor vehicle or trailer  
11          to the newly purchased motor vehicle or trailer. The operation of  
12          a motor vehicle with such transferred plates shall be lawful for no  
13          more than thirty days. As used in this subsection, the term "trade-  
14          in motor vehicle or trailer" shall include any single motor vehicle  
15          or trailer sold by the buyer of the newly purchased vehicle or  
16          trailer, as long as the license plates for the trade-in motor vehicle  
17          or trailer are still valid.

18                   2. In the case of a transfer of ownership the original owner

19           may register another motor vehicle under the same number, upon  
20           the payment of a fee of two dollars, if the motor vehicle is of  
21           horsepower, gross weight or (in the case of a passenger-carrying  
22           commercial motor vehicle) seating capacity, not in excess of that  
23           originally registered. When such motor vehicle is of greater  
24           horsepower, gross weight or (in the case of a passenger-carrying  
25           commercial motor vehicle) seating capacity, for which a greater fee  
26           is prescribed, applicant shall pay a transfer fee of two dollars and  
27           a pro rata portion for the difference in fees. When such vehicle is  
28           of less horsepower, gross weight or (in case of a passenger-carrying  
29           commercial motor vehicle) seating capacity, for which a lesser fee  
30           is prescribed, applicant shall not be entitled to a refund.

31                     3. License plates may be transferred from a motor vehicle  
32           which will no longer be operated to a newly purchased motor  
33           vehicle by the owner of such vehicles. The owner shall pay a  
34           transfer fee of two dollars if the newly purchased vehicle is of  
35           horsepower, gross weight or (in the case of a passenger-carrying  
36           commercial motor vehicle) seating capacity, not in excess of that of  
37           the vehicle which will no longer be operated. When the newly  
38           purchased motor vehicle is of greater horsepower, gross weight or  
39           (in the case of a passenger-carrying commercial motor vehicle)  
40           seating capacity, for which a greater fee is prescribed, the applicant  
41           shall pay a transfer fee of two dollars and a pro rata portion of the  
42           difference in fees. When the newly purchased vehicle is of less  
43           horsepower, gross weight or (in the case of a passenger-carrying  
44           commercial motor vehicle) seating capacity, for which a lesser fee  
45           is prescribed, the applicant shall not be entitled to a refund.

46                     4. Upon the sale of a motor vehicle or trailer by a dealer, a  
47           buyer who has made application for registration, by mail or  
48           otherwise, may operate the same for a period of thirty days after  
49           taking possession thereof, if during such period the motor vehicle  
50           or trailer shall have attached thereto, in the manner required by  
51           section 301.130, number plates issued to the dealer. Upon  
52           application and presentation of proof of financial responsibility as  
53           required under subsection 5 of this section and satisfactory  
54           evidence that the buyer has applied for registration, a dealer may



55 furnish such number plates to the buyer for such temporary use. In  
56 such event, the dealer shall require the buyer to deposit the sum  
57 of ten dollars and fifty cents to be returned to the buyer upon  
58 return of the number plates as a guarantee that said buyer will  
59 return to the dealer such number plates within thirty days. The  
60 director shall issue a temporary permit authorizing the operation  
61 of a motor vehicle or trailer by a buyer for not more than thirty  
62 days of the date of purchase.

63 5. The temporary permit shall be made available by the  
64 director of revenue and may be purchased from the department of  
65 revenue upon proof of purchase of a motor vehicle or trailer for  
66 which the buyer has no registration plate available for transfer and  
67 upon proof of financial responsibility, or from a dealer upon  
68 purchase of a motor vehicle or trailer for which the buyer has no  
69 registration plate available for transfer. The director shall make  
70 temporary permits available to registered dealers in this state or  
71 authorized agents of the department of revenue in sets of ten  
72 permits. The fee for the temporary permit shall be seven dollars  
73 and fifty cents for each permit or plate issued. No dealer or  
74 authorized agent shall charge more than seven dollars and fifty  
75 cents for each permit issued. The permit shall be valid for a period  
76 of thirty days from the date of purchase of a motor vehicle or  
77 trailer, or from the date of sale of the motor vehicle or trailer by a  
78 dealer for which the purchaser obtains a permit as set out  
79 above. No permit shall be issued for a vehicle under this section  
80 unless the buyer shows proof of financial responsibility.

81 6. The permit shall be issued on a form prescribed by the  
82 director and issued only for the applicant's use in the operation of  
83 the motor vehicle or trailer purchased to enable the applicant to  
84 legally operate the vehicle while proper title and registration plate  
85 are being obtained, and shall be displayed on no other  
86 vehicle. Temporary permits issued pursuant to this section shall  
87 not be transferable or renewable and shall not be valid upon  
88 issuance of proper registration plates for the motor vehicle or  
89 trailer. The director shall determine the size and numbering  
90 configuration, construction, and color of the permit.

91                   7. The dealer or authorized agent shall insert the date of  
92                   issuance and expiration date, year, make, and manufacturer's  
93                   number of vehicle on the permit when issued to the buyer. The  
94                   dealer shall also insert such dealer's number on the permit. Every  
95                   dealer that issues a temporary permit shall keep, for inspection of  
96                   proper officers, a correct record of each permit issued by recording  
97                   the permit or plate number, buyer's name and address, year, make,  
98                   manufacturer's vehicle identification number on which the permit  
99                   is to be used, and the date of issuance.

100                   8. Upon the transfer of ownership of any currently  
101                   registered motor vehicle wherein the owner cannot transfer the  
102                   license plates due to a change of vehicle category, the owner may  
103                   surrender the license plates issued to the motor vehicle and receive  
104                   credit for any unused portion of the original registration fee  
105                   against the registration fee of another motor vehicle. Such credit  
106                   shall be granted based upon the date the license plates are  
107                   surrendered. No refunds shall be made on the unused portion of  
108                   any license plates surrendered for such credit.

109                   9. An additional temporary license plate produced in a  
110                   manner and of materials determined by the director to be the most  
111                   cost-effective means of production with a configuration that  
112                   matches an existing or newly issued plate may be purchased by a  
113                   motor vehicle owner to be placed in the interior of the vehicle's rear  
114                   window such that the driver's view out of the rear window is not  
115                   obstructed and the plate configuration is clearly visible from the  
116                   outside of the vehicle to serve as the visible plate when a bicycle  
117                   rack or other item obstructs the view of the actual plate. Such  
118                   temporary plate is only authorized for use when the matching  
119                   actual plate is affixed to the vehicle in the manner prescribed in  
120                   subsection 5 of section 301.130. The fee charged for the temporary  
121                   plate shall be equal to the fee charged for a temporary permit  
122                   issued under subsection 5 of this section. Replacement temporary  
123                   plates authorized in this subsection may be issued as needed upon  
124                   the payment of a fee equal to the fee charged for a temporary  
125                   permit under subsection 5 of this section. The newly produced  
126                   third plate may only be used on the vehicle with the matching

127 plate, and the additional plate shall be clearly recognizable as a  
128 third plate and only used for the purpose specified in this  
129 subsection.

130 10. The director may promulgate all necessary rules and  
131 regulations for the administration of this section. Any rule or  
132 portion of a rule, as that term is defined in section 536.010, that is  
133 created under the authority delegated in this section shall become  
134 effective only if it complies with and is subject to all of the  
135 provisions of chapter 536 and, if applicable, section 536.028. This  
136 section and chapter 536 are nonseverable and if any of the powers  
137 vested with the general assembly pursuant to chapter 536 to  
138 review, to delay the effective date, or to disapprove and annul a  
139 rule are subsequently held unconstitutional, then the grant of  
140 rulemaking authority and any rule proposed or adopted after  
141 August 28, 2012, shall be invalid and void.]

301.301. [1. Any person replacing a stolen license plate tab issued on or  
2 after January 1, 2009, may receive at no cost up to two sets of two license plate  
3 tabs per year when the application for the replacement tab is accompanied with  
4 a police report that is corresponding with the stolen license plate tab.

5 2.] Any person replacing a stolen license plate tab [issued prior to  
6 January 1, 2009,] may receive at no cost up to two sets of two license plate tabs  
7 per year when the application for the replacement tab is accompanied with a  
8 notarized affidavit verifying that such license plate tab or tabs were stolen.

301.449. 1. Only a community college or four-year public or private  
2 institution of higher education, or a foundation or organization representing the  
3 college or institution, located in the state of Missouri may itself authorize or may  
4 by the director of revenue be authorized to use the school's official emblem to be  
5 affixed on multiyear personalized license plates as provided in this section.

6 2. Any contribution to such institution derived from this section, except  
7 reasonable administrative costs, shall be used for scholarship endowment or other  
8 academically related purposes. Any vehicle owner may annually apply to the  
9 institution for the use of the emblem. Upon annual application and payment of  
10 an emblem-use contribution to the institution, which shall be set by the governing  
11 body of the institution at an amount of at least twenty-five dollars, the institution  
12 shall issue to the vehicle owner, without further charge, an "emblem-use  
13 authorization statement", which shall be presented by the vehicle owner to the

14 department of revenue at the time of registration. Upon presentation of the  
15 annual statement and payment of the fee required for personalized license plates  
16 in section 301.144, and other fees and documents which may be required by law,  
17 the department of revenue shall issue a personalized license plate, which shall  
18 bear the seal, emblem or logo of the institution, to the vehicle owner.

19 **3.** The license plate authorized by this section shall use the school colors  
20 of the institution, and those colors shall be constructed upon the license plate  
21 using a process to ensure that the school emblem shall be displayed upon the  
22 license plate in the clearest and most attractive manner possible. Such license  
23 plates shall be made with fully reflective material with a common color scheme  
24 and design, shall be clearly visible at night, and shall be aesthetically attractive,  
25 as prescribed by section 301.130. The license plate authorized by this section  
26 shall be issued with a design approved by both the institution of higher education  
27 and the advisory committee established in section 301.129.

28 **4.** A vehicle owner, who was previously issued a plate with an  
29 institutional emblem authorized by this section and does not provide an emblem-  
30 use authorization statement at a subsequent time of registration, shall be issued  
31 a new plate which does not bear the institutional emblem, as otherwise provided  
32 by law.

33 **5. Notwithstanding the provisions of subsection 1 of this section**  
34 **or subsection 1 of section 301.3150, any community college or four-year**  
35 **public or private institution of higher education, or any foundation or**  
36 **organization representing the college or institution, located outside of**  
37 **the state of Missouri, which has authorized the use of its official**  
38 **emblem to be affixed on multiyear personalized license plates and has**  
39 **had its application for a specialty license plate approved by the joint**  
40 **committee on transportation oversight under section 301.3150 prior to**  
41 **August 28, 2012, may continue to authorize the use of its official**  
42 **emblem on such plates. Nothing in subsection 1 of this section shall be**  
43 **construed to prohibit the manufacture or renewal of multiyear**  
44 **personalized license plates bearing out-of-state university, college, or**  
45 **institution of private learning official emblems if such license plates**  
46 **were approved by the joint committee on transportation oversight**  
47 **under section 301.3150 prior to August 28, 2012.**

48 **6.** The director of revenue shall make necessary rules and regulations for  
49 the enforcement of this section, and shall design all necessary forms including

50 establishing a minimum number of license plates which can be issued with the  
51 authorized emblem of a participating institution.

302.132. 1. Any person at least fifteen and one-half years of age who,  
2 except for age or lack of instruction in operating a motor vehicle, would otherwise  
3 be qualified to obtain a motorcycle or motortricycle license or endorsement  
4 pursuant to sections 302.010 to 302.340 may apply, with the written consent of  
5 the parent or guardian of such person, for a temporary motorcycle instruction  
6 permit to operate a motorcycle or motortricycle.

7 2. The director shall issue a temporary motorcycle instruction permit  
8 under this section if the applicant has completed a motorcycle rider training  
9 course approved under sections 302.133 to 302.138 and is otherwise eligible for  
10 the temporary permit. **An applicant issued a temporary motorcycle**  
11 **instruction permit under this section may renew such permit two**  
12 **additional times, for a total maximum permit period of eighteen**  
13 **months.**

14 3. A person receiving a temporary motorcycle permit and having it in his  
15 **or her** immediate possession shall be entitled to operate a motorcycle or  
16 motortricycle for a period of six months upon the highways of the state, and  
17 persons under the age of sixteen shall be subject to the following restrictions:

18 (1) The motorcycle or motortricycle may not have an engine with a  
19 displacement of greater than two hundred fifty cubic centimeters;

20 (2) The operator shall not travel at any time from a half-hour after sunset  
21 to a half-hour before sunrise;

22 (3) The operator shall not carry any passengers; and

23 (4) The operator shall not travel over fifty miles from the operator's home  
24 address.

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

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

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

7 (2) "Alcohol concentration", the number of grams of alcohol per one  
8 hundred milliliters of blood or the number of grams of alcohol per two hundred  
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters  
10 of urine;

11 (3) **"CDL driver", a person holding or required to hold a**  
12 **commercial driver's license (CDL);**

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

17 [(4)] (5) "CDLIS motor vehicle record (CDLIS MVR)", a report generated  
18 from the CDLIS driver record which meets the requirements for access to CDLIS  
19 information and is provided by states to users authorized in 49 CFR [Part] 384,  
20 subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections  
21 2721 to 2725, et seq.;

22 [(5)] (6) "Commercial driver's instruction permit", a **commercial**  
23 **learner's permit issued [pursuant to section 302.720] to an individual by a**  
24 **state or other jurisdiction of domicile in accordance with the standards**  
25 **contained in 49 CFR 383, which, when carried with a valid driver's**  
26 **license issued by the same state or jurisdiction, authorizes the**  
27 **individual to operate a class of commercial motor vehicle when**  
28 **accompanied by a holder of a valid commercial driver's license for**  
29 **purposes of behind-the-wheel training. When issued to a commercial**  
30 **driver's license holder, a commercial learner's permit serves as**  
31 **authorization for accompanied behind-the-wheel training in a**  
32 **commercial motor vehicle for which the holder's current commercial**  
33 **driver's license is not valid;**

34 [(6)] (7) "Commercial driver's license (CDL)", a license issued by this  
35 state **or other jurisdiction of domicile in accordance with 49 CFR 383 [to**  
36 **an individual]** which authorizes the individual to operate a **class of** commercial  
37 motor vehicle;

38 [(7)] (8) "Commercial driver's license downgrade", occurs when:

39 (a) A driver changes the self-certification to interstate, but operates  
40 exclusively in transportation or operation excepted from 49 CFR [Part] 391, as  
41 provided in 49 CFR [Part] 90.3(f), 391.2, 391.68, or 398.3;

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

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

47 (d) The state removes the commercial driver's license privilege from the  
48 driver's license;

49 [(8)] (9) "Commercial driver's license information system (CDLIS)", the  
50 information system established pursuant to the Commercial Motor Vehicle Safety  
51 Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating  
52 information related to the licensing and identification of commercial motor vehicle  
53 drivers;

54 [(9)] (10) "Commercial motor vehicle", a motor vehicle [designed or used  
55 to] **or combination of motor vehicles used in commerce to** transport  
56 passengers or property;

57 (a) If the vehicle has a gross combination weight rating **or gross**  
58 **combination weight** of twenty-six thousand one or more pounds inclusive of a  
59 towed unit which has a gross vehicle weight rating [of] **or gross vehicle weight**  
60 **of more than** ten thousand one pounds or more, **whichever is greater**;

61 (b) If the vehicle has a gross vehicle weight rating **or gross vehicle**  
62 **weight** of twenty-six thousand one or more pounds [or such lesser rating as  
63 determined by federal regulation], **whichever is greater**;

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

66 (d) If the vehicle is transporting hazardous materials and is required to  
67 be placarded under the Hazardous Materials Transportation Act (46 U.S.C.  
68 **Section** 1801, et seq.);

69 [(10)] (11) "Controlled substance", any substance so classified under  
70 Section 102(6) of the Controlled Substances Act (21 U.S.C. **Section** 802(6)), and  
71 includes all substances listed in schedules I through V of 21 CFR [Part] 1308, as  
72 they may be revised from time to time;

73 [(11)] (12) "Conviction", an unvacated adjudication of guilt, including  
74 pleas of guilt and nolo contendere, or a determination that a person has violated  
75 or failed to comply with the law in a court of original jurisdiction or an authorized  
76 administrative proceeding, an unvacated forfeiture of bail or collateral deposited  
77 to secure the person's appearance in court, the payment of a fine or court cost, or  
78 violation of a condition of release without bail, regardless of whether the penalty  
79 is rebated, suspended or prorated, including an offense for failure to appear or  
80 pay;

81 [(12)] (13) "Director", the director of revenue or his authorized  
82 representative;

83 [(13)] (14) "Disqualification", any of the following three actions:

84 (a) The suspension, revocation, or cancellation of a commercial driver's  
85 license **or commercial driver's instruction permit**;

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

91 (c) A determination by the Federal Motor Carrier Safety Administration  
92 that a person is not qualified to operate a commercial motor vehicle under 49  
93 CFR [Part] 383.52 or [Part] 391;

94 [(14)] (15) "Drive", to drive, operate or be in physical control of a  
95 commercial motor vehicle;

96 [(15)] (16) "Driver", any person who drives, operates, or is in physical  
97 control of a motor vehicle, or who is required to hold a commercial driver's  
98 license;

99 [(16)] (17) "Driver applicant", an individual who applies to obtain,  
100 transfer, upgrade, or renew a commercial driver's license **or commercial**  
101 **driver's instruction permit** in this state;

102 [(17)] (18) "Driving under the influence of alcohol", the commission of  
103 any one or more of the following acts:

104 (a) Driving a commercial motor vehicle with the alcohol concentration of  
105 four one-hundredths of a percent or more as prescribed by the [secretary]  
106 **Secretary** or such other alcohol concentration as may be later determined by the  
107 [secretary] **Secretary** by regulation;

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

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

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

116 (e) Having any state, county or municipal alcohol-related enforcement  
117 contact, as defined in subsection 3 of section 302.525; provided that any  
118 suspension or revocation pursuant to section 302.505, committed in a



119 noncommercial motor vehicle by an individual twenty-one years of age or older  
120 shall have been committed by the person with an alcohol concentration of at least  
121 eight-hundredths of one percent or more, or in the case of an individual who is  
122 less than twenty-one years of age, shall have been committed by the person with  
123 an alcohol concentration of at least two-hundredths of one percent or more, and  
124 if committed in a commercial motor vehicle, a concentration of four-hundredths  
125 of one percent or more;

126 [(18)] **(19)** "Driving under the influence of a controlled substance", the  
127 commission of any one or more of the following acts in a commercial or  
128 noncommercial motor vehicle:

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

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

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

139 [(19)] **(20)** "**Electronic device**", **includes but is not limited to a**  
140 **cellular telephone, personal digital assistant, pager, computer, or any**  
141 **other device used to input, write, send, receive, or read text;**

142 **(21)** "Employer", any person, including the United States, a state, or a  
143 political subdivision of a state, who owns or leases a commercial motor vehicle or  
144 assigns a driver to operate such a vehicle;

145 [(20)] **(22)** "Endorsement", an authorization on an individual's  
146 commercial driver's license [permitting] **or commercial learner's permit**  
147 **required to permit** the individual to operate certain types of commercial motor  
148 vehicles;

149 [(21)] **(23)** "Farm vehicle", a commercial motor vehicle controlled and  
150 operated by a farmer used exclusively for the transportation of agricultural  
151 products, farm machinery, farm supplies, or a combination of these, within one  
152 hundred fifty miles of the farm, other than one which requires placarding for  
153 hazardous materials as defined in this section, or used in the operation of a  
154 common or contract motor carrier, except that a farm vehicle shall not be a

155 commercial motor vehicle when the total combined gross weight rating does not  
156 exceed twenty-six thousand one pounds when transporting fertilizers as defined  
157 in subdivision [(27)] **(29)** of this subsection;

158 [(22)] **(24)** "Fatality", the death of a person as a result of a motor vehicle  
159 accident;

160 [(23)] **(25)** "Felony", any offense under state or federal law that is  
161 punishable by death or imprisonment for a term exceeding one year;

162 [(24)] **(26)** "Foreign", outside the fifty states of the United States and the  
163 District of Columbia;

164 [(25)] **(27)** "Gross combination weight rating" or "GCWR", the value  
165 specified by the manufacturer as the loaded weight of a combination (articulated)  
166 vehicle. In the absence of a value specified by the manufacturer, GCWR will be  
167 determined by adding the GVWR of the power unit and the total weight of the  
168 towed unit and any load thereon;

169 [(26)] **(28)** "Gross vehicle weight rating" or "GVWR", the value specified  
170 by the manufacturer as the loaded weight of a single vehicle;

171 [(27)] **(29)** "Hazardous materials", any material that has been designated  
172 as hazardous under 49 U.S.C. **Section** 5103 and is required to be placarded  
173 under subpart F of CFR [Part] 172 or any quantity of a material listed as a select  
174 agent or toxin in 42 CFR [Part] 73. Fertilizers, including but not limited to  
175 ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor  
176 fuel or special fuel, shall not be considered hazardous materials when transported  
177 by a farm vehicle provided all other provisions of this definition are followed;

178 [(28)] **(30)** "Imminent hazard", the existence of a condition that presents  
179 a substantial likelihood that death, serious illness, severe personal injury, or a  
180 substantial endangerment to health, property, or the environment may occur  
181 before the reasonably foreseeable completion date of a formal proceeding begins  
182 to lessen the risk of that death, illness, injury, or endangerment;

183 [(29)] **(31)** "Issuance", the initial licensure, license transfers, license  
184 renewals, and license upgrades;

185 [(30)] **(32)** "Manual transmission" (also known as a stick shift,  
186 stick, straight drive, or standard transmission), a transmission utilizing  
187 a driver-operated clutch that is activated by a pedal or lever and a  
188 gear-shift mechanism operated by either hand or foot. All other  
189 transmissions, whether semi-automatic or automatic, will be considered  
190 automatic for the purposes of the standardized restriction code;

191           **(33)** "Medical examiner", a person who is licensed, certified, or registered,  
192 in accordance with applicable state laws and regulations, to perform physical  
193 examinations. The term includes, but is not limited to, doctors of medicine,  
194 doctors of osteopathy, physician assistants, advanced practice nurses, and doctors  
195 of chiropractic;

196           [(31)] **(34)** "Medical variance", when a driver has received one of the  
197 following that allows the driver to be issued a medical certificate:

198           (a) An exemption letter permitting operation of a commercial motor  
199 vehicle under 49 CFR [Part] 381, Subpart C or 49 CFR [Part] 391.64;

200           (b) A skill performance evaluation certificate permitting operation of a  
201 commercial motor vehicle under 49 CFR [Part] 391.49;

202           [(32)] **(35)** "**Mobile telephone**", a **mobile communication device**  
203 **that is classified as or uses any commercial mobile radio service, as**  
204 **defined in the regulations of the Federal Communications Commission,**  
205 **47 CFR 20.3, but does not include two-way or citizens band radio**  
206 **services;**

207           **(36)** "Motor vehicle", any self-propelled vehicle not operated exclusively  
208 upon tracks;

209           [(33)] **(37)** "Noncommercial motor vehicle", a motor vehicle or  
210 combination of motor vehicles not defined by the term "commercial motor vehicle"  
211 in this section;

212           [(34)] **(38)** "Out of service", a temporary prohibition against the operation  
213 of a commercial motor vehicle by a particular driver, or the operation of a  
214 particular commercial motor vehicle, or the operation of a particular motor  
215 carrier;

216           [(35)] **(39)** "Out-of-service order", a declaration by an authorized  
217 enforcement officer of a federal, state, Canadian, Mexican or any local  
218 jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier  
219 operation, is out of service under 49 CFR [Part] 386.72, 392.5, 392.9a, 395.13, or  
220 396.9, or comparable laws, or the North American Standard Out-of-Service  
221 Criteria;

222           [(36)] **(40)** "School bus", a commercial motor vehicle used to transport  
223 preprimary, primary, or secondary school students from home to school, from  
224 school to home, or to and from school-sponsored events. School bus does not  
225 include a bus used as a common carrier as defined by the Secretary;

226           [(37)] **(41)** "Secretary", the Secretary of Transportation of the United

227 States;

228           [(38)] **(42)** "Serious traffic violation", driving a commercial motor vehicle  
229 in such a manner that the driver receives a conviction for the following offenses  
230 or driving a noncommercial motor vehicle when the driver receives a conviction  
231 for the following offenses and the conviction results in the suspension or  
232 revocation of the driver's license or noncommercial motor vehicle driving  
233 privilege:

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

235           (b) Careless, reckless or imprudent driving which includes, but shall not  
236 be limited to, any violation of section 304.016, any violation of section 304.010,  
237 or any other violation of federal or state law, or any county or municipal  
238 ordinance while driving a commercial motor vehicle in a willful or wanton  
239 disregard for the safety of persons or property, or improper or erratic traffic lane  
240 changes, or following the vehicle ahead too closely, but shall not include careless  
241 and imprudent driving by excessive speed;

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

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

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

254           (f) Driving a commercial motor vehicle without the proper commercial  
255 driver's license class or endorsement for the specific vehicle group being operated  
256 or for the passengers or type of cargo being transported in violation of any federal  
257 or state law or county or municipal ordinance; [or]

258           (g) **Violating a state or local law or ordinance on motor vehicle**  
259 **traffic control prohibiting texting while driving a commercial motor**  
260 **vehicle;**

261           (h) **Violating a state or local law or ordinance on motor vehicle**  
262 **traffic control restricting or prohibiting the use of a hand-held mobile**

263 **telephone while driving a commercial motor vehicle; or**

264 **(i) Any other violation of a federal or state law or county or municipal**  
265 **ordinance regulating the operation of motor vehicles, other than a parking**  
266 **violation, as prescribed by the [secretary] Secretary by regulation;**

267 **[(39)] (43) "State", a state of the United States, including the District**  
268 **of Columbia;**

269 **[(40)] (44) "Tank vehicle", any commercial motor vehicle that is**  
270 **designed to transport any liquid or gaseous materials within a tank or**  
271 **tanks having an individual rated capacity of more than one hundred**  
272 **nineteen gallons and an aggregate rated capacity of one thousand**  
273 **gallons or more that is either permanently or temporarily attached to**  
274 **the vehicle or the chassis. A commercial motor vehicle transporting an**  
275 **empty storage container tank, not designed for transportation, with a**  
276 **rated capacity of one thousand gallons or more, that is temporarily**  
277 **attached to a flatbed trailer is not considered a tank vehicle;**

278 **(45) "Texting", manually entering alphanumeric text into, or**  
279 **reading text from, an electronic device. This action includes but is not**  
280 **limited to short message service, e-mailing, instant messaging,**  
281 **commanding or requesting access to a website, pressing more than a**  
282 **single button to initiate or terminate a voice communication using a**  
283 **mobile telephone, or engaging in any other form of electronic text**  
284 **retrieval or entry, for present or future communication. Texting does**  
285 **not include:**

286 **(a) Inputting, selecting, or reading information on a global**  
287 **positioning system or navigation system;**

288 **(b) Pressing a single button to initiate or terminate a voice**  
289 **communication using a mobile telephone; or**

290 **(c) Using a device capable of performing multiple functions (e.g.,**  
291 **fleet management systems, dispatching devices, smart phones, citizens**  
292 **band radios, music players) for a purpose that is not otherwise**  
293 **prohibited in this part;**

294 **(46) "United States", the fifty states and the District of Columbia.**

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

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

41 (1) The written and driving tests shall be held at such times and in such

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

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

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

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

77 (5) The director shall have the authority to waive the driving skills test

78 for any qualified military applicant for a commercial driver's license who is  
79 currently licensed at the time of application for a commercial driver's  
80 license. The director shall impose conditions and limitations to restrict the  
81 applicants from whom the department may accept alternative requirements for  
82 the skills test described in federal regulation 49 [C.F.R.] **CFR** 383.77. An  
83 applicant must certify that, during the two-year period immediately preceding  
84 application for a commercial 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 [C.F.R.]  
90 **CFR** 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 [is] **has been** regularly employed [in a job] **within the**  
98 **last ninety days in a military position** requiring operation of a commercial  
99 motor vehicle and has operated the vehicle for at least sixty days during the two  
100 years immediately preceding application for a commercial driver's license. The  
101 vehicle must be representative of the commercial motor vehicle the driver  
102 applicant 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.

112 3. A commercial driver's license **or commercial driver's instruction**  
113 **permit** may not be issued to a person while the person is disqualified from



114 driving a commercial motor vehicle, when a disqualification is pending in any  
115 state or while the person's driver's license is suspended, revoked, or [cancelled]  
116 **canceled** in any state; nor may a commercial driver's license be issued unless the  
117 person first surrenders in a manner prescribed by the director any commercial  
118 driver's license issued by another state, which license shall be returned to the  
119 issuing state for cancellation.

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

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

302.735. 1. An application shall not be taken from a nonresident after  
2 September 30, 2005. The application for a commercial driver's license shall  
3 include, but not be limited to, the applicant's legal name, mailing and residence  
4 address, if different, a physical description of the person, including sex, height,  
5 weight and eye color, the person's Social Security number, date of birth and any  
6 other information deemed appropriate by the director. The application shall also  
7 require, beginning September 30, 2005, the applicant to provide the names of all  
8 states where the applicant has been previously licensed to drive any type of motor  
9 vehicle during the preceding ten years.

10 2. A commercial driver's license shall expire on the applicant's birthday  
11 in the sixth year after issuance, unless the license must be issued for a shorter  
12 period due to other requirements of law or for transition or staggering of work as  
13 determined by the director, and must be renewed on or before the date of  
14 expiration. When a person changes such person's name an application for a  
15 duplicate license shall be made to the director of revenue. When a person  
16 changes such person's mailing address or residence the applicant shall notify the  
17 director of revenue of said change, however, no application for a duplicate license

18 is required. A commercial license issued pursuant to this section to an applicant  
19 less than twenty-one years of age and seventy years of age and older shall expire  
20 on the applicant's birthday in the third year after issuance, unless the license  
21 must be issued for a shorter period as determined by the director.

22 3. A commercial driver's license containing a hazardous materials  
23 endorsement issued to an applicant who is between the age of twenty-one and  
24 sixty-nine shall not be issued for a period exceeding five years from the approval  
25 date of the security threat assessment as determined by the Transportation  
26 Security Administration.

27 4. The director shall issue an annual commercial driver's license  
28 containing a school bus endorsement to an applicant who is seventy years of age  
29 or older. The fee for such license shall be seven dollars and fifty cents.

30 5. A commercial driver's license containing a hazardous materials  
31 endorsement issued to an applicant who is seventy years of age or older shall not  
32 be issued for a period exceeding three years. The director shall not require such  
33 drivers to obtain a security threat assessment more frequently than such  
34 assessment is required by the Transportation Security Administration under the  
35 Uniting and Strengthening America by Providing Appropriate Tools Required to  
36 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

37 (1) The state shall immediately revoke a hazardous materials  
38 endorsement upon receipt of an initial determination of threat assessment and  
39 immediate revocation from the Transportation Security Administration as defined  
40 by 49 CFR 1572.13(a).

41 (2) The state shall revoke or deny a hazardous materials endorsement  
42 within fifteen days of receipt of a final determination of threat assessment from  
43 the Transportation Security Administration as required by CFR 1572.13(a).

44 6. The fee for a commercial driver's license or renewal commercial driver's  
45 license issued for a period greater than three years shall be forty dollars.

46 7. The fee for a commercial driver's license or renewal commercial driver's  
47 license issued for a period of three years or less shall be twenty dollars.

48 8. The fee for a duplicate commercial driver's license shall be twenty  
49 dollars.

50 9. In order for the director to properly transition driver's license  
51 requirements under the Motor Carrier Safety Improvement Act of 1999 and the  
52 Uniting and Strengthening America by Providing Appropriate Tools Required to  
53 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director

54 is authorized to stagger expiration dates and make adjustments for any fees,  
55 including driver examination fees that are incurred by the driver as a result of  
56 the initial issuance of a transitional license required to comply with such acts.

57 10. Within thirty days after moving to this state, the holder of a  
58 commercial driver's license shall apply for a commercial driver's license in this  
59 state. The applicant shall meet all other requirements of sections 302.700 to  
60 302.780, except that the director may waive the driving test for a commercial  
61 driver's license as required in section 302.720 if the applicant for a commercial  
62 driver's license has a valid commercial driver's license from a state which has  
63 requirements for issuance of such license comparable to those in this state.

64 11. Any person who falsifies any information in an application or test for  
65 a commercial driver's license shall not be licensed to operate a commercial motor  
66 vehicle, or the person's commercial driver's license shall be **[cancelled] canceled**,  
67 for a period of one year after the director discovers such falsification.

68 12. Beginning July 1, 2005, the director shall not issue a commercial  
69 driver's license under this section unless the director verifies that the applicant  
70 is lawfully present in the United States before accepting the application. If  
71 lawful presence is granted for a temporary period, no commercial driver's license  
72 shall be issued. The director may, by rule or regulation, establish procedures to  
73 verify the lawful presence of the applicant and establish the duration of any  
74 commercial driver's license issued under this section. No rule or portion of a rule  
75 promulgated pursuant to the authority of this section shall become effective  
76 unless it has been promulgated pursuant to chapter 536.

77 13. (1) Effective December 19, 2005, notwithstanding any provisions of  
78 subsections 1 and 5 of this section to the contrary, the director may issue a  
79 **[nonresident] nondomiciled** commercial driver's license **or commercial**  
80 **driver's instruction permit** to a resident of a foreign jurisdiction if the United  
81 States Secretary of Transportation has determined that the commercial motor  
82 vehicle testing and licensing standards in the foreign jurisdiction do not meet the  
83 testing standards established in 49 [C.F.R. Part] **CFR 383**.

84 (2) Any applicant for a **[nonresident] nondomiciled** commercial driver's  
85 license **or commercial driver's instruction permit** must present evidence  
86 satisfactory to the director that the applicant currently has employment with an  
87 employer in this state. The **[nonresident] nondomiciled** applicant must meet  
88 the same testing, driver record requirements, conditions, and is subject to the  
89 same disqualification and conviction reporting requirements applicable to

90 resident commercial drivers.

91 (3) The [nonresident] **nondomiciled** commercial driver's license will  
92 expire on the same date that the documents establishing lawful presence for  
93 employment expire. The word ["nonresident"] "**nondomiciled**" shall appear on  
94 the face of the [nonresident] **nondomiciled** commercial driver's license. Any  
95 applicant for a Missouri [nonresident] **nondomiciled** commercial driver's license  
96 **or commercial driver's instruction permit** must first surrender any  
97 [nonresident] **nondomiciled** commercial driver's license issued by another state.

98 (4) The [nonresident] **nondomiciled** commercial driver's license  
99 applicant must pay the same fees as required for the issuance of a resident  
100 commercial driver's license **or commercial driver's instruction permit**.

101 14. Foreign jurisdiction for purposes of issuing a [nonresident]  
102 **nondomiciled** commercial driver's license **or commercial driver's**  
103 **instruction permit** under this section shall not include any of the fifty states  
104 of the United States or Canada or Mexico.

302.740. 1. The commercial driver's license shall be manufactured of  
2 materials and processes that will prohibit as nearly as possible the ability to  
3 reproduce, alter, counterfeit, forge, or duplicate any license without ready  
4 detection. Such license shall include, but not be limited to, the following  
5 information: a colored photograph of the person, the legal name and address of  
6 the person, a physical description of the person, including sex, height, weight and  
7 eye color, the person's [Social Security number] **driver's license number** or  
8 such other number or identifier deemed appropriate by the director or the  
9 [secretary] **Secretary**, the date of birth, class or type of commercial motor  
10 vehicle or vehicles which the person is authorized to drive, the name of this state,  
11 and the words "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates of  
12 issuance and expiration, the person's signature and such other information as the  
13 director prescribes.

14 2. Before issuing a commercial driver's license, the director shall obtain  
15 driving record information from sources including, but not limited to, the national  
16 driver's register, the commercial driver's license information system, and any  
17 state driver's licensing system in which the person has been licensed; except that  
18 the director shall only be required to obtain the complete driving record from each  
19 state the person has ever been licensed in when such person is issued an initial  
20 commercial driver's license or renews his or her commercial driver's license for  
21 the first time. The director shall maintain a notation in the driving record

22 system of the date when he or she has obtained the driving records from all other  
23 states which the person has been licensed.

24 3. Within ten days after issuing a commercial driver's license, the director  
25 shall notify the commercial driver's license information system of such fact,  
26 providing all information required to ensure identification of the person. For the  
27 purpose of this subsection, the date of issuance shall be the date the commercial  
28 driver's license is mailed to the applicant.

29 4. The commercial driver's license shall indicate the class of vehicle the  
30 person may drive and any applicable endorsements or restrictions. Commercial  
31 driver's license classifications, endorsements and restrictions shall be in  
32 compliance with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of  
33 Pub. Law 99-570) and those prescribed by the director. The commercial driver's  
34 license driving record shall contain a complete history of the driver, including  
35 information and convictions from previous states of licensure.

36 **5. The commercial driver's instruction permit shall include but**  
37 **not be limited to the same data elements as a commercial driver's**  
38 **license and the words "CDL PERMIT" or "COMMERCIAL LEARNER**  
39 **PERMIT" and such other information as the director or Secretary**  
40 **prescribes.**

302.755. 1. A person is disqualified from driving a commercial motor  
2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled  
4 substance, or of an alcohol-related enforcement contact as defined in subsection  
5 3 of section 302.525;

6 (2) Driving a commercial motor vehicle which causes a fatality through  
7 the negligent operation of the commercial motor vehicle, including but not limited  
8 to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent  
9 homicide;

10 (3) Driving a commercial motor vehicle while revoked pursuant to section  
11 302.727;

12 (4) Leaving the scene of an accident involving a commercial or  
13 noncommercial motor vehicle operated by the person;

14 (5) Using a commercial or noncommercial motor vehicle in the commission  
15 of any felony, as defined in section 302.700, except a felony as provided in  
16 subsection 4 of this section.

17 2. If any of the violations described in subsection 1 of this section occur

18 while transporting a hazardous material the person is disqualified for a period  
19 of not less than three years.

20 3. Any person is disqualified from operating a commercial motor vehicle  
21 for life if convicted of two or more violations of any of the offenses specified in  
22 subsection 1 of this section, or any combination of those offenses, arising from two  
23 or more separate incidents. The director may issue rules and regulations, in  
24 accordance with guidelines established by the [secretary] **Secretary**, under  
25 which a disqualification for life under this section may be reduced to a period of  
26 not less than ten years.

27 4. Any person is disqualified from driving a commercial motor vehicle for  
28 life who uses a commercial or noncommercial motor vehicle in the commission of  
29 any felony involving the manufacture, distribution, or dispensing of a controlled  
30 substance, or possession with intent to manufacture, distribute, or dispense a  
31 controlled substance.

32 5. Any person is disqualified from operating a commercial motor vehicle  
33 for a period of not less than sixty days if convicted of two serious traffic violations  
34 or one hundred twenty days if convicted of three serious traffic violations, arising  
35 from separate incidents occurring within a three-year period.

36 6. Any person found to be operating a commercial motor vehicle while  
37 having any measurable alcohol concentration shall immediately be issued a  
38 continuous twenty-four-hour out-of-service order by a law enforcement officer in  
39 this state.

40 7. Any person who is convicted of operating a commercial motor vehicle  
41 beginning at the time of issuance of the out-of-service order until its expiration  
42 is guilty of a class A misdemeanor.

43 8. Any person convicted for the first time of driving while out of service  
44 shall be disqualified from driving a commercial motor vehicle in the manner  
45 prescribed in 49 CFR [Part] 383, or as amended by the Secretary.

46 9. Any person convicted of driving while out of service on a second  
47 occasion during any ten-year period, involving separate incidents, shall be  
48 disqualified in the manner prescribed in 49 CFR [Part] 383, or as amended by the  
49 Secretary.

50 10. Any person convicted of driving while out of service on a third or  
51 subsequent occasion during any ten-year period, involving separate incidents,  
52 shall be disqualified for a period of three years.

53 11. Any person convicted of a first violation of an out-of-service order

54 while transporting hazardous materials or while operating a motor vehicle  
55 designed to transport sixteen or more passengers, including the driver, is  
56 disqualified for a period of one hundred eighty days.

57 12. Any person convicted of any subsequent violation of an out-of-service  
58 order in a separate incident within ten years after a previous violation, while  
59 transporting hazardous materials or while operating a motor vehicle designed to  
60 transport fifteen passengers, including the driver, is disqualified for a period of  
61 three years.

62 13. Any person convicted of any other offense as specified by regulations  
63 promulgated by the Secretary of Transportation shall be disqualified in  
64 accordance with such regulations.

65 14. After suspending, revoking, [~~cancelling~~] **canceling** or disqualifying  
66 a driver, the director shall update records to reflect such action and notify a  
67 nonresident's licensing authority and the commercial driver's license information  
68 system within ten days in the manner prescribed in 49 CFR [Part] 384, or as  
69 amended by the Secretary.

70 15. Any person disqualified from operating a commercial motor vehicle  
71 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial  
72 driver's license [~~cancelled~~] **canceled**, and upon conclusion of the period of  
73 disqualification shall take the written and driving tests and meet all other  
74 requirements of sections 302.700 to 302.780. Such disqualification and  
75 cancellation shall not be withdrawn by the director until such person reapplies  
76 for a commercial driver's license in this or any other state after meeting all  
77 requirements of sections 302.700 to 302.780.

78 16. The director shall disqualify a driver upon receipt of notification that  
79 the Secretary has determined a driver to be an imminent hazard pursuant to 49  
80 CFR[, Part] 383.52. Due process of a disqualification determined by the  
81 Secretary pursuant to this section shall be held in accordance with regulations  
82 promulgated by the Secretary. The period of disqualification determined by the  
83 Secretary pursuant to this section shall be served concurrently to any other  
84 period of disqualification which may be imposed by the director pursuant to this  
85 section. Both disqualifications shall appear on the driving record of the driver.

86 17. The director shall disqualify a commercial license holder or operator  
87 of a commercial **motor** vehicle from operation of any commercial motor vehicle  
88 upon receipt of a conviction for an offense of failure to appear or pay, and such  
89 disqualification shall remain in effect until the director receives notice that the

90 person has complied with the requirement to appear or pay.

91 **18. The disqualification period must be in addition to any other**  
92 **previous periods of disqualification in the manner prescribed in 49**  
93 **CFR 383, or as amended by the Secretary, except when the major or**  
94 **serious violations are a result of the same incident.**

**302.767. Notwithstanding sections 302.700, 302.720, 302.735,**  
2 **302.740, 302.755 to the contrary, the department of revenue shall have**  
3 **until July 8, 2015, to comply with the provisions of 49 CFR 383, 384, and**  
4 **385 pertaining to the commercial driver's license testing and**  
5 **commercial learner's permit standards rule issued by the federal motor**  
6 **carrier safety administration.**

304.154. 1. Beginning January 1, [2005] **2014**, a towing company  
2 operating a tow truck pursuant to the authority granted in section 304.155 or  
3 304.157 shall:

4 (1) Have and occupy a verifiable business address **and display such**  
5 **address in a location visible from the street;**

6 (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure  
7 building for the storage of motor vehicles, **with a total area for storing**  
8 **vehicles, either inside or outside, of at least two thousand square feet**  
9 **and fencing a minimum of seven feet high;**

10 (3) **Be open for a minimum of eight hours per day between the**  
11 **hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, for a customer**  
12 **or his or her authorized agent to view and retrieve a vehicle, with no**  
13 **additional fees charged to view or retrieve a vehicle during these**  
14 **regular business hours;**

15 (4) Be available twenty-four hours a day, seven days a week. Availability  
16 shall mean that an employee of the towing company or an answering service  
17 answered by a person is able to respond to a tow request;

18 (5) **Have and maintain an operational telephone with the**  
19 **telephone number published or available through directory assistance;**

20 [(4)] (6) **Maintain a valid insurance policy issued by an insurer**  
21 **authorized to do business in this state, or a bond or other acceptable surety**  
22 **providing coverage for the death of, or injury to, persons and damage to property**  
23 **for each accident or occurrence in the amount [of at least five hundred thousand**  
24 **dollars per incident] prescribed by the United States Department of**  
25 **Transportation;**



26            [(5)] (7) Provide workers' compensation insurance for all employees of the  
27 towing company if required by chapter 287; [and]

28            [(6)] (8) Maintain current motor vehicle registrations on all tow trucks  
29 currently operated within the towing company fleet.

30            2. Counties may adopt ordinances with respect to towing company  
31 standards in addition to the minimum standards contained in this section. A  
32 towing company located in a county of the second, third, [and] or fourth  
33 classification or located any county of the first classification with more  
34 than one hundred one thousand but fewer than one hundred fifteen  
35 thousand inhabitants or located in any county of the third  
36 classification without a township form of government and with more  
37 than twenty-three thousand but fewer than twenty-six thousand  
38 inhabitants and with a city of the fourth classification with more than  
39 two thousand four hundred but fewer than two thousand seven  
40 hundred inhabitants as the county seat is exempt from the provisions of this  
41 section.

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  
 22 Distance in feet  
 23 between the extremes  
 24 of any group of two or  
 25 more consecutive axles,  
 26 measured to the nearest  
 27 foot, except where  
 28 indicated otherwise

29		Maximum load in pounds				
30	feet	2 axles	3 axles	4 axles	5 axles	6 axles
31	4	34,000				
32	5	34,000				
33	6	34,000				
34	7	34,000				
35	8	34,000	34,000			
36	More than 8	38,000	42,000			
37	9	39,000	42,500			
38	10	40,000	43,500			
39	11	40,000	44,000			
40	12	40,000	45,000	50,000		
41	13	40,000	45,500	50,500		
42	14	40,000	46,500	51,500		
43	15	40,000	47,000	52,000		
44	16	40,000	48,000	52,500	58,000	
45	17	40,000	48,500	53,500	58,500	
46	18	40,000	49,500	54,000	59,000	
47	19	40,000	50,000	54,500	60,000	
48	20	40,000	51,000	55,500	60,500	66,000
49	21	40,000	51,500	56,000	61,000	66,500
50	22	40,000	52,500	56,500	61,500	67,000
51	23	40,000	53,000	57,500	62,500	68,000
52	24	40,000	54,000	58,000	63,000	68,500
53	25	40,000	54,500	58,500	63,500	69,000

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54	26	40,000	55,500	59,500	64,000	69,500
55	27	40,000	56,000	60,000	65,000	70,000
56	28	40,000	57,000	60,500	65,500	71,000
57	29	40,000	57,500	61,500	66,000	71,500
58	30	40,000	58,500	62,000	66,500	72,000
59	31	40,000	59,000	62,500	67,500	72,500
60	32	40,000	60,000	63,500	68,000	73,000
61	33	40,000	60,000	64,000	68,500	74,000
62	34	40,000	60,000	64,500	69,000	74,500
63	35	40,000	60,000	65,500	70,000	75,000
64	36		60,000	66,000	70,500	75,500
65	37		60,000	66,500	71,000	76,000
66	38		60,000	67,500	72,000	77,000
67	39		60,000	68,000	72,500	77,500
68	40		60,000	68,500	73,000	78,000
69	41		60,000	69,500	73,500	78,500
70	42		60,000	70,000	74,000	79,000
71	43		60,000	70,500	75,000	80,000
72	44		60,000	71,500	75,500	80,000
73	45		60,000	72,000	76,000	80,000
74	46		60,000	72,500	76,500	80,000
75	47		60,000	73,500	77,500	80,000
76	48		60,000	74,000	78,000	80,000
77	49		60,000	74,500	78,500	80,000
78	50		60,000	75,500	79,000	80,000
79	51		60,000	76,000	80,000	80,000
80	52		60,000	76,500	80,000	80,000
81	53		60,000	77,500	80,000	80,000
82	54		60,000	78,000	80,000	80,000
83	55		60,000	78,500	80,000	80,000
84	56		60,000	79,500	80,000	80,000
85	57		60,000	80,000	80,000	80,000

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

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

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

104 6. Notwithstanding the weight limitations contained in this section, any  
105 vehicle or combination of vehicles operating on highways other than the interstate  
106 highway system may exceed single axle, tandem axle and gross weight limitations  
107 in an amount not to exceed two thousand pounds. However, total gross weight  
108 shall not exceed eighty thousand pounds, except as provided in subsections 9 and  
109 10 of this section.

110 7. Notwithstanding any provision of this section to the contrary, the  
111 department of transportation shall issue a single-use special permit, or upon  
112 request of the owner of the truck or equipment, shall issue an annual permit, for  
113 the transporting of any concrete pump truck or well-drillers' equipment. The  
114 department of transportation shall set fees for the issuance of permits pursuant  
115 to this subsection. Notwithstanding the provisions of section 301.133, concrete  
116 pump trucks or well-drillers' equipment may be operated on state-maintained  
117 roads and highways at any time on any day.

118 8. Notwithstanding the provision of this section to the contrary, the  
119 maximum gross vehicle limit and axle weight limit for any vehicle or combination  
120 of vehicles equipped with an idle reduction technology may be increased by a  
121 quantity necessary to compensate for the additional weight of the idle reduction

122 system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the  
123 additional weight increase allowed by this subsection be greater than four  
124 hundred pounds. Upon request by an appropriate law enforcement officer, the  
125 vehicle operator shall provide proof that the idle reduction technology is fully  
126 functional at all times and that the gross weight increase is not used for any  
127 purpose other than for the use of idle reduction technology.

128         9. Notwithstanding subsection 3 of this section or any other provision of  
129 law to the contrary, the total gross weight of any vehicle or combination of  
130 vehicles hauling livestock may be as much as, but shall not exceed, eighty-five  
131 thousand five hundred pounds while operating on U.S. Highway 36 from St.  
132 Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line to U.S.  
133 Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway  
134 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The  
135 provisions of this subsection shall not apply to vehicles operated on the Dwight  
136 D. Eisenhower System of Interstate and Defense Highways.

137         10. Notwithstanding any provision of this section or any other law to the  
138 contrary, the total gross weight of any vehicle or combination of vehicles hauling  
139 milk from a farm to a processing facility may be as much as, but shall not exceed,  
140 eighty-five thousand five hundred pounds while operating on highways other than  
141 the interstate highway system. The provisions of this subsection shall not apply  
142 to vehicles operated and operating on the Dwight D. Eisenhower System of  
143 Interstate and Defense Highways.

144         **11. Notwithstanding any provision of this section or any other**  
145 **law to the contrary, the department of transportation shall issue**  
146 **emergency utility response permits for the transporting of utility wires**  
147 **or cables, poles, and equipment needed for repair work immediately**  
148 **following a disaster where utility service has been disrupted. Under**  
149 **exigent circumstances, verbal approval of such operation may be made**  
150 **either by the motor carrier compliance supervisor or other designated**  
151 **motor carrier services representative. Utility vehicles and equipment**  
152 **used to assist utility companies granted special permits under this**  
153 **subsection may be operated and transported on state-maintained roads**  
154 **and highways at any time on any day. The department of**  
155 **transportation shall promulgate all necessary rules and regulations for**  
156 **the administration of this section. Any rule or portion of a rule, as that**  
157 **term is defined in section 536.010, that is created under the authority**

158 **delegated in this section shall become effective only if it complies with**  
159 **and is subject to all of the provisions of chapter 536 and, if applicable,**  
160 **section 536.028. This section and chapter 536 are nonseverable and if**  
161 **any of the powers vested with the general assembly pursuant to chapter**  
162 **536 to review, to delay the effective date, or to disapprove and annul a**  
163 **rule are subsequently held unconstitutional, then the grant of**  
164 **rulemaking authority and any rule proposed or adopted after August**  
165 **28, 2013, 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 **noncommercial** motor  
3 vehicle upon the highways of this state shall, by means of a hand-held electronic  
4 wireless communications device, send, read, or write a text message or electronic  
5 message.

6 **2. No person, regardless of age, shall operate a commercial motor**  
7 **vehicle while using a hand-held mobile telephone in a manner**  
8 **proscribed by the federal motor carrier safety regulations, as**  
9 **periodically amended.**

10 **3. No person, regardless of age, shall engage in texting while**  
11 **operating a commercial motor vehicle in a manner proscribed by the**  
12 **federal motor carrier safety regulations, as periodically amended.**

13 **4. The provisions of subsection 1 of this section shall not apply to a person**  
14 **operating:**

15 (1) An authorized emergency vehicle; or

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

18 (a) Report illegal activity;

19 (b) Summon medical or other emergency help;

20 (c) Prevent injury to a person or property; or

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

23 **[3.] 5. Nothing in this section shall be construed or interpreted as**  
24 **prohibiting a person from making or taking part in a telephone call, by means of**  
25 **a hand-held electronic wireless communications device, while operating a**  
26 **noncommercial motor vehicle upon the highways of this state.**

27 **[4.] 6. As used in this section, "electronic message" means a**  
28 **self-contained piece of digital communication that is designed or intended to be**

29 transmitted between hand-held electronic wireless communication  
30 devices. "Electronic message" includes, but is not limited to, electronic mail, a  
31 text message, an instant message, or a command or request to access an internet  
32 site.

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

38 [6.] 8. As used in this section, "making or taking part in a telephone call"  
39 means listening to or engaging in verbal communication through a hand-held  
40 electronic wireless communication device.

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

48 [8.] 10. As used in subsections 2 and 3 of this section, the terms  
49 "texting" and "mobile telephone" shall have the same meaning ascribed  
50 to them in section 302.700.

51 11. A violation of this section shall be deemed an infraction and shall be  
52 deemed a moving violation for purposes of point assessment under section  
53 302.302.

54 [9.] 12. The state preempts the field of regulating the use of hand-held  
55 electronic wireless communications devices in motor vehicles, and the provisions  
56 of this section shall supercede any local laws, ordinances, orders, rules, or  
57 regulations enacted by a county, municipality, or other political subdivision to  
58 regulate the use of hand-held electronic wireless communication devices by the  
59 operator of a motor vehicle.

60 [10.] 13. The provisions of **subsection 1 of** this section shall not apply  
61 to:

- 62 (1) The operator of a vehicle that is lawfully parked or stopped;  
63 (2) Any of the following while in the performance of their official duties:  
64 a law enforcement officer; a member of a fire department; or the operator of a

65 public or private ambulance;

66 (3) The use of factory-installed or aftermarket global positioning systems  
67 (GPS) or wireless communications devices used to transmit or receive data as part  
68 of a digital dispatch system;

69 (4) The use of voice-operated technology;

70 (5) The use of two-way radio transmitters or receivers by a licensee of the  
71 Federal Communications Commission in the Amateur Radio Service.

307.400. 1. It is unlawful for any person to operate any commercial motor  
2 vehicle as defined in Title 49, Code of Federal Regulations, Part 390.5, either  
3 singly or in combination with a trailer, as both vehicles are defined in Title 49,  
4 Code of Federal Regulations, Part 390.5, unless such vehicles are equipped and  
5 operated as required by Parts 390 through 397, Title 49, Code of Federal  
6 Regulations, as such regulations have been and may periodically be amended,  
7 whether intrastate transportation or interstate transportation. Members of the  
8 Missouri state highway patrol are authorized to enter the cargo area of a  
9 commercial motor vehicle or trailer to inspect the contents when reasonable  
10 grounds exist to cause belief that the vehicle is transporting hazardous materials  
11 as defined by Title 49 of the Code of Federal Regulations. The director of the  
12 department of public safety is hereby authorized to further regulate the safety of  
13 commercial motor vehicles and trailers as he deems necessary to govern and  
14 control their operation on the public highways of this state by promulgating and  
15 publishing rules and regulations consistent with this chapter. Any such rules  
16 shall, in addition to any other provisions deemed necessary by the director,  
17 require:

18 (1) Every commercial motor vehicle and trailer and all parts thereof to be  
19 maintained in a safe condition at all times;

20 (2) Accidents arising from or in connection with the operation of  
21 commercial motor vehicles and trailers to be reported to the department of public  
22 safety in such detail and in such manner as the director may require. Except for  
23 the provisions of subdivisions (1) and (2) of this subsection, the provisions of this  
24 section shall not apply to any commercial motor vehicle operated in intrastate  
25 commerce and licensed for a gross weight of sixty thousand pounds or less when  
26 used exclusively for the transportation of solid waste or forty-two thousand  
27 pounds or less when the license plate has been designated for farm use by the  
28 letter "F" as authorized by the Revised Statutes of Missouri, unless such vehicle  
29 is transporting hazardous materials as defined in Title 49, Code of Federal



30 Regulations.

31           2. Notwithstanding the provisions of subsection 1 of this section to the  
32 contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to  
33 the physical requirements of drivers shall not be applicable to drivers in  
34 intrastate commerce, provided such drivers were licensed by this state as  
35 chauffeurs to operate commercial motor vehicles on May 13, 1988. Persons who  
36 are otherwise qualified and licensed to operate a commercial motor vehicle in this  
37 state may operate such vehicle intrastate at the age of eighteen years or older,  
38 except that any person transporting hazardous material must be at least  
39 twenty-one years of age.

40           3. Commercial motor vehicles and drivers of such vehicles may be placed  
41 out of service if the vehicles are not equipped and operated according to the  
42 requirements of this section. Criteria used for placing vehicles and drivers out  
43 of service are the North American Uniform Out-of-Service Criteria adopted by the  
44 Commercial Vehicle Safety Alliance and the United States Department of  
45 Transportation, as such criteria have been and may periodically be amended.

46           4. Notwithstanding the provisions of subsection 1 of this section to the  
47 contrary, Part 395, Title 49, Code of Federal Regulations, relating to the hours  
48 of drivers, shall not apply to any vehicle owned or operated by any public utility,  
49 rural electric cooperative or other public service organization, or to the driver of  
50 such vehicle, while providing restoration of essential utility services during  
51 emergencies and operating intrastate. For the purposes of this subsection, the  
52 term "essential utility services" means electric, gas, water, telephone and sewer  
53 services.

54           5. [Part 395, Title 49, Code of Federal Regulations, relating to the hours  
55 of drivers, shall not apply to drivers transporting agricultural commodities or  
56 farm supplies for agricultural purposes in this state if such transportation:

57           (1) Is limited to an area within a one hundred air-mile radius from the  
58 source of the commodities or the distribution point for the farm supplies; and

59           (2) Is conducted during the planting and harvesting season within this  
60 state, as defined by the department of public safety by regulation.

61           6. The provisions of Part 395.8, Title 49, Code of Federal Regulations,  
62 relating to recording of a driver's duty status, shall not apply to drivers engaged  
63 in agricultural operations referred to in subsection 5 of this section, if the motor  
64 carrier who employs the driver maintains and retains for a period of six months  
65 accurate and true records showing:

66 (1) The total number of hours the driver is on duty each day; and

67 (2) The time at which the driver reports for, and is released from, duty  
68 each day.

69 7.] Notwithstanding the provisions of subsection 1 of this section to the  
70 contrary, Parts 390 through 397, Title 49, Code of Federal Regulations shall not  
71 apply to commercial motor vehicles operated in intrastate commerce to transport  
72 property, which have a gross vehicle weight rating or gross combination weight  
73 rating of twenty-six thousand pounds or less. The exception provided by this  
74 subsection shall not apply to:

75 (1) Vehicles transporting hazardous materials [or to] **and which are not**  
76 **covered farm vehicles as provided in subdivision (3) of this subsection;**

77 (2) Vehicles designed to transport sixteen or more passengers including  
78 the driver as defined by Title 49 of the Code of Federal Regulations; **or**

79 (3) **Vehicles which are defined as covered farm vehicles pursuant**  
80 **to federal laws and regulations and are transporting hazardous**  
81 **materials that require a placard as required by Title 49, Code of**  
82 **Federal Regulations, Parts 100-180.**

83 Nothing in this subsection shall be construed to prohibit persons designated by  
84 the department of public safety from inspecting vehicles defined in this  
85 subsection.

86 [8.] 6. Violation of any provision of this section or any rule promulgated  
87 as authorized therein is a class B misdemeanor.

88 [9.] 7. Any rule or portion of a rule, as that term is defined in section  
89 536.010, that is created under the authority delegated in this section shall  
90 become effective only if it complies with and is subject to all of the provisions of  
91 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
92 nonseverable and if any of the powers vested with the general assembly pursuant  
93 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
94 a rule are subsequently held unconstitutional, then the grant of rulemaking  
95 authority and any rule proposed or adopted after August 28, 2009, shall be  
96 invalid and void.

Section 1. Any quasi-government entity created to provide  
2 information management products and services to criminal justice,  
3 municipal and county courts and other government agencies whose  
4 originating agency identifier was terminated by the federal bureau of  
5 investigations shall provide integration access to the contracted data

6 for the political subdivision or its agency in a web service or file  
7 transfer protocol format on line in a timely manner upon written  
8 request at no additional charge as is required by the political  
9 subdivision or its agency.

✓

Unofficial

Bill

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