

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2702**  
**100TH GENERAL ASSEMBLY**

5708H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 8.110, 8.240, 21.795, 29.210, 34.057, 37.005, 43.100, 43.251, 67.1809, 67.5103, 67.5111, 67.5113, 67.5115, 67.5121, 68.015, 68.035, 68.060, 68.065, 68.070, 68.205, 68.210, 68.230, 103.079, 104.030, 104.110, 104.160, 104.170, 104.175, 104.180, 104.210, 104.230, 104.270, 104.515, 104.517, 104.1072, 142.827, 226.005, 226.008, 226.009, 226.010, 226.020, 226.030, 226.040, 226.050, 226.060, 226.070, 226.080, 226.090, 226.092, 226.096, 226.100, 226.110, 226.120, 226.130, 226.133, 226.135, 226.140, 226.150, 226.160, 226.170, 226.191, 226.195, 226.200, 226.220, 226.230, 226.455, 226.500, 226.510, 226.520, 226.525, 226.527, 226.530, 226.540, 226.541, 226.545, 226.550, 226.570, 226.580, 226.590, 226.660, 226.670, 226.680, 226.690, 226.700, 226.750, 226.760, 226.770, 226.790, 226.797, 226.798, 226.799, 226.800, 226.801, 226.900, 226.905, 226.910, 226.950, 226.952, 226.955, 226.957, 226.959, 226.961, 226.963, 226.965, 226.967, 226.969, 226.971, 226.973, 226.975, 227.010, 227.020, 227.030, 227.050, 227.080, 227.090, 227.100, 227.102, 227.103, 227.107, 227.110, 227.120, 227.130, 227.140, 227.150, 227.160, 227.170, 227.180, 227.190, 227.200, 227.210, 227.220, 227.230, 227.240, 227.250, 227.260, 227.270, 227.280, 227.290, 227.297, 227.299, 227.551, 227.552, 227.553, 227.554, 227.555, 227.556, 227.557, 227.558, 227.600, 227.601, 227.606, 227.609, 227.612, 227.615, 227.618, 227.621, 227.624, 227.627, 227.630, 227.633, 227.636, 227.639, 227.642, 227.645, 227.648, 227.651, 227.654, 227.657, 227.666, 227.669, 230.040, 230.100, 230.110, 230.235, 230.250, 231.441, 231.460, 233.070, 233.130, 233.150, 233.190, 233.340, 234.180, 234.190, 234.200, 234.230, 238.202, 238.207, 238.220, 238.225, 238.227, 238.230, 238.235, 238.236, 238.237, 238.242, 238.245, 238.247, 238.250, 238.257, 238.260, 238.262, 238.265, 238.267, 238.275, 238.302, 238.305, 238.310, 238.312, 238.315, 238.317, 238.320, 238.322, 238.325, 238.330, 238.332, 238.335, 238.337, 238.345, 238.347, 238.350, 238.352, 238.355, 238.357, 238.360, 238.362, 253.040,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

263.190, 290.260, 300.135, 300.155, 300.420, 301.041, 301.067, 301.130, 302.133, 302.134, 302.135, 302.178, 302.302, 302.458, 302.756, 304.001, 304.010, 304.015, 304.022, 304.024, 304.130, 304.170, 304.180, 304.200, 304.210, 304.220, 304.230, 304.260, 304.281, 304.321, 304.341, 304.351, 305.200, 305.230, 307.035, 307.178, 307.179, 390.021, 390.051, 390.054, 390.061, 390.136, 390.151, 392.080, 621.040, 622.350, 644.038, and 650.005, RSMo, and section 226.033 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session and section 226.033 as enacted by house bill no. 668, ninety-second general assembly, first regular session and to enact in lieu thereof two hundred seventy-two new sections relating to the highways and transportation commission, with a contingent effective date.

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

Section A. Sections 8.110, 8.240, 21.795, 29.210, 34.057, 37.005, 43.100, 43.251,  
2 67.1809, 67.5103, 67.5111, 67.5113, 67.5115, 67.5121, 68.015, 68.035, 68.060, 68.065, 68.070,  
3 68.205, 68.210, 68.230, 103.079, 104.030, 104.110, 104.160, 104.170, 104.175, 104.180,  
4 104.210, 104.230, 104.270, 104.515, 104.517, 104.1072, 142.827, 226.005, 226.008, 226.009,  
5 226.010, 226.020, 226.030, 226.040, 226.050, 226.060, 226.070, 226.080, 226.090, 226.092,  
6 226.096, 226.100, 226.110, 226.120, 226.130, 226.133, 226.135, 226.140, 226.150, 226.160,  
7 226.170, 226.191, 226.195, 226.200, 226.220, 226.230, 226.455, 226.500, 226.510, 226.520,  
8 226.525, 226.527, 226.530, 226.540, 226.541, 226.545, 226.550, 226.570, 226.580, 226.590,  
9 226.660, 226.670, 226.680, 226.690, 226.700, 226.750, 226.760, 226.770, 226.790, 226.797,  
10 226.798, 226.799, 226.800, 226.801, 226.900, 226.905, 226.910, 226.950, 226.952, 226.955,  
11 226.957, 226.959, 226.961, 226.963, 226.965, 226.967, 226.969, 226.971, 226.973, 226.975,  
12 227.010, 227.020, 227.030, 227.050, 227.080, 227.090, 227.100, 227.102, 227.103, 227.107,  
13 227.110, 227.120, 227.130, 227.140, 227.150, 227.160, 227.170, 227.180, 227.190, 227.200,  
14 227.210, 227.220, 227.230, 227.240, 227.250, 227.260, 227.270, 227.280, 227.290, 227.297,  
15 227.299, 227.551, 227.552, 227.553, 227.554, 227.555, 227.556, 227.557, 227.558, 227.600,  
16 227.601, 227.606, 227.609, 227.612, 227.615, 227.618, 227.621, 227.624, 227.627, 227.630,  
17 227.633, 227.636, 227.639, 227.642, 227.645, 227.648, 227.651, 227.654, 227.657, 227.666,  
18 227.669, 230.040, 230.100, 230.110, 230.235, 230.250, 231.441, 231.460, 233.070, 233.130,  
19 233.150, 233.190, 233.340, 234.180, 234.190, 234.200, 234.230, 238.202, 238.207, 238.220,  
20 238.225, 238.227, 238.230, 238.235, 238.236, 238.237, 238.242, 238.245, 238.247, 238.250,  
21 238.257, 238.260, 238.262, 238.265, 238.267, 238.275, 238.302, 238.305, 238.310, 238.312,  
22 238.315, 238.317, 238.320, 238.322, 238.325, 238.330, 238.332, 238.335, 238.337, 238.345,  
23 238.347, 238.350, 238.352, 238.355, 238.357, 238.360, 238.362, 253.040, 263.190, 290.260,

24 300.135, 300.155, 300.420, 301.041, 301.067, 301.130, 302.133, 302.134, 302.135, 302.178,  
25 302.302, 302.458, 302.756, 304.001, 304.010, 304.015, 304.022, 304.024, 304.130, 304.170,  
26 304.180, 304.200, 304.210, 304.220, 304.230, 304.260, 304.281, 304.321, 304.341, 304.351,  
27 305.200, 305.230, 307.035, 307.178, 307.179, 390.021, 390.051, 390.054, 390.061, 390.136,  
28 390.151, 392.080, 621.040, 622.350, 644.038, and 650.005, RSMo, and section 226.033 as  
29 enacted by senate bill no. 844, ninety-fifth general assembly, second regular session and section  
30 226.033 as enacted by house bill no. 668, ninety-second general assembly, first regular session,  
31 are repealed and two hundred seventy-two new sections enacted in lieu thereof, to be known as  
32 sections 8.110, 8.240, 21.795, 29.210, 34.057, 37.005, 43.100, 43.251, 67.1809, 67.5103,  
33 67.5111, 67.5113, 67.5115, 67.5121, 68.015, 68.035, 68.060, 68.065, 68.070, 68.205, 68.210,  
34 68.230, 103.079, 104.030, 104.110, 104.160, 104.170, 104.175, 104.180, 104.210, 104.230,  
35 104.270, 104.515, 104.517, 104.1072, 142.827, 226.005, 226.008, 226.009, 226.010, 226.020,  
36 226.040, 226.050, 226.060, 226.080, 226.090, 226.092, 226.096, 226.100, 226.110, 226.130,  
37 226.133, 226.135, 226.140, 226.150, 226.160, 226.170, 226.191, 226.195, 226.200, 226.220,  
38 226.230, 226.455, 226.500, 226.510, 226.520, 226.525, 226.527, 226.530, 226.540, 226.541,  
39 226.545, 226.550, 226.570, 226.580, 226.590, 226.660, 226.670, 226.680, 226.690, 226.700,  
40 226.750, 226.760, 226.770, 226.790, 226.797, 226.798, 226.799, 226.800, 226.801, 226.900,  
41 226.905, 226.910, 226.950, 226.952, 226.955, 226.957, 226.959, 226.961, 226.963, 226.965,  
42 226.967, 226.969, 226.971, 226.973, 226.975, 227.010, 227.020, 227.030, 227.050, 227.080,  
43 227.090, 227.100, 227.102, 227.103, 227.107, 227.110, 227.120, 227.130, 227.140, 227.150,  
44 227.160, 227.170, 227.180, 227.190, 227.200, 227.210, 227.220, 227.230, 227.240, 227.250,  
45 227.260, 227.270, 227.280, 227.290, 227.297, 227.299, 227.551, 227.552, 227.553, 227.554,  
46 227.555, 227.556, 227.557, 227.558, 227.600, 227.601, 227.606, 227.609, 227.612, 227.615,  
47 227.618, 227.621, 227.624, 227.627, 227.630, 227.633, 227.636, 227.639, 227.642, 227.645,  
48 227.648, 227.651, 227.654, 227.657, 227.666, 227.669, 230.040, 230.100, 230.110, 230.235,  
49 230.250, 231.441, 231.460, 233.070, 233.130, 233.150, 233.190, 233.340, 234.180, 234.190,  
50 234.200, 234.230, 238.202, 238.207, 238.220, 238.225, 238.227, 238.230, 238.235, 238.236,  
51 238.237, 238.242, 238.245, 238.247, 238.250, 238.257, 238.260, 238.262, 238.265, 238.267,  
52 238.275, 238.302, 238.305, 238.310, 238.312, 238.315, 238.317, 238.320, 238.322, 238.325,  
53 238.330, 238.332, 238.335, 238.337, 238.345, 238.347, 238.350, 238.352, 238.355, 238.357,  
54 238.360, 238.362, 253.040, 263.190, 290.260, 300.135, 300.155, 300.420, 301.041, 301.067,  
55 301.130, 302.133, 302.134, 302.135, 302.178, 302.302, 302.458, 302.756, 304.001, 304.010,  
56 304.015, 304.022, 304.024, 304.130, 304.170, 304.180, 304.200, 304.210, 304.220, 304.230,  
57 304.260, 304.281, 304.321, 304.341, 304.351, 305.200, 305.230, 307.035, 307.178, 307.179,  
58 390.021, 390.051, 390.054, 390.061, 390.136, 390.151, 392.080, 621.040, 622.350, 644.038, and  
59 650.005, RSMo, to read as follows:

8.110. There is hereby created within the office of administration a "Division of  
2 Facilities Management, Design and Construction", which shall supervise the design,  
3 construction, renovations, maintenance, and repair of state facilities, except as provided in  
4 sections 8.015 and 8.017, and except those facilities belonging to the institutions of higher  
5 education, the ~~[highways and transportation commission]~~ **department of transportation**, and  
6 the conservation commission, which shall be responsible to review all requests for appropriations  
7 for capital improvements. Except as otherwise provided by law, the director of the division of  
8 facilities management, design and construction shall be responsible for the management and  
9 operation of office buildings titled in the name of the governor. The director shall exercise all  
10 diligence to ensure that all facilities within his or her management and control comply with the  
11 designated building codes; that they are clean, safe and secure, and in proper repair; and that they  
12 are adequately served by all necessary utilities.

8.240. The board of public buildings may acquire for the seat of government in the name  
2 of the state of Missouri, by gift, purchase, eminent domain or otherwise, real property necessary,  
3 useful or convenient for the use of the board of public buildings in the exercise of any power or  
4 authority which the board has. In the event the right of eminent domain is exercised it shall be  
5 exercised in the manner provided for the exercise of eminent domain by the state ~~[highways and~~  
6 ~~transportation commission]~~ **department of transportation**.

21.795. 1. There is established a permanent joint committee of the general assembly to  
2 be known as the "Joint Committee on Transportation Oversight" to be composed of seven  
3 members of the standing transportation committees of both the senate and the house of  
4 representatives and three nonvoting ex officio members. Of the fourteen members to be  
5 appointed to the joint committee, the seven senate members of the joint committee shall be  
6 appointed by the president pro tem of the senate and minority leader of the senate and the seven  
7 house members shall be appointed by the speaker of the house of representatives and the  
8 minority floor leader of the house of representatives. The seven senate members shall be  
9 composed, as nearly as may be, of majority and minority party members in the same proportion  
10 as the number of majority and minority party members in the senate bears to the total  
11 membership of the senate. No major party shall be represented by more than four members from  
12 the house of representatives. The ex officio members shall be the state auditor, the director of  
13 the oversight division of the committee on legislative research, and the commissioner of the  
14 office of administration or the designee of such auditor, director or commissioner. The joint  
15 committee shall be chaired jointly by both chairs of the senate and house transportation  
16 committees. A majority of the committee shall constitute a quorum, but the concurrence of a  
17 majority of the members, other than the ex officio members, shall be required for the  
18 determination of any matter within the committee's duties.

19           2. The department of transportation shall submit a written report prior to December  
20 thirty-first of each year to the governor and the lieutenant governor. The report shall be posted  
21 to the department's internet website so that general assembly members may elect to access a copy  
22 of the report electronically. The written report shall contain the following:

23           (1) A comprehensive financial report of all funds for the preceding state fiscal year  
24 which shall include a report by independent certified public accountants, selected by the  
25 commissioner of the office of administration, attesting that the financial statements present fairly  
26 the financial position of the department in conformity with generally accepted government  
27 accounting principles;

28           (2) A copy of the department's most current and annual publication titled "Citizen's  
29 Guide to Transportation Funding in Missouri";

30           (3) A copy of the department's most current and annual publication titled "Financial  
31 Snapshot - An appendix to the Citizen's Guide to Transportation Funding in Missouri";

32           (4) A copy of the department's most current and annual publication titled "MoDOT  
33 Results: Accountability. Innovation. Efficiency.".

34           3. Prior to February fifteenth of each year, the committee shall hold an annual meeting  
35 and call before its members, officials or employees of the state [~~highways and transportation~~  
36 ~~commission or~~] department of transportation, as determined by the committee, for the sole  
37 purpose of receiving and examining the report required pursuant to subsection 2 of this section.  
38 The committee shall not have the power to modify projects or priorities of the state [~~highways~~  
39 ~~and transportation commission or~~] department of transportation. The committee may make  
40 recommendations to the state [~~highways and transportation commission or the~~] department of  
41 transportation. Disposition of those recommendations shall be reported by the [~~commission or~~]  
42 the department to the joint committee on transportation oversight.

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

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

48           (2) Discussion of department efficiencies and expenditure of cost-savings within the  
49 department;

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

53           (4) Implementation of any actions as may be deemed necessary by the committee as  
54 authorized by law. The co-chairs of the committee may call special meetings of the committee

55 with ten days' notice to the members of the committee, the director of the department of  
56 transportation, and the department of transportation.

57 5. The committee shall also review all applications for the development of specialty  
58 plates submitted to it by the department of revenue. The committee shall approve such  
59 application by a majority vote. The committee shall approve any application unless the  
60 committee receives:

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

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

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

66 (4) A proposed license plate not meeting the requirements of any reason promulgated  
67 by rule.

68

69 The committee shall notify the director of the department of revenue upon approval or denial of  
70 an application for the development of a specialty plate.

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

29.210. Whenever the state auditor conducts an audit of ~~[the state highways and~~  
2 ~~transportation commission and]~~ the state transportation department, salaries of auditors,  
3 examiners, clerks, stenographers and other employees of the state auditor making such audit and  
4 all expenses incurred in making such audit shall be paid monthly by ~~[the state highways and~~  
5 ~~transportation commission and]~~ the state transportation department out of moneys appropriated  
6 to ~~[the state highways and transportation commission and]~~ the state transportation department,  
7 when such payrolls and expense accounts for such purposes are certified to ~~[the state highways~~  
8 ~~and transportation commission and]~~ the state transportation department by the state auditor.

34.057. 1. Unless contrary to any federal funding requirements or unless funds from a  
2 state grant are not timely received by the contracting public municipality but notwithstanding any  
3 other law to the contrary, all public works contracts made and awarded by the appropriate officer,  
4 board or agency of the state or of a political subdivision of the state or of any district therein,  
5 including any municipality, county and any board referred to as the public owner, for  
6 construction, reconstruction or alteration of any public works project, shall provide for prompt  
7 payment by the public owner to the contractor, and any professional engineer, architect,  
8 landscape architect, or land surveyor, as well as prompt payment by the contractor to the  
9 subcontractor and material supplier in accordance with the following:

10 (1) A public owner shall make progress payments to the contractor and any professional  
11 engineer, architect, landscape architect, or land surveyor on at least a monthly basis as the work  
12 progresses, or, on a lump sum basis according to the terms of the lump sum contract. Except in  
13 the case of lump sum contracts, payments shall be based upon estimates prepared at least  
14 monthly of work performed and material delivered, as determined by the project architect or  
15 engineer. Retainage withheld on any construction contract or subcontract for public works  
16 projects shall not exceed five percent of the value of the contract or subcontract. If the contractor  
17 is not required to obtain a bond under section 107.170 because the cost of the public works  
18 contract is not estimated to exceed fifty thousand dollars, the public owner may withhold  
19 retainage on the public works project in an amount not to exceed ten percent of the value of the  
20 contract or subcontract. The public owner shall pay the contractor the amount due, less a  
21 retainage, within thirty days following the latter of the following:

22 (a) The date of delivery of materials or construction services purchased;

23 (b) The date, as designated by the public owner, upon which the invoice is duly delivered  
24 to the person or place designated by the public owner; or

25 (c) In those instances in which the contractor approves the public owner's estimate, the  
26 date upon which such notice of approval is duly delivered to the person or place designated by  
27 the public owner;

28 (2) Payments shall be considered received within the context of this section when they  
29 are duly posted with the United States Postal Service or other agreed upon delivery service or  
30 when they are hand-delivered to an authorized person or place as agreed to by the contracting  
31 parties;

32 (3) If, in the discretion of the owner and the project architect or engineer and the  
33 contractor, it is determined that a subcontractor's performance has been completed and the  
34 subcontractor can be released prior to substantial completion of the public works contract  
35 without risk to the public owner, the contractor shall request such adjustment in retainage, if any,  
36 from the public owner as necessary to enable the contractor to pay the subcontractor in full. The  
37 public owner may reduce or eliminate retainage on any contract payment if, in the public owner's  
38 opinion, the work is proceeding satisfactorily. If retainage is released and there are any  
39 remaining minor items to be completed, an amount equal to one hundred fifty percent of the  
40 value of each item as determined by the public owner's duly authorized representatives shall be  
41 withheld until such item or items are completed;

42 (4) The public owner shall pay at least ninety-eight percent of the retainage, less any  
43 offsets or deductions authorized in the contract or otherwise authorized by law, to the contractor.  
44 The contractor shall pay the subcontractor or supplier after substantial completion of the contract  
45 work and acceptance by the public owner's authorized contract representative, or as may

46 otherwise be provided by the contract specifications for state highway, road or bridge projects  
47 administered by the state [~~highways and transportation commission~~] **department of**  
48 **transportation**. Such payment shall be made within thirty days after acceptance, and the invoice  
49 and all other appropriate documentation and certifications in complete and acceptable form are  
50 provided, as may be required by the contract documents. If the public owner or the owner's  
51 representative determines the work is not substantially completed and accepted, then the owner  
52 or the owner's representative shall provide a written explanation of why the work is not  
53 considered substantially completed and accepted within fourteen calendar days to the contractor,  
54 who shall then provide such notice to the subcontractor or suppliers responsible for such work.  
55 If such written explanation is not given by the public body, the public body shall pay at least  
56 ninety-eight percent of the retainage within thirty calendar days. If at that time there are any  
57 remaining minor items to be completed, an amount equal to one hundred fifty percent of the  
58 value of each item as determined by the public owner's representative shall be withheld until  
59 such items are completed;

60 (5) All estimates or invoices for supplies and services purchased, approved and  
61 processed, or final payments, shall be paid promptly and shall be subject to late payment charges  
62 provided in this section. Except as provided in subsection 4 of this section, if the contractor has  
63 not been paid within thirty days as set forth in subdivision (1) of subsection 1 of this section, the  
64 contracting agency shall pay the contractor, in addition to the payment due him, interest at the  
65 rate of one and one-half percent per month calculated from the expiration of the thirty-day period  
66 until fully paid;

67 (6) When a contractor receives any payment, the contractor shall pay each subcontractor  
68 and material supplier in proportion to the work completed by each subcontractor and material  
69 supplier his application less any retention not to exceed five percent. If the contractor receives  
70 less than the full payment due under the public construction contract, the contractor shall be  
71 obligated to disburse on a pro rata basis those funds received, with the contractor, subcontractors  
72 and material suppliers each receiving a prorated portion based on the amount of payment. When,  
73 however, the public owner does not release the full payment due under the contract because there  
74 are specific areas of work or materials he is rejecting or because he has otherwise determined  
75 such areas are not suitable for payment then those specific subcontractors or suppliers involved  
76 shall not be paid for that portion of the work rejected or deemed not suitable for payment;  
77 provided the public owner or the owner's representative gives a written explanation to the  
78 contractor, subcontractor, or supplier involved as to why the work or supplies were rejected or  
79 deemed not suitable for payment, and all other subcontractors and suppliers shall be paid in full;

80 (7) If the contractor, without reasonable cause, fails to make any payment to his  
81 subcontractors and material suppliers within fifteen days after receipt of payment under the



82 public construction contract, the contractor shall pay to his subcontractors and material suppliers,  
83 in addition to the payment due them, interest in the amount of one and one-half percent per  
84 month, calculated from the expiration of the fifteen-day period until fully paid. This subdivision  
85 shall also apply to any payments made by subcontractors and material suppliers to their  
86 subcontractors and material suppliers and to all payments made to lower tier subcontractors and  
87 material suppliers throughout the contracting chain;

88 (8) The public owner shall make final payment of all moneys owed to the contractor,  
89 including any retainage withheld under subdivision (4) of this subsection, less any offsets or  
90 deductions authorized in the contract or otherwise authorized by law, within thirty days of the  
91 due date. Final payment shall be considered due upon the earliest of the following events:

92 (a) Completion of the project and filing with the owner of all required documentation  
93 and certifications, in complete and acceptable form, in accordance with the terms and conditions  
94 of the contract;

95 (b) The project is certified by the architect or engineer authorized to make such  
96 certification on behalf of the owner as having been completed, including the filing of all  
97 documentation and certifications required by the contract, in complete and acceptable form; or

98 (c) The project is certified by the contracting authority as having been completed,  
99 including the filing of all documentation and certifications required by the contract, in complete  
100 and acceptable form.

101 2. Nothing in this section shall prevent the contractor or subcontractor, at the time of  
102 application or certification to the public owner or contractor, from withholding such applications  
103 or certifications to the owner or contractor for payment to the subcontractor or material supplier.  
104 Amounts intended to be withheld shall not be included in such applications or certifications to  
105 the public owner or contractor. Reasons for withholding such applications or certifications shall  
106 include, but not be limited to, the following: unsatisfactory job progress; defective construction  
107 work or material not remedied; disputed work; failure to comply with other material provisions  
108 of the contract; third-party claims filed or reasonable evidence that a claim will be filed; failure  
109 of the subcontractor to make timely payments for labor, equipment and materials; damage to a  
110 contractor or another subcontractor or material supplier; reasonable evidence that the contract  
111 cannot be completed for the unpaid balance of the subcontract sum or a reasonable amount for  
112 retention, not to exceed the initial percentage retained by the owner.

113 3. Should the contractor determine, after application or certification has been made and  
114 after payment has been received from the public owner, or after payment has been received by  
115 a contractor based upon the public owner's estimate of materials in place and work performed  
116 as provided by contract, that all or a portion of the moneys needs to be withheld from a specific  
117 subcontractor or material supplier for any of the reasons enumerated in this section, and such

118 moneys are withheld from such subcontractor or material supplier, then such undistributed  
119 amounts shall be specifically identified in writing and deducted from the next application or  
120 certification made to the public owner or from the next estimate by the public owner of payment  
121 due the contractor, until a resolution of the matter has been achieved. Disputes shall be resolved  
122 in accordance with the terms of the contract documents. Upon such resolution the amounts  
123 withheld by the contractor from the subcontractor or material supplier shall be included in the  
124 next application or certification made to the public owner or the next estimate by the public  
125 owner and shall be paid promptly in accordance with the provisions of this section. This  
126 subsection shall also apply to applications or certifications made by subcontractors or material  
127 suppliers to the contractor and throughout the various tiers of the contracting chain.

128 4. The contracts which provide for payments to the contractor based upon the public  
129 owner's estimate of materials in place and work performed rather than applications or  
130 certifications submitted by the contractor, the public owner shall pay the contractor within thirty  
131 days following the date upon which the estimate is required by contract to be completed by the  
132 public owner, the amount due less a retainage not to exceed five percent. All such estimates by  
133 the public owner shall be paid promptly and shall be subject to late payment charges as provided  
134 in this subsection. After the thirtieth day following the date upon which the estimate is required  
135 by contract to be completed by the public owner, the contracting agency shall pay the contractor,  
136 in addition to the payment due him, interest at a rate of one and one-half percent per month  
137 calculated from the expiration of the thirty-day period until fully paid.

138 5. The public owner shall pay or cause to be paid to any professional engineer, architect,  
139 landscape architect, or land surveyor the amount due within thirty days following the receipt of  
140 an invoice prepared and submitted in accordance with the contract terms. In addition to the  
141 payment due, the contracting agency shall pay interest at the rate of one and one-half percent per  
142 month calculated from the expiration of the thirty-day period until fully paid.

143 6. Nothing in this section shall prevent the owner from withholding payment or final  
144 payment from the contractor, or a subcontractor or material supplier. Reasons for withholding  
145 payment or final payment shall include, but not be limited to, the following: liquidated damages;  
146 unsatisfactory job progress; defective construction work or material not remedied; disputed  
147 work; failure to comply with any material provision of the contract; third party claims filed or  
148 reasonable evidence that a claim will be filed; failure to make timely payments for labor,  
149 equipment or materials; damage to a contractor, subcontractor or material supplier; reasonable  
150 evidence that a subcontractor or material supplier cannot be fully compensated under its contract  
151 with the contractor for the unpaid balance of the contract sum; or citation by the enforcing  
152 authority for acts of the contractor or subcontractor which do not comply with any material  
153 provision of the contract and which result in a violation of any federal, state or local law,

154 regulation or ordinance applicable to that project causing additional costs or damages to the  
155 owner.

156 7. Nothing in this section shall be construed to require direct payment by a public owner  
157 to a subcontractor or supplier, except in the case of the default, as determined by a court, of the  
158 contractor on the contract with the public owner where no performance or payment bond is  
159 required or where the surety fails to execute its duties, as determined by a court.

160 8. Notwithstanding any other provisions in this section to the contrary, no late payment  
161 interest shall be due and owing for payments which are withheld in good faith for reasonable  
162 cause pursuant to subsections 2, 5, and 6 of this section. If it is determined by a court of  
163 competent jurisdiction that a payment which was withheld pursuant to subsections 2, 5, and 6  
164 of this section was not withheld in good faith for reasonable cause, the court may impose interest  
165 at the rate of one and one-half percent per month calculated from the date of the invoice and may,  
166 in its discretion, award reasonable attorney fees to the prevailing party. In any civil action or part  
167 of a civil action brought pursuant to this section, if a court determines after a hearing for such  
168 purpose that the cause was initiated, or a defense was asserted, or a motion was filed, or any  
169 proceeding therein was done frivolously and in bad faith, the court shall require the party who  
170 initiated such cause, asserted such defense, filed such motion, or caused such proceeding to be  
171 had to pay the other party named in such action the amount of the costs attributable thereto and  
172 reasonable expenses incurred by such party, including reasonable attorney fees.

37.005. 1. Except as provided herein, the office of administration shall be continued as  
2 set forth in house bill 384, seventy-sixth general assembly and shall be considered as a  
3 department within the meaning used in the Omnibus State Reorganization Act of 1974. The  
4 commissioner of administration shall appoint directors of all major divisions within the office  
5 of administration.

6 2. The commissioner of administration shall be a member of the governmental  
7 emergency fund committee as ex officio comptroller and the director of the department of  
8 revenue shall be a member in place of the director of the division of facilities management,  
9 design and construction.

10 3. The office of administration is designated the "Missouri State Agency for Surplus  
11 Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for  
12 disposal of surplus federal property. All the powers, duties and functions vested by sections  
13 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration  
14 as well as all property and personnel related to the duties. The commissioner shall integrate the  
15 program of disposal of federal surplus property with the processes of disposal of state surplus  
16 property to provide economical and improved service to state and local agencies of government.  
17 The governor shall fix the amount of bond required by section 37.080. All employees transferred

18 shall be covered by the provisions of chapter 36 and the Omnibus State Reorganization Act of  
19 1974.

20 4. The commissioner of administration shall replace the director of revenue as a member  
21 of the board of fund commissioners and assume all duties and responsibilities assigned to the  
22 director of revenue by sections 33.300 to 33.540 relating to duties as a member of the board and  
23 matters relating to bonds and bond coupons.

24 5. All the powers, duties and functions of the administrative services section, section  
25 33.580 and others, are transferred by a type I transfer to the office of administration and the  
26 administrative services section is abolished.

27 6. The commissioner of administration shall, in addition to his or her other duties, cause  
28 to be prepared a comprehensive plan of the state's field operations, buildings owned or rented  
29 and the communications systems of state agencies. Such a plan shall place priority on improved  
30 availability of services throughout the state, consolidation of space occupancy and economy in  
31 operations.

32 7. The commissioner of administration shall from time to time examine the space needs  
33 of the agencies of state government and space available and shall, with the approval of the board  
34 of public buildings, assign and reassign space in property owned, leased or otherwise controlled  
35 by the state. Any other law to the contrary notwithstanding, upon a determination by the  
36 commissioner that all or part of any property is in excess of the needs of any state agency, the  
37 commissioner may lease such property to a private or government entity. Any revenue received  
38 from the lease of such property shall be deposited into the fund or funds from which moneys for  
39 rent, operations or purchase have been appropriated. The commissioner shall establish by rule  
40 the procedures for leasing excess property.

41 8. The commissioner of administration is hereby authorized to coordinate and control  
42 the acquisition and use of network, telecommunications, and data processing services in the  
43 executive branch of state government. For this purpose, the office of administration will have  
44 authority to:

45 (1) Develop and implement a long-range computer facilities plan for the use of network,  
46 telecommunications, and data processing services in Missouri state government. Such plan may  
47 cover, but is not limited to, operational standards, standards for the establishment, function and  
48 management of service centers, coordination of the data processing education, and planning  
49 standards for application development and implementation;

50 (2) Approve all additions and deletions of network, telecommunications, and data  
51 processing services hardware, software, and support services, and service centers;

52 (3) Establish standards for the development of annual data processing application plans  
53 for each of the service centers. These standards shall include review of post-implementation

54 audits. These annual plans shall be on file in the office of administration and shall be the basis  
55 for equipment approval requests;

56 (4) Review of all state network, telecommunications, and data processing services  
57 applications to assure conformance with the state information systems plan, and the information  
58 systems plans of state agencies and service centers;

59 (5) Establish procurement procedures for network, telecommunications, and data  
60 processing services hardware, software, and support service;

61 (6) Establish a charging system to be used by all service centers when performing work  
62 for any agency;

63 (7) Establish procedures for the receipt of service center charges and payments for  
64 operation of the service centers.

65

66 The commissioner shall maintain a complete inventory of all state-owned or -leased network,  
67 telecommunications, and data processing services equipment, and annually submit a report to  
68 the general assembly which shall include starting and ending network, telecommunications, and  
69 data processing services costs for the fiscal year previously ended, and the reasons for major  
70 increases or variances between starting and ending costs. The commissioner shall also adopt,  
71 after public hearing, rules and regulations designed to protect the rights of privacy of the citizens  
72 of this state and the confidentiality of information contained in computer tapes or other storage  
73 devices to the maximum extent possible consistent with the efficient operation of the office of  
74 administration and contracting state agencies.

75 9. Except as provided in subsection 12 of this section, the fee title to all real property  
76 now owned or hereafter acquired by the state of Missouri, or any department, division,  
77 commission, board or agency of state government, other than real property owned or possessed  
78 by the state [~~highways and transportation commission~~] **department of transportation**,  
79 conservation commission, state department of natural resources, and the University of Missouri,  
80 shall on May 2, 1974, vest in the governor. The governor may not convey or otherwise transfer  
81 the title to such real property, unless such conveyance or transfer is first authorized by an act of  
82 the general assembly. The provisions of this subsection requiring authorization of a conveyance  
83 or transfer by an act of the general assembly shall not, however, apply to the granting or  
84 conveyance of an easement for any purpose to any political subdivision of the state; a rural  
85 electric cooperative as defined in chapter 394; a public utility, except a railroad, as defined in  
86 chapter 386; or to accommodate utility service, including electrical, gas, steam, water, sewer,  
87 telephone, internet, or similar utility service, extended upon or provided to state property or  
88 facilities; to accommodate rights of access, ingress and egress on or to any state property or  
89 facilities; or to facilitate the construction, location, relocation, or use of any common elements

90 of condominium property if the state is a unit owner within the condominium development. The  
91 governor, with the approval of the board of public buildings, may, upon the request of any state  
92 department, agency, board or commission not otherwise being empowered to make its own  
93 transfer or conveyance of any land belonging to the state of Missouri which is under the control  
94 and custody of such department, agency, board or commission, grant or convey without further  
95 legislative action, for such consideration as may be agreed upon, easements across, over, upon  
96 or under any such state land to any political subdivision of the state; a rural electric cooperative  
97 as defined in chapter 394; a public utility, except a railroad, as defined in chapter 386; or to  
98 accommodate utility service, including electrical, gas, steam, water, sewer, telephone, internet,  
99 or similar utility service, extended upon or provided to state property or facilities; to  
100 accommodate rights of access, ingress and egress on or to state property or facilities; or to  
101 facilitate the construction, location, relocation, or use of any common elements of condominium  
102 property if the state is a unit owner within the condominium development. The easement shall  
103 be for the purpose of promoting the general health, welfare and safety of the public and shall  
104 include the right of access, ingress or egress for the purpose of constructing, maintaining or  
105 removing any street, roadway, sidewalk, public right-of-way or thoroughfare, pipeline, power  
106 line, gas line, water or steam line, telephone line, internet cable, sewer line, or other similar  
107 installation or any equipment or appurtenances necessary to the operation thereof; except that,  
108 a railroad as defined in chapter 386 shall not be included in the provisions of this subsection  
109 unless such conveyance or transfer is first authorized by an act of the general assembly. The  
110 easement shall be for such consideration as may be agreed upon by the parties and approved by  
111 the board of public buildings. The attorney general shall approve the form of the instrument of  
112 conveyance. The commissioner of administration shall prepare management plans for such  
113 properties in the manner set out in subsection 7 of this section.

114 10. The commissioner of administration shall administer a revolving "Administrative  
115 Trust Fund" which shall be established by the state treasurer which shall be funded annually by  
116 appropriation and which shall contain moneys transferred or paid to the office of administration  
117 in return for goods and services provided by the office of administration to any governmental  
118 entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve  
119 disbursements from the fund for the purchase of goods or services at the request of the  
120 commissioner of administration or the commissioner's designee. The provisions of section  
121 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent  
122 to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total  
123 amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval  
124 of the oversight division of the joint committee on legislative research. The commissioner shall  
125 prepare an annual report of all receipts and expenditures from the fund.

126 11. All the powers, duties and functions of the department of community affairs relating  
127 to statewide planning are transferred by type I transfer to the office of administration.

128 12. The titles which are vested in the governor by or pursuant to this section to real  
129 property assigned to any of the educational institutions referred to in section 174.020 on June 15,  
130 1983, are hereby transferred to and vested in the board of regents of the respective educational  
131 institutions, and the titles to real property and other interests therein hereafter acquired by or for  
132 the use of any such educational institution, notwithstanding provisions of this section, shall vest  
133 in the board of regents of the educational institution. The board of regents may not convey or  
134 otherwise transfer the title to or other interest in such real property unless the conveyance or  
135 transfer is first authorized by an act of the general assembly, except as provided in section  
136 174.042, and except that the board of regents may grant easements over, in and under such real  
137 property without further legislative action.

138 13. Notwithstanding any provision of subsection 12 of this section to the contrary, the  
139 board of governors of Missouri Western State University, University of Central Missouri,  
140 Missouri State University, or Missouri Southern State University, or the board of regents of  
141 Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State  
142 University, or the board of curators of Lincoln University may convey or otherwise transfer for  
143 fair market value, except in fee simple, the title to or other interest in such real property without  
144 authorization by an act of the general assembly.

145 14. All county sports complex authorities, and any sports complex authority located in  
146 a city not within a county, in existence on August 13, 1986, and organized under the provisions  
147 of sections 64.920 to 64.950, are assigned to the office of administration, but such authorities  
148 shall not be subject to the provisions of subdivision (4) of subsection 6 of section 1 of the  
149 Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

150 15. All powers, duties, and functions vested in the administrative hearing commission,  
151 sections 621.015 to 621.205 and others, are transferred to the office of administration by a type  
152 III transfer.

43.100. All expenses of members of the patrol and all expenditures for vehicles,  
2 equipment, arms, ammunition, supplies and all other expenditures for the operation and  
3 maintenance of the patrol in the enforcement of any state motor vehicle law or in the regulation  
4 of traffic on highways maintained and constructed by the state [~~highways and transportation~~  
5 ~~commission~~] **department of transportation** under the duties described in section 43.160 shall  
6 be paid monthly, except salaries of members of the patrol and salaries of subordinates and  
7 clerical force which shall be paid in semimonthly or monthly installments as designated by the  
8 commissioner of administration, and shall be paid by the state treasurer out of the proceeds of  
9 state motor vehicle fees and license taxes and state taxes on the sale or use of motor vehicle fuels

10 as provided in Section 30(b) of Article IV of the constitution of this state upon warrants drawn  
11 by the state auditor based upon bills of particular and vouchers certified by the officer or  
12 employee designated by the ~~[commission]~~ **department**.

43.251. 1. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** shall prepare and upon request supply to police departments, sheriffs, and other  
3 appropriate agencies or individuals forms for written accident reports as required by section  
4 43.250 and this section. Reports shall call for sufficiently detailed information to disclose, with  
5 reference to a vehicle accident, the cause, conditions then existing and the persons and vehicles  
6 involved.

7 2. Every written or computer-generated accident report required to be made shall be  
8 submitted on the appropriate form or in the appropriate computer format approved by the  
9 superintendent of the Missouri state highway patrol and shall contain all the information required  
10 therein unless not available.

67.1809. 1. The regional taxicab commission established under section 67.1804 may  
2 license, supervise, and regulate any person who engages in the business of transporting  
3 passengers in commerce, wholly within the regional taxicab district established in section  
4 67.1802, in any motor vehicle designed or used to transport not more than eight passengers,  
5 including the driver. The powers granted to the regional taxicab commission under this section  
6 shall apply to the motor vehicles described in this subsection and to the persons owning or  
7 operating those vehicles:

8 (1) Whether or not the vehicles are equipped with a taximeter or use a taximeter; and

9 (2) Whether the vehicles are operated by a for-hire motor carrier of passengers or by a  
10 private motor carrier of passengers not for hire or compensation.

11 2. This section shall apply, notwithstanding any provisions of this chapter or of  
12 subsection 2 of section 390.126 to the contrary, except that the vehicles described in subsection  
13 1 of this section, and the operators of such vehicles, shall be licensed, supervised, and regulated  
14 by the state ~~[highways and transportation commission]~~ **department of transportation**, as  
15 provided under section 226.008, instead of the regional taxicab commission, whenever:

16 (1) Such motor vehicles transport passengers within the district in interstate commerce,  
17 and those interstate operations are subject to the powers of the state ~~[highways and transportation~~  
18 ~~commission]~~ **department of transportation** under section 226.008;

19 (2) Such motor vehicles are operated exclusively by a not-for-profit corporation or  
20 governmental entity, whose passenger transportation within the regional taxicab district is  
21 subsidized, wholly or in part, with public transit funding provided by the state ~~[highways and~~  
22 ~~transportation commission]~~ **department of transportation**, the Federal Transit Administration,  
23 or both;



24 (3) Such vehicles transport one or more passengers on the public highways in a  
25 continuous journey from a place of origin within the regional taxicab district to a destination  
26 outside the district, or from a place of origin outside the district to a destination within the  
27 district, either with or without a return trip to the point of origin. Such continuous transportation  
28 of passengers between points within and without the district is subject to regulation by the state  
29 ~~[highways and transportation commission]~~ **department of transportation**, even if the journey  
30 includes temporary stops at one or more intermediate destinations within the boundaries of the  
31 district.

32 3. The provisions of subdivision (3) of subsection 2 of this section shall not limit the  
33 powers of the regional taxicab commission under this section to license, supervise, and regulate  
34 the transportation of any passenger whose journey by motor vehicle takes place wholly within  
35 the regional taxicab district, even if transported on the same vehicle with other passengers whose  
36 transportation, both within and without the boundaries of the district, is subject to the exclusive  
37 powers of the state ~~[highways and transportation commission]~~ **department of transportation**.  
38 A motor carrier or driver who transports passengers subject to the powers of the regional taxicab  
39 commission, under subsection 1 of this section, on the same vehicle with passengers whose  
40 transportation is subject to the powers of the state ~~[highways and transportation commission]~~  
41 **department of transportation**, under subsection 2 of this section, shall comply with all  
42 applicable requirements of the regional taxicab commission and with all applicable requirements  
43 of the state ~~[highways and transportation commission]~~ **department of transportation**.

44 4. No provision within this chapter shall be interpreted or construed as limiting the  
45 powers of the state ~~[highways and transportation commission]~~ **department of transportation**  
46 and its enforcement personnel, the state highway patrol and its officers and personnel, or any  
47 other law enforcement officers or peace officers to enforce any safety requirements or hazardous  
48 materials regulations made applicable by law to the motor vehicles, drivers, or persons that own  
49 or operate any motor vehicles described in this section.

50 5. Every individual person, partnership, or corporation subject to licensing, regulation,  
51 and supervision by the regional taxicab commission under this section, with reference to any  
52 transportation of passengers by a motor vehicle previously authorized by a certificate or permit  
53 issued by the state highways and transportation commission under section 390.051 or 390.061,  
54 which certificate or permit was in active status and not suspended or revoked on August 27,  
55 2005, according to the records of the state highways and transportation commission, is hereby  
56 deemed to be licensed, permitted, and authorized by the regional taxicab commission, and the  
57 vehicles and drivers used by such motor carriers are hereby deemed to be licensed, permitted,  
58 and authorized by the regional taxicab commission to operate and engage in the transportation  
59 of passengers within the regional taxicab district, to the same extent as they formerly were

60 licensed, permitted, and authorized by the highways and transportation commission on August  
61 27, 2005. Such motor carriers, drivers, and vehicles shall be exempted from applying for any  
62 license, certificate, permit, or other credential issued or required by the regional taxicab  
63 commission under sections 67.1800 to 67.1822, except that the regional taxicab commission  
64 may, after December 31, 2005, require such motor carriers and drivers to apply and pay the  
65 regular fees for annual renewals of such licenses, permits, certificates, or other credentials under  
66 uniform requirements applicable to all motor carriers, vehicles, and drivers operating within the  
67 regional taxicab district.

68 6. Nothing in sections 67.1800 to 67.1822 shall be construed as granting the regional  
69 taxicab commission the authority to license, supervise, or regulate medical transportation.

67.5103. Notwithstanding any provision of sections 67.5090 to 67.5103, nothing herein  
2 shall provide any applicant the power of eminent domain or the right to compel any private or  
3 public property owner, the department of conservation, the department of natural resources, or  
4 the state ~~[highways and transportation commission]~~ **department of transportation** to:

5 (1) Lease or sell property for the construction of a new wireless support structure; or

6 (2) Locate or cause the collocation or expansion of a wireless facility on any existing  
7 structure or wireless support structure.

8 67.5111. As used in sections 67.5110 to 67.5121, the following terms shall mean:

9 (1) "Antenna", communications equipment that transmits or receives electromagnetic  
10 radio frequency signals used in the provision of wireless services;

11 (2) "Applicable codes", uniform building, fire, electrical, plumbing, or mechanical codes  
12 adopted by a recognized national code organization or local amendments to such codes enacted  
13 to prevent physical property damage or reasonably foreseeable injury to persons to the extent not  
14 inconsistent with sections 67.5110 to 67.5121;

15 (3) "Applicant", any person who submits an application and is a wireless provider;

16 (4) "Application", a request submitted by an applicant to an authority for a permit to  
17 collocate small wireless facilities on a utility pole or wireless support structure, or to approve the  
18 installation, modification, or replacement of a utility pole;

19 (5) "Authority", the state or any agency, county, municipality, district, or subdivision  
20 thereof or any instrumentality of the same. The term shall not include municipal electric utilities  
21 or state courts having jurisdiction over an authority;

22 (6) "Authority pole", a utility pole owned, managed, or operated by or on behalf of an  
23 authority, but such term shall not include municipal electric utility distribution poles or facilities;

24 (7) "Authority wireless support structure", a wireless support structure owned, managed,  
25 or operated by or on behalf of an authority;

26 (8) "Collocate" or "collocation", to install, mount, maintain, modify, operate, or replace  
27 small wireless facilities on or immediately adjacent to a wireless support structure or utility pole,  
28 provided that the small wireless facility antenna is located on the wireless support structure or  
29 utility pole;

30 (9) "Communications facility", the set of equipment and network components, including  
31 wires, cables, and associated facilities used by a cable operator, as defined in 47 U.S.C. Section  
32 522(5); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of  
33 information service, as defined in 47 U.S.C. Section 153(24); or a wireless services provider; to  
34 provide communications services, including cable service, as defined in 47 U.S.C. Section  
35 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information  
36 service, as defined in 47 U.S.C. Section 153(24); wireless communications service; or other  
37 one-way or two-way communications service;

38 (10) "Communications service provider", a cable operator, as defined in 47 U.S.C.  
39 Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a  
40 telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a wireless provider;

41 (11) "Decorative pole", an authority pole that is specially designed and placed for  
42 aesthetic purposes;

43 (12) "Fee", a one-time, nonrecurring charge;

44 (13) "Historic district", a group of buildings, properties, or sites that are either listed in  
45 the National Register of Historic Places or formally determined eligible for listing by the Keeper  
46 of the National Register, the individual who has been delegated the authority by the federal  
47 agency to list properties and determine their eligibility for the National Register, in accordance  
48 with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part  
49 1, Appendix C, or are otherwise located in a district made subject to special design standards  
50 adopted by a local ordinance or under state law as of January 1, 2018, or subsequently enacted  
51 for new developments;

52 (14) "Micro wireless facility", a small wireless facility that meets the following  
53 qualifications:

54 (a) Is not larger in dimension than twenty-four inches in length, fifteen inches in width,  
55 and twelve inches in height; and

56 (b) Any exterior antenna no longer than eleven inches;

57 (15) "Permit", a written authorization required by an authority to perform an action or  
58 initiate, continue, or complete a project;

59 (16) "Person", an individual, corporation, limited liability company, partnership,  
60 association, trust, or other entity or organization, including an authority;

61 (17) "Rate", a recurring charge;

62 (18) "Right-of-way", the area on, below, or above a public roadway, highway, street,  
63 sidewalk, alley, or similar property used for public travel, but not including a federal interstate  
64 highway, railroad right-of-way, or private easement;

65 (19) "Small wireless facility", a wireless facility that meets both of the following  
66 qualifications:

67 (a) Each wireless provider's antenna could fit within an enclosure of no more than six  
68 cubic feet in volume; and

69 (b) All other equipment associated with the wireless facility, whether ground or pole  
70 mounted, is cumulatively no more than twenty-eight cubic feet in volume, provided that no  
71 single piece of equipment on the utility pole shall exceed nine cubic feet in volume; and no  
72 single piece of ground-mounted equipment shall exceed fifteen cubic feet in volume, exclusive  
73 of equipment required by an electric utility or municipal electric utility to power the small  
74 wireless facility.

75

76 The following types of associated ancillary equipment shall not be included in the calculation  
77 of equipment volume: electric meter, concealment elements, telecommunications demarcation  
78 box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs and  
79 related conduit for the connection of power and other services;

80 (20) "Technically feasible", by virtue of engineering or spectrum usage, the proposed  
81 placement for a small wireless facility or its design or site location can be implemented without  
82 a reduction in the functionality of the small wireless facility;

83 (21) "Utility pole", a pole or similar structure that is or may be used in whole or in part  
84 by or for wireline communications, electric distribution, lighting, traffic control, signage, or a  
85 similar function, or for the collocation of small wireless facilities; provided, however, such term  
86 shall not include wireless support structures, electric transmission structures, or breakaway poles  
87 owned by the state [~~highways and transportation commission~~] **department of transportation**;

88 (22) "Wireless facility", equipment at a fixed location that enables wireless  
89 communications between user equipment and a communications network, including equipment  
90 associated with wireless communications and radio transceivers, antennas, coaxial or fiber-optic  
91 cable, regular and backup power supplies, and comparable equipment, regardless of  
92 technological configuration. The term includes small wireless facilities. The term does not  
93 include:

94 (a) The structure or improvements on, under, or within which the equipment is  
95 collocated;

96 (b) Coaxial or fiber-optic cable between wireless support structures or utility poles;

97 (c) Coaxial or fiber-optic cable not directly associated with a particular small wireless  
98 facility; or

99 (d) A wireline backhaul facility;

100 (23) "Wireless infrastructure provider", any person, including a person authorized to  
101 provide telecommunications service in the state, that builds or installs wireless communication  
102 transmission equipment or wireless facilities but that is not a wireless services provider;

103 (24) "Wireless provider", a wireless infrastructure provider or a wireless services  
104 provider;

105 (25) "Wireless services", any services using licensed or unlicensed spectrum, including  
106 the use of wifi, whether at a fixed location or mobile, provided to the public using wireless  
107 facilities;

108 (26) "Wireless services provider", a person who provides wireless services;

109 (27) "Wireless support structure", an existing structure, such as a monopole or tower,  
110 whether guyed or self-supporting, designed to support or capable of supporting wireless  
111 facilities; an existing or proposed billboard; an existing or proposed building; or other existing  
112 or proposed structure capable of supporting wireless facilities, other than a structure designed  
113 solely for the collocation of small wireless facilities. Such term shall not include a utility pole;

114 (28) "Wireline backhaul facility", a physical transmission path, all or part of which is  
115 within the right-of-way, used for the transport of communication data by wire from a wireless  
116 facility to a network.

67.5113. 1. The provisions of this section shall apply to the permitting of small wireless  
2 facilities by a wireless provider in or outside the right-of-way and to the permitting of the  
3 installation, modification, and replacement of utility poles by a wireless provider inside the  
4 right-of-way.

5 2. An authority shall not prohibit, regulate, or charge for the collocation of small wireless  
6 facilities, except as provided under sections 67.5110 to 67.5121.

7 3. An authority may require an applicant to obtain one or more permits to collocate a  
8 small wireless facility or install a new, modified, or replacement utility pole associated with a  
9 small wireless facility as provided in subsection 3 of section 67.5112, provided such permits are  
10 of general applicability and do not apply exclusively to wireless facilities. An authority shall  
11 receive applications for, process, and issue such permits subject to the following requirements:

12 (1) An authority shall not directly or indirectly require an applicant to perform services  
13 or provide goods unrelated to the permit, such as in-kind contributions to the authority, including  
14 reserving fiber, conduit, or pole space for the authority;

15 (2) An applicant shall not be required to provide more information to obtain a permit  
16 than communications service providers that are not wireless providers, provided that an applicant

17 may be required to include construction and engineering drawings and information  
18 demonstrating compliance with the criteria in subdivision (9) of this subsection and an attestation  
19 that the small wireless facility complies with the volumetric limitations in subdivision (19) of  
20 section 67.5111;

21 (3) An authority shall not require the placement of small wireless facilities on any  
22 specific utility pole or category of poles or require multiple antenna systems on a single utility  
23 pole;

24 (4) An authority shall not limit the placement of small wireless facilities by minimum  
25 horizontal separation distances;

26 (5) An authority may require a small wireless facility to comply with reasonable,  
27 objective, and cost-effective concealment or safety requirements adopted by the authority;

28 (6) The authority may require an applicant that is not a wireless services provider to  
29 provide evidence of agreements or plans demonstrating that the small wireless facilities will be  
30 operational for use by a wireless services provider within one year after the permit issuance date,  
31 unless the authority and the applicant agree to extend this period or if delay is caused by lack of  
32 commercial power or communications transport facilities to the site and the applicant notifies  
33 the authority thereof. An authority may require an applicant that is a wireless services provider  
34 to provide the information required by this subdivision by attestation;

35 (7) Within fifteen days of receiving an application, an authority shall determine and  
36 notify the applicant in writing whether the application is complete. If an application is  
37 incomplete, an authority shall specifically identify the missing information in writing. The  
38 processing deadline in subdivision (8) of this subsection is tolled from the time the authority  
39 sends the notice of incompleteness to the time the applicant provides the missing information.  
40 That processing deadline may also be tolled by agreement of the applicant and the authority;

41 (8) An application for collocation shall be processed on a nondiscriminatory basis and  
42 deemed approved if the authority fails to approve or deny the application within forty-five days  
43 of receipt of the application, except that the state ~~[highways and transportation commission]~~  
44 **department of transportation** shall have sixty days to approve or deny an application from the  
45 date the application was received. An application for installation of a new, modified, or  
46 replacement utility pole associated with a small wireless facility shall be processed on a  
47 nondiscriminatory basis and deemed approved if the authority fails to approve or deny the  
48 application within sixty days of receipt of the application;

49 (9) An authority may deny a proposed collocation of a small wireless facility or  
50 installation, modification, or replacement of a utility pole that meets the requirements in  
51 subsection 3 of section 67.5112 only if the action proposed in the application could reasonably  
52 be expected to:

- 53 (a) Materially interfere with the safe operation of traffic control equipment or  
54 authority-owned communications equipment;
- 55 (b) Materially interfere with sight lines or clear zones for transportation, pedestrians, or  
56 nonmotorized vehicles;
- 57 (c) Materially interfere with compliance with the Americans with Disabilities Act, 42  
58 U.S.C. Sections 12101 to 12213, or similar federal or state standards regarding pedestrian access  
59 or movement;
- 60 (d) Materially obstruct or hinder the usual travel or public safety on the right-of-way;
- 61 (e) Materially obstruct the legal use of the right-of-way by an authority, utility, or other  
62 third party;
- 63 (f) Fail to comply with reasonable and nondiscriminatory spacing requirements of  
64 general application adopted by ordinance or regulations promulgated by the state [~~highways and~~  
65 ~~transportation commission~~] **department of transportation** that concern the location of  
66 ground-mounted equipment and new utility poles. Such spacing requirements shall not prevent  
67 a wireless provider from serving any location and shall include a waiver, zoning, or other process  
68 that addresses wireless provider requests for exception or variance and does not prohibit granting  
69 of such exceptions or variances;
- 70 (g) Fail to comply with applicable codes, including nationally recognized engineering  
71 standards for utility poles or wireless support structures;
- 72 (h) Fail to comply with the reasonably objective and documented aesthetics of a  
73 decorative pole and the applicant does not agree to pay to match the applicable decorative  
74 elements; or
- 75 (i) Fail to comply with reasonable and nondiscriminatory undergrounding requirements  
76 contained in local ordinances as of January 1, 2018, or subsequently enacted for new  
77 developments, that require all utility facilities in the area to be placed underground and prohibit  
78 the installation of new or the modification of existing utility poles in a right-of-way without prior  
79 approval, provided that such requirements include a waiver or other process of addressing  
80 requests to install such utility poles and do not prohibit the replacement or modification of  
81 existing utility poles consistent with this section or the provision of wireless services;
- 82 (10) The authority shall document the complete basis for a denial in writing, and send  
83 the documentation to the applicant on or before the day the authority denies an application. The  
84 applicant may cure the deficiencies identified by the authority and resubmit the application  
85 within thirty days of the denial without paying an additional application fee. The authority shall  
86 approve or deny the revised application within thirty days. Any subsequent review shall be  
87 limited to the deficiencies cited in the denial;

88 (11) (a) An applicant seeking to collocate small wireless facilities within the jurisdiction  
89 of a single authority shall be allowed, at the applicant's discretion, to file a consolidated  
90 application and receive a single permit for the collocation of multiple small wireless facilities;  
91 provided, however, the denial of one or more small wireless facilities in a consolidated  
92 application shall not delay processing of any other small wireless facilities in the same batch; and

93 (b) An application may include up to twenty separate small wireless facilities, provided  
94 that they are for the same or materially same design of small wireless facility being collocated  
95 on the same or materially the same type of utility pole or wireless support structure, and  
96 geographically proximate. If an authority receives individual applications for approval of more  
97 than fifty small wireless facilities or consolidated applications for approval of more than  
98 seventy-five small wireless facilities within a fourteen-day period, whether from a single  
99 applicant or multiple applicants, the authority may, upon its own request, obtain an automatic  
100 thirty-day extension for any additional collocation or replacement or installation application  
101 submitted during that fourteen-day period or in the fourteen-day period immediately following  
102 the prior fourteen-day period. An authority shall promptly communicate its request to each and  
103 any affected applicant. In rendering a decision on an application for multiple small wireless  
104 facilities, the authority may approve the application as to certain individual small wireless  
105 facilities while denying it as to others based on applicable requirements and standards, including  
106 those identified in this section. The authority's denial of any individual small wireless facility  
107 or subset of small wireless facilities within an application shall not be a basis to deny the  
108 application as a whole;

109 (12) Installation or collocation for which a permit is granted under this section shall be  
110 completed within one year after the permit issuance date unless the authority and the applicant  
111 agree to extend this period, or the applicant notifies the authority that the delay is caused by a  
112 lack of commercial power or communications transport facilities to the site. Approval of an  
113 application authorizes the applicant to:

114 (a) Undertake the installation or collocation; and

115 (b) Operate and maintain the small wireless facilities and any associated utility pole  
116 covered by the permit for a period of not less than ten years, which shall be renewed for  
117 equivalent durations so long as they are in compliance with the criteria set forth in subdivision  
118 (9) of this subsection, unless the applicant and the authority agree to an extension term of less  
119 than ten years. The provisions of this paragraph shall be subject to the right of the authority to  
120 require, upon adequate notice and at the facility owner's own expense, relocation of facilities as  
121 may be needed in the interest of public safety and convenience, and the applicant's right to  
122 terminate at any time;



123 (13) An authority shall not institute, either expressly or de facto, a moratorium on filing,  
124 receiving, or processing applications or issuing permits or other approvals, if any, for the  
125 collocation of small wireless facilities or the installation, modification, or replacement of utility  
126 poles to support small wireless facilities. Notwithstanding the foregoing, an authority may  
127 impose a temporary moratorium on applications for small wireless facilities and the collocation  
128 thereof for the duration of a federal or state-declared natural disaster plus a reasonable recovery  
129 period, or for no more than thirty days in the event of a major and protracted staffing shortage  
130 that reduces the number of personnel necessary to receive, review, process, and approve or deny  
131 applications for the collocation of small wireless facilities by more than fifty percent;

132 (14) Nothing in this section precludes an authority from adopting reasonable rules with  
133 respect to the removal of abandoned small wireless facilities;

134 (15) In determining whether sufficient capacity exists to accommodate the attachment  
135 of a new small wireless facility, an authority shall grant access subject to a reservation to reclaim  
136 such space, when and if needed, to meet the pole owner's core utility purpose or documented  
137 authority plan projected at the time of the application pursuant to a bona fide development plan,  
138 or if the state ~~[highways and transportation commission]~~ **department of transportation** is the  
139 relevant authority and determines, in its sole discretion, that attachment of the small wireless  
140 facility will affect the safety of the public using the right-of-way; and

141 (16) In emergency circumstances that result from a natural disaster or accident, an  
142 authority may require the owner or operator of a wireless facility to immediately remove such  
143 facility if the wireless facility is obstructing traffic or causing a hazard on the authority's  
144 roadway. In the event that the owner or operator of the wireless facility is unable to immediately  
145 remove the wireless facility, the authority is authorized to remove the wireless facility from the  
146 roadway or other position that renders the wireless facility hazardous. Under these emergency  
147 circumstances, the authority shall not be liable for any damage caused by removing the wireless  
148 facility and may charge the owner or operator of the wireless facility the authority's reasonable  
149 expenses incurred in removing the wireless facility.

150 4. An authority shall not require an application for:

151 (1) Routine maintenance on previously permitted small wireless facilities;

152 (2) The replacement of small wireless facilities with small wireless facilities that are the  
153 same or smaller in size, weight, and height; or

154 (3) The installation, placement, maintenance, operation, or replacement of micro wireless  
155 facilities that are strung on cables between utility poles, in compliance with applicable codes.

156

157 For work described in subdivisions (1) and (2) of this subsection that involves different  
158 equipment than that being replaced, an authority may require a description of such new

159 equipment so that the authority may maintain an accurate inventory of the small wireless  
160 facilities at that location.

161         5. No approval for the installation, placement, maintenance, or operation of a small  
162 wireless facility under this section shall be construed to confer authorization for the provision  
163 of cable television service, or installation, placement, maintenance, or operation of a wireline  
164 backhaul facility or communications facility, other than a small wireless facility, in the  
165 right-of-way.

166         6. Except as provided in sections 67.5110 to 67.5121, no authority may adopt or enforce  
167 any ordinances or requirements that require the holder of a franchise or video service  
168 authorization as defined under section 67.2677 and that could be required to pay a video service  
169 provider fee to a franchise entity under section 67.2689, to obtain additional authorization or to  
170 pay additional fees for the provision of communications service over such holder's  
171 communications facilities in the right-of-way.

172         7. A municipal electric utility shall not require an application for the installation,  
173 placement, maintenance, operation, or replacement of micro wireless facilities that are strung on  
174 cables between utility poles, in compliance with applicable codes.

        67.5115. 1. The provisions of this section shall apply to activities of a wireless provider  
2 within the right-of-way.

3         2. A person owning, managing, or controlling authority poles in the right-of-way shall  
4 not enter into an exclusive arrangement with any person for the right to attach to such poles. A  
5 person who purchases or otherwise acquires an authority pole is subject to the requirements of  
6 this section.

7         3. An authority shall allow the collocation of small wireless facilities on authority poles  
8 using the process set forth in section 67.5113.

9         4. The authority may require, as part of an application, engineering and construction  
10 drawings, as well as plans and detailed cost estimates for any make-ready work as needed, for  
11 which the applicant shall be solely responsible.

12         5. Make-ready work shall be addressed as follows, unless the parties agree to different  
13 terms in a pole attachment agreement:

14             (1) The rates, fees, and terms and conditions for the make-ready work to collocate on an  
15 authority pole shall be nondiscriminatory, competitively neutral, and commercially reasonable,  
16 and shall comply with sections 67.5110 to 67.5121;

17             (2) The authority shall provide a good faith estimate for any make-ready work necessary  
18 to enable the pole to support the requested collocation by a wireless provider, including pole  
19 replacement if necessary, within sixty days after receipt of a complete application. Make-ready  
20 work, including any pole replacement, shall be completed within sixty days of written acceptance

21 of the good faith estimate and advance payment, if required, by the applicant. An authority may  
22 require replacement of the authority pole on a nondiscriminatory basis for reasons of safety and  
23 reliability, including a demonstration that the collocation would make the authority pole  
24 structurally unsound, including, but not limited to, if the collocation would cause a utility pole  
25 owned by the state [~~highways and transportation commission~~] **department of transportation**  
26 to fail a crash test; and

27 (3) The person owning, managing, or controlling the authority pole shall not require  
28 more make-ready work than required to meet applicable codes or industry standards. Fees for  
29 make-ready work shall not include costs related to preexisting or prior damage or noncompliance  
30 unless the authority had determined, prior to the filing of the application, to permanently abandon  
31 and not repair or replace the structure. Fees for make-ready work, including any pole  
32 replacement, shall not exceed actual costs or the amount charged to other communications  
33 service providers for similar work, and shall not include third-party fees, charges, or expenses,  
34 except for amounts charged by licensed contractors actually performing the make-ready work.

35 6. When a small wireless facility is located in the right-of-way of the state highway  
36 system, equipment and facilities directly associated with a particular small wireless facility,  
37 including coaxial and fiber-optic cable, conduit, and ground mounted equipment, shall remain  
38 in the utility corridor except as needed to reach an authority or utility pole in the right-of-way but  
39 outside the utility corridor in which the small wireless facility is collocated.

67.5121. 1. An authority may adopt indemnification, insurance, and bonding  
2 requirements related to small wireless facility permits, subject to the requirements of this section.

3 2. An authority may only require a wireless provider to indemnify and hold the authority  
4 and its officers and employees harmless against any damage or personal injury caused by the  
5 negligence of the wireless provider or its employees, agents, or contractors.

6 3. An authority may require a wireless provider to have in effect insurance coverage  
7 consistent with subsection 2 of this section, or a demonstration of a comparable self-insurance  
8 program, so long as the authority imposes similar requirements on other similarly situated utility  
9 right-of-way users, and such requirements are reasonable and nondiscriminatory. An authority  
10 shall not require a self-insured wireless provider to obtain insurance naming the authority or its  
11 officers and employees as additional insured. An authority may require a wireless provider to  
12 furnish proof of insurance, if required, prior to the effective date of any permit issued for a small  
13 wireless facility.

14 4. An authority may adopt bonding requirements for small wireless facilities if the  
15 authority imposes similar requirements in connection with permits issued for other similarly  
16 situated utility right-of-way users. The purpose of such bonds shall be to:

17 (1) Provide for the removal of abandoned or improperly maintained small wireless  
18 facilities, including those that an authority determines need to be removed to protect public  
19 health, safety, or welfare;

20 (2) Restore the right-of-way in connection with removals under section 67.5113;

21 (3) Recoup rates or fees that have not been paid by a wireless provider in over twelve  
22 months, so long as the wireless provider has received reasonable notice from the authority of any  
23 noncompliance listed above and been given an opportunity to cure;

24 (4) Bonding requirements shall not exceed one thousand five hundred dollars per small  
25 wireless facility. For wireless providers with multiple small wireless facilities within the  
26 jurisdiction of a single authority, the total bond amount across all facilities shall not exceed  
27 seventy-five thousand dollars, which amount may be combined into one bond instrument.

28 5. Applicants that have at least twenty-five million dollars in assets in the state and do  
29 not have a history of permitting noncompliance as defined by an authority within its jurisdiction  
30 shall, under section 67.1830, be exempt from the insurance and bonding requirements otherwise  
31 authorized by this section.

32 6. Any contractor, subcontractor, or wireless infrastructure provider shall be under  
33 contract with a wireless services provider to perform work in the right-of-way related to small  
34 wireless facilities or utility poles, and such entities shall be properly licensed under the laws of  
35 the state and all applicable local ordinances, if required. Each contracted entity shall have the  
36 same obligations with respect to his or her work as a wireless services provider would have  
37 under sections 67.5110 to 67.5121 and other applicable laws if the work were performed by a  
38 wireless services provider. The wireless services provider shall be responsible for ensuring that  
39 the work of such contracted entities is performed consistently with the wireless services  
40 provider's permits and applicable laws relating to the deployment of small wireless facilities and  
41 utility poles, and responsible for promptly correcting acts or omissions by such contracted entity.

42 7. The state [~~highways and transportation commission~~] **department of transportation**  
43 may establish the same indemnification, insurance, and bond requirements related to small  
44 wireless facility permits as it imposes on other users of the state [~~highways and transportation~~  
45 ~~commission~~] **department of transportation** right-of-way.

68.015. 1. The legislative body, or county commission, of each county or city creating  
2 a port authority or any port authority created within said city pursuant to section 68.010 hereof  
3 shall designate what areas within such county or city shall comprise one or more port districts,  
4 subject to the limitation that any area designated as within a port district shall be or could be  
5 reasonably connected to the business of a port. The boundaries of any port district shall be filed  
6 with the clerk of the county commission, city clerk, or clerk of the legislative or governing body  
7 of the county as applicable and shall become effective upon approval of the [~~transportation~~

8 ~~commission]~~ **department of transportation.** The legislative body or county commission may  
9 from time to time enlarge or reduce the area comprising any port district. Any change of  
10 boundaries shall be submitted for approval to the ~~[highways and transportation commission]~~  
11 **department of transportation** and upon approval shall be filed with the appropriate clerk and  
12 thereupon become effective.

13 2. The legislative body or county commission of any county or city authorized to create  
14 a local port authority may appropriate, allocate and expend such funds of the county or city for  
15 the planning and development of a port district as are reasonable and necessary to carry out the  
16 provisions of this chapter.

68.035. 1. The state may make grants to a state port fund, as appropriated by the general  
2 assembly, to be allocated by the department of transportation to local port authorities or regional  
3 port coordinating agencies. These grants, administered on a nonmatching basis, could be used  
4 for managerial, engineering, legal, research, promotion, planning and any other expenses.

5 2. In addition the state may make capital improvement matching grants contributing  
6 eighty percent of the funds and local port authorities contributing twenty percent of the funds for  
7 specific undertakings of port development such as land acquisitions, construction, terminal  
8 facility development, port improvement projects, and other related port facilities.  
9 Notwithstanding the foregoing, any matching grants awarded by the Missouri ~~[highways and  
10 transportation commission]~~ **department of transportation** under the Port Capital Improvement  
11 Program shall be transportation related.

12 3. The grants provided herein may be used as the local share in applying for other grant  
13 programs.

68.060. 1. Any combination of cities and counties individually eligible to form local  
2 port authorities, and cities and counties with existing local port authorities, are authorized to  
3 directly apply to the ~~[highways and transportation commission]~~ **department of transportation**  
4 of the state for approval of a regional port authority as a political subdivision of the state.

5 2. The legislative bodies or county commissions of cities or counties desiring to form  
6 a regional port authority are hereby authorized to enter into contractual agreements with each  
7 other for the purpose of creating within each jurisdiction regional port districts administered by  
8 the regional port authority. All terms and provisions of said contractual agreements shall be  
9 consistent with the provisions of this chapter. The contractual agreement shall be filed in the  
10 office of county clerk, city clerk or clerk of the county council of each party to the agreement.

11 3. The boundaries of any regional port district, and the number, method of appointment,  
12 terms, qualifications, salaries, powers and duties of a regional board of commissioners shall be  
13 fixed by the contractual agreement; provided, however, that any contractual agreement shall not

14 become effective until it has been submitted to and approved by all of the legislative bodies or  
15 county commissions entering into said contractual agreement.

16 4. The port districts to be included within the regional port authority need not be  
17 contiguous, adjacent, or abutting.

18 5. Any local port authority is authorized to contract with an existing regional port  
19 authority for inclusion in the regional port authority. The contractual agreement shall be  
20 formulated by the terms and procedures expressed in subsections 2 and 3 of this section.  
21 Approval of the ~~[highways and transportation commission]~~ **department of transportation** shall  
22 be required to make the annexation effective.

23 6. Any local port authority established by a city or county, that subsequently enters into  
24 a contractual agreement and is approved as part of a regional port authority, is dissolved as of  
25 the date that the annexation is approved by the ~~[highways and transportation commission]~~  
26 **department of transportation** of the state. On said date, all funds and other assets of the local  
27 port authority shall be transferred to the regional port authority. The regional port authority shall  
28 faithfully perform all existing contracts and assume all legal obligations of the local port  
29 authority.

68.065. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** is hereby granted, has and may exercise all powers necessary or convenient to  
3 effectuate its purposes, including the following:

4 (1) To develop a statewide plan for waterborne commerce and to review the plans of  
5 local or regional port authorities for major public capital improvements to encourage  
6 coordination with a state plan;

7 (2) To establish procedures and standards for applications by one or more local political  
8 subdivisions for the creation of local or regional port authorities;

9 (3) To review locally or regionally determined port authority boundaries, and to mediate  
10 any disagreements on such matters that cannot be resolved locally;

11 (4) To petition any interstate commerce commission (or like body), public service  
12 commission, public utilities commission (or like body), or any other federal, state, local or  
13 municipal authority, administrative, judicial or legislative, having jurisdiction, for the adoption  
14 and execution of any physical improvements, which, in the opinion of the state ~~[highways and~~  
15 ~~transportation commission]~~ **department of transportation**, may be designed to improve the  
16 handling of commerce or terminal and transportation facilities on or adjacent to the navigable  
17 rivers of the state;

18 (5) To represent the state in any programs to achieve financial assistance for waterborne  
19 commerce;

20 (6) To provide for official membership by the state ~~[highways and transportation~~  
21 ~~commission]~~ **department of transportation** and designated employees in any industrial,  
22 commercial or trade association, or any other organization concerned with waterborne commerce  
23 and the purposes of sections 68.010 to 68.065;

24 (7) To enter into agreements consistent with its lawful activities and purposes with the  
25 United States or any agency thereof; the state of Missouri or any agency thereof; other states or  
26 agencies thereof under applicable provisions of law; any local port district, municipality, county  
27 or other political subdivision of this or any other state; any agency created by interstate compact;  
28 any person, firm, partnership, corporation, trust or foundation, either public or private; or with  
29 any foreign government, partnership, firm or corporation under any conditions prescribed by  
30 state or federal law;

31 (8) To contract and to sue and be sued thereon;

32 (9) To receive for its lawful activities any contributions, moneys, gifts, grants, or loans  
33 from the United States; the state of Missouri; any other state; any local port district, municipality,  
34 county, or other political subdivision or agency of this or any other state; any agency created by  
35 interstate compact; or any public or private person, firm, corporation, trust or foundation for  
36 purposes consistent with the provisions of this chapter;

37 (10) To employ staff as the state ~~[highways and transportation commission]~~ **department**  
38 **of transportation** shall recommend and the governor and the general assembly shall approve  
39 through the annual appropriation of the state department of transportation;

40 (11) To provide technical advice and assistance to local and regional port authorities in  
41 their activities, including planning, issuing bonds, financing port facilities, availability of state  
42 and federal grants, interagency coordination, and related matters of importance in port  
43 development.

68.070. Provided a local or regional port authority has no outstanding obligations, the  
2 legislative body or county commission of a city or county, in which a local port authority is  
3 situated, votes, by majority, to dissolve said port authority, the local port authority shall be  
4 dissolved effective the date of approval of the dissolution by the ~~[highways and transportation~~  
5 ~~commission]~~ **department of transportation** of the state. If, at any time, all of the legislative  
6 bodies or county commissions of members of a regional port authority vote, by majority, to  
7 dissolve the regional port authority, it shall be dissolved effective the date of the approval of  
8 dissolution by the ~~[highways and transportation commission]~~ **department of transportation** of  
9 the state. In the event of dissolution of a local or regional port authority, all funds and other  
10 assets shall be distributed among the cities and counties, who were members, on a pro rata basis.

68.205. As used in sections 68.200 to 68.260, unless the context clearly requires  
2 otherwise, the following terms shall mean:

- 3 (1) "Act", the port improvement district act, sections 68.200 to 68.260;
- 4 (2) "Approval", for purposes of elections pursuant to this act, a simple majority of those  
5 qualified voters casting votes in any election;
- 6 (3) "Board", the board of port authority commissioners for the particular port authority  
7 that desires to establish or has established a district;
- 8 (4) "Consent", the written acknowledgment and approval of the creation of the district  
9 by:
- 10 (a) Owners of real property collectively owning more than sixty percent by assessed  
11 value of real property within the boundaries of the proposed port improvement district; and
- 12 (b) More than sixty percent per capita of the owners of all real property within the  
13 boundaries of the proposed port improvement district;
- 14 (5) "Director of revenue", the director of the department of revenue of the state of  
15 Missouri;
- 16 (6) "Disposal of solid waste or sewage", the entire process of storage, collection,  
17 transportation, processing, and disposal of solid wastes or sewage;
- 18 (7) "District" or "port improvement district", an area designated by the port authority  
19 which is located within its port district boundaries at the time of establishment;
- 20 (8) "Election authority", the election authority having jurisdiction over the area in which  
21 the boundaries of the district are located under chapter 115;
- 22 (9) "Energy conservation", the reduction of energy consumption;
- 23 (10) "Energy efficiency", the increased productivity or effectiveness of the use of energy  
24 resources, the reduction of energy consumption, or the use of renewable energy sources;
- 25 (11) "Obligations", revenue bonds and notes issued for the repayment of any money  
26 obtained by a port authority from any public or private source along with any associated  
27 financing costs, including, but not limited to, the costs of issuance, capitalized interest, and debt  
28 service;
- 29 (12) "Owner", the individual or individuals or entity or entities who own a fee interest  
30 in real property that is located within the boundaries of a district based upon the recorded real  
31 estate records of the county recorder, or the city recorder of deeds if the district is located in a  
32 city not within a county, as of the thirtieth day prior to any action;
- 33 (13) "Petition", a petition to establish a port improvement district within the port district  
34 boundaries or a petition to make a substantial change to an existing district;
- 35 (14) "Pollution", the existence of any noxious substance in the air or waters or on the  
36 lands of the state in sufficient quantity and of such amounts, characteristics, and duration as to  
37 injure or harm the public health or welfare or animal life or property;
- 38 (15) "Port authority", a political subdivision established pursuant to this chapter;



39 (16) "Port district boundaries", the boundaries of any port authority on file with the clerk  
40 of the county commission, city clerk, or clerk of the legislative or governing body of the county  
41 as applicable, which became effective upon approval by the Missouri [~~highways and~~  
42 ~~transportation commission~~] **department of transportation;**

43 (17) "Project" or "port improvement project", with respect to any property within a port  
44 improvement district, or benefiting property within a port improvement district:

45 (a) Providing for, or contracting for the provision of, environmental cleanup, including  
46 the disposal of solid waste, services to brownfields, or other polluted real property;

47 (b) Providing for, or contracting for the provision of, energy conservation or increased  
48 energy efficiency within any building, structure, or facility;

49 (c) Providing for, or contracting for the provision of, wetland creation, preservation, or  
50 relocation;

51 (d) The construction of any building, structure, infrastructure, fixture, or facility  
52 determined by the port authority as essential in developing energy resources, preventing,  
53 reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;

54 (e) Modifications to, or the relocation of, any existing building, structure, infrastructure,  
55 fixture, or facility that has been acquired or constructed, or which is to be acquired or constructed  
56 for the purpose of developing energy resources, preventing, reducing, or eliminating pollution,  
57 or providing water facilities or the disposal of solid waste;

58 (f) The acquisition, clearing, and grading of real property and the acquisition of other  
59 property and improvements, or rights and interest therein, which are determined by the port  
60 authority to be significant in, or in the furtherance of, the history, architecture, archeology, or  
61 culture of the United States, the state of Missouri, or its political subdivisions;

62 (g) The operation, maintenance, repair, rehabilitation, or reconstruction of any existing  
63 public or private building, structure, infrastructure, fixture, or facility determined by the port  
64 authority to be significant in, or in the furtherance of, the history, architecture, archeology, or  
65 culture of the United States, the state of Missouri, or its political subdivisions;

66 (h) The construction of any new building, structure, infrastructure, fixture, or facility that  
67 is determined by the port authority to be significant in, or in the furtherance of, the history,  
68 architecture, archeology, or culture of the United States, the state of Missouri, or its political  
69 subdivisions;

70 (i) Providing for any project determined to be significant in or in furtherance of the  
71 purpose of a port authority as provided in section 68.020;

72 (18) "Qualified project costs", include any and all reasonable costs incurred or estimated  
73 to be incurred by a port authority, or a person or entity authorized by a port authority, in  
74 furtherance of a port improvement project, which costs may include, but are not limited to:

- 75 (a) Costs of studies, plans, surveys, and specifications;
- 76 (b) Professional service costs, including, but not limited to, architectural, engineering,  
77 legal, research, marketing, financial, planning, consulting, and special services, including  
78 professional service costs necessary or incident to determining the feasibility or practicability of  
79 any project and carrying out the same;
- 80 (c) Administrative fees and costs of a port authority in carrying out any of the purposes  
81 of this act;
- 82 (d) Property assembly costs, including, but not limited to, acquisition of land and other  
83 property and improvements, real or personal, or rights or interests therein, demolition of  
84 buildings and structures, and the clearing or grading of land, machinery, and equipment relating  
85 to any project, including the cost of demolishing or removing any existing structures;
- 86 (e) Costs of operating, rehabilitating, reconstructing, maintaining, and repairing existing  
87 buildings, structures, infrastructure, facilities, or fixtures;
- 88 (f) Costs of constructing new buildings, structures, infrastructure, facilities, or fixtures;
- 89 (g) Costs of constructing, operating, rehabilitating, reconstructing, maintaining, repairing  
90 or removing public works or improvements;
- 91 (h) Financing costs, including, but not limited to, all necessary and incidental expenses  
92 related to the port authority's issuance of obligations, which may include capitalized interest on  
93 any such obligations and reasonable reserves related to any such obligations;
- 94 (i) All or a portion of the port authority's capital costs resulting from a port improvement  
95 project necessarily incurred or to be incurred in furtherance of a port improvement project, to the  
96 extent the port authority accepts and approves such costs; and
- 97 (j) Relocation costs, to the extent that a port authority determines that relocation costs  
98 shall be paid, or are required to be paid, by federal or state law;
- 99 (19) "Qualified voters", for the purposes of an election for the approval of a real property  
100 tax or a sales and use tax:
- 101 (a) Registered voters residing within the district; or
- 102 (b) If no registered voters reside within the district, the owners of one or more parcels  
103 of real property within the district which would be subject to such real property taxes or sales and  
104 use taxes, as applicable, based upon the recorded real estate records of the county recorder, or  
105 the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth  
106 day prior to the date of the applicable election;
- 107 (20) "Registered voters", persons who reside within the district and who are qualified  
108 and registered to vote pursuant to chapter 115 as determined by the election authority as of the  
109 thirtieth day prior to the date of the applicable election;

110 (21) "Respondent", unless the port authority is the owner of all real property within the  
111 proposed district, the municipality or municipalities within which the proposed district is located,  
112 the county or counties within which the proposed district is located, the Missouri ~~[highways and~~  
113 ~~transportation commission]~~ **department of transportation** when the proposed district shall be  
114 within the highways of the state of Missouri, and any other political subdivision within the  
115 boundaries of the proposed port improvement district, except the petitioning port authority;

116 (22) "Revenues", all rents, revenues from any levied real property tax and sales and use  
117 tax, charges and other income received by a port authority in connection with any project,  
118 including any gift, grant, loan, or appropriation received by the port authority with respect  
119 thereto;

120 (23) "Substantial changes", with respect to an established port improvement district, the  
121 addition or removal of real property to or from the port improvement district and any changes  
122 to the approved district funding mechanism; and

123 (24) "Taxpayer", a person or owner of real property within the proposed district who  
124 would pay any real estate or use tax as a result of the district establishment;

125 (25) "Water facilities", any facilities for the furnishing and treatment of water for  
126 industrial, commercial, agricultural, or community purposes including, but not limited to, wells,  
127 reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds,  
128 storm sewers, storm water detention and retention facilities, and related equipment and  
129 machinery.

68.210. 1. A port authority may establish one or more port improvement districts within  
2 its port district boundaries for the purpose of funding qualified project costs associated with an  
3 approved port improvement project. In order to form a district or to make substantial changes  
4 to an existing district, the board shall:

5 (1) Draft a petition in accordance with subsection 2 of this section;

6 (2) Hold a public hearing in accordance with section 68.215;

7 (3) Subsequent to the public hearing, approve by resolution the draft petition containing  
8 any approved changes and amendments deemed necessary or desirable by a majority of the board  
9 members;

10 (4) File the approved draft petition in the circuit court of the county where a majority of  
11 the proposed port improvement district is located, requesting the creation of a port improvement  
12 district in accordance with sections 68.200 to 68.260; and

13 (5) Within thirty days of the circuit court's certification of the petition, and establishment  
14 of the district, file a copy of the board's resolution approving the petition, the certified petition,  
15 and the circuit court judgment certifying the petition and establishing the district with the

16 Missouri [~~highways and transportation commission~~] **department of transportation** when the  
17 proposed district shall be within the highways of the state of Missouri.

18 2. A petition is proper for consideration and approval by the board and the circuit court  
19 if, at the time of such approval, it has the consent of property owners and contains the following  
20 information:

21 (1) The legal description of the proposed district, including a map illustrating the legal  
22 boundaries. The proposed district shall be contiguous and may contain all or any portion of one  
23 or more municipalities and counties. Property separated only by public streets, easements or  
24 rights-of-way, or connected by a single public street, easement, or right-of-way shall be  
25 considered contiguous;

26 (2) A district name designation which shall be set out in the following format:

27 (a) The name of the Missouri county or municipality in which the port district boundaries  
28 are filed;

29 (b) The words "port improvement district"; and

30 (c) The district designation number, beginning at 1 for the first district formed by that  
31 specific port authority, and progressing consecutively upward, irrespective of the year  
32 established;

33 (3) A description of the proposed project or projects for which the district is being  
34 formed, and the estimated qualified project costs of such projects;

35 (4) The maximum rate or rates and duration of any proposed real property tax or sales  
36 and use tax, or both, as applicable, needed to fund the project;

37 (5) The estimated revenues projected to be generated by any such tax or taxes;

38 (6) The name and address of each respondent;

39 (7) A statement that the proposed district shall not be an undue burden on any owner of  
40 property within the district and is not unjust or unreasonable;

41 (8) A request that the circuit court certify the projects pursuant to the act, approve the  
42 proposed real property tax or sales and use tax, or both, as applicable, and establish the district.

43

44 No consent shall be required if the port authority is the owner of all the real property within the  
45 proposed district.

68.230. 1. Upon the port authority's own initiative, and after proper notice being  
2 provided and a public hearing being conducted in accordance with subsection 2 of this section,  
3 any district may be terminated by a resolution of the board, provided that there are no  
4 outstanding obligations secured in any way by district revenues produced from such district. A  
5 copy of such resolution shall be filed with the Missouri [~~highways and transportation~~  
6 ~~commission~~] **department of transportation** within thirty days of its passage.

7           2. The public hearing required by this section shall be held and notice of such public  
8 hearing shall be given in the manner set forth in section 68.215. The notice shall contain the  
9 following information:

10           (1) The date, time, and place of the public hearing;

11           (2) A statement that the port authority proposes a resolution terminating the district; and

12           (3) A statement that all interested parties will be given an opportunity to be heard.

13           3. Notwithstanding the requirements of this section, if the port authority that has formed  
14 the district is dissolved in accordance with this chapter, the district shall automatically be  
15 terminated, and any taxes levied shall simultaneously be repealed, except that this subsection  
16 shall not apply in such instance when a local port authority is dissolved pursuant to subsection  
17 6 of section 68.060 in order to consolidate into a regional port authority.

103.079. 1. The health care programs sponsored by the departments of transportation  
2 and conservation shall become a part of this plan only upon request to and acceptance by the  
3 board of trustees by the [~~highways and transportation commission~~] **department of**  
4 **transportation** or the conservation commission and any such transfer into this plan shall be  
5 deemed reviewable by such department every three years. Such department may withdraw from  
6 the plan upon approval by such department's commission **or director** and by providing the board  
7 a minimum of six months' notice prior to the end of the then current plan year and termination  
8 of coverage will become effective at the end of the then current plan year. For any of the  
9 foregoing state agencies choosing to participate, the plan shall not assume responsibility for any  
10 liabilities incurred by the agency or its eligible employees, retirees, or dependents prior to its  
11 effective date.

12           2. Any participating higher education entity may, by its own election, become part of this  
13 plan. The board of trustees shall accept the participating higher education entity. The board of  
14 trustees may request the participating higher education entity pay a first year adjustment if the  
15 population being brought into the plan is actuarially substantial and materially different than the  
16 current population in the state plan. Once a participating higher education entity comes into the  
17 plan, it may not leave the plan for a period of five years. Such participating higher education  
18 entity may withdraw from the plan upon approval by such participating higher education entity  
19 governing board and by providing the board a minimum of six months' notice prior to the end  
20 of the then current plan year and termination of coverage will become effective at the end of the  
21 then current plan year. For any of the foregoing participating higher education entities choosing  
22 to participate, the plan shall not assume responsibility for any liabilities incurred by the  
23 participating higher education entity or its eligible employees, retirees, or dependents prior to its  
24 effective date.

104.030. 1. As an incident to his **or her** contract of employment or continued  
2 employment, each employee of the [~~highways and transportation commission~~] **department of**  
3 **transportation** of Missouri, each uniformed member of the highway patrol, and each civilian  
4 or nonuniformed employee of the Missouri state highway patrol shall become a member of the  
5 system as established in section 104.020 on November 1, 1955, and every person thereafter  
6 becoming an employee in either of the three classifications shall become a member at the time  
7 of employment. Each employee's membership shall continue as long as he shall continue to be  
8 an employee; be on leave for military service or training as hereinafter provided; or receive or  
9 be eligible to receive an annuity or benefit hereunder.

10 2. The military service or training must be that to which he shall have become obligated,  
11 either irrespective of his consent under the mandatory provisions of law or as a volunteer while  
12 the United States is engaged in actual active armed warfare, if within ninety days after becoming  
13 eligible for release from said service obligation he shall have reentered the employment of the  
14 transportation department or the state highway patrol. No payment of contributions shall be  
15 required of such member upon his return from military service, but he shall be given credit for  
16 the actual time of military service rendered at the salary received at the time of entry into military  
17 service.

104.110. 1. Any employee, regardless of the length of time of creditable service, who  
2 is affirmatively found by the board to be wholly incapable of performing the duties of the  
3 employee's or any other position in the employee's department for which the employee is suited,  
4 shall be entitled to receive disability benefits. The disability benefit provided by this subsection  
5 shall equal one and six-tenths percent of the employee's average compensation multiplied by the  
6 number of years of creditable service of the member. Effective September 1, 2003, no employee  
7 is eligible for or shall request or apply for the disability benefit provided pursuant to this  
8 subsection.

9 2. Any uniformed member of the highway patrol, highway patrol employee or  
10 department of transportation employee, regardless of the length of time of creditable service, who  
11 is found by the board to be disabled as a result of injuries incurred in the performance of the  
12 employee's duties, shall be entitled to receive an initial disability benefit in an amount equal to  
13 seventy percent of the compensation that the employee was receiving on the date preceding the  
14 date of disability; provided, however, that the amount of the disability benefit, plus any primary  
15 Social Security disability benefits received by such member shall not exceed ninety percent of  
16 the monthly compensation such member was receiving on the date preceding the date of  
17 disability.

18 3. Any disability benefits payable pursuant to this section shall be decreased by any  
19 amount paid to such member for periodic disability benefits by reason of the workers'

20 compensation laws of this state. After termination of payment under workers' compensation,  
21 however, disability benefits shall be paid in the amount required by subsections 1, 2, 7, and 9 of  
22 this section.

23 4. The board of trustees may require a medical examination of a disabled member at any  
24 time by a designated physician, and benefits shall be discontinued if the board finds that such  
25 member is able to perform the duties of the member's former position or if such member refuses  
26 to submit to a medical examination. Any employee who applies for disability benefits provided  
27 pursuant to this section shall provide medical certification acceptable to the board which shall  
28 include the date the disability commenced and the expected duration of the disability.

29 5. Any employee who applies for disability benefits pursuant to subsections 2 and 7 of  
30 this section shall provide proof of application for Social Security disability benefits. If Social  
31 Security disability benefits are denied, the employee shall also provide proof that the employee  
32 has requested reconsideration, and upon denial of the reconsideration, that an appeal process is  
33 prosecuted.

34 6. The disability benefits provided in this section shall not be paid to any member who  
35 retains or regains earning capacity as determined by the board. If a member who has been  
36 receiving disability benefits again becomes an employee, the member's disability benefits shall  
37 be discontinued.

38 7. The board shall also provide or contract for long-term disability benefits for those  
39 members whose disability exists or is diagnosed as being of such nature as to exist for more than  
40 one year. The benefits provided or contracted for pursuant to this subsection shall be in lieu of  
41 any other benefit provided in this section. The eligibility requirements, benefit period and  
42 amount of the disability benefits provided pursuant to this subsection shall be established by the  
43 board.

44 8. Definitions of disability and other rules and procedures necessary for administration  
45 of the disability benefits provided pursuant to this section shall be established by the board.

46 9. Any member receiving disability benefits pursuant to subsections 1 and 2 of this  
47 section shall receive the same cost-of-living increases as granted to retired members pursuant to  
48 section 104.103.

49 10. The state [~~highways and transportation commission~~] **department of transportation**  
50 shall contribute the same amount as provided for all state employees for any person receiving  
51 disability benefits pursuant to subsection 2 of this section for medical insurance provided  
52 pursuant to section 104.270.

53 11. Any member who qualified for disability benefits pursuant to subsection 2 or  
54 subsection 7 of this section shall continue to accrue normal annuity benefits based on the  
55 member's rate of pay immediately prior to the date the member became disabled in accordance

56 with sections 104.090 and 104.615 as in effect on the earlier of the date the member reaches  
57 normal retirement age or the date normal annuity payments commence.

58         12. A member who continues to be disabled as provided in subsection 2 or subsection  
59 7 of this section shall continue to accrue creditable service until the member reaches normal  
60 retirement age. The maximum benefits period for benefits pursuant to subsections 2 and 7 of this  
61 section shall be established by the board. A member who is eligible to retire and does retire  
62 while receiving disability benefits pursuant to subsections 2 and 7 of this section shall receive  
63 the greater of the normal annuity or the minimum annuity determined pursuant to sections  
64 104.090 and 104.615, as if the member had continued in the active employ of the employer until  
65 the member's normal retirement age and the member's compensation for such period had been  
66 the member's rate of pay immediately preceding the date the member became disabled.

67         13. Any member who was receiving disability benefits from the board prior to August  
68 28, 1997, or any member who has submitted an application for disability benefits before August  
69 28, 1997, and would have been eligible to receive benefits pursuant to the eligibility  
70 requirements which were applicable at the time of application shall be eligible to receive or shall  
71 continue to receive benefits in accordance with such prior eligibility requirements until the  
72 member again becomes an employee.

73         14. Any member receiving disability benefits pursuant to subsection 1, subsection 2 or  
74 subsection 7 of this section shall be eligible to receive death benefits pursuant to the provisions  
75 of subsection 1 of section 104.140. The death benefits provided pursuant to this subsection shall  
76 be in lieu of the death benefits available to the member pursuant to subsection 2 of section  
77 104.140.

78         15. The board is authorized to contract for benefits in lieu of the benefits provided  
79 pursuant to this section.

80         16. To the extent that the board enters or has entered into any contract with any insurer  
81 or service organization to provide the disability benefits provided for pursuant to this section:

82             (1) The obligation to provide such disability benefits shall be primarily that of the insurer  
83 or service organization and secondarily that of the board;

84             (2) Any employee who has been denied disability benefits by the insurer or service  
85 organization and has exhausted all appeal procedures provided by the insurer or service  
86 organization may appeal such decision by filing a petition against the insurer or service  
87 organization in a court of law in the employee's county of residence; and

88             (3) The board and the system shall not be liable for the disability benefits provided by  
89 an insurer or service organization pursuant to this section and shall not be subject to any cause  
90 of action with regard to disability benefits or the denial of disability benefits by the insurer or  
91 service organization unless the employee has obtained judgment against the insurer or service



92 organization for disability benefits and the insurer or service organization is unable to satisfy that  
93 judgment.

94 17. An employee may elect to waive the receipt of any disability benefit provided for  
95 pursuant to this section at any time.

96 18. Any member receiving disability benefits pursuant to subsections 1 and 2 of this  
97 section shall be eligible for a death benefit of five thousand dollars in addition to any benefits  
98 under subsection 14 of this section.

104.160. The board of trustees shall consist of ~~[three members of the state highways and  
2 transportation commission elected by the members of the commission.]~~ the superintendent of the  
3 highway patrol and the director of the department of transportation ~~[shall serve as members]~~ by  
4 virtue of their respective offices, and their successors shall succeed them as members of the  
5 board of trustees. In addition, one member of the senate appointed by the president pro tem of  
6 the senate and one member of the house of representatives, appointed by the speaker of the house  
7 shall serve as members of the board of trustees. In addition to the appointed legislators, two  
8 active employee members of the system shall be elected by a plurality vote of the active  
9 employee members of the system, herein designated for four-year terms to commence July 1,  
10 1982, and every four years thereafter. One elected member shall be elected from the active  
11 employees of the department of transportation and one elected member shall be elected from the  
12 active employees of the civilian or uniformed highway patrol. In addition to the two active  
13 employee members, two retirees of the system shall be elected to serve on the board by a  
14 plurality vote of the retirees of the system. One retiree shall be elected by the retired employees  
15 of the transportation department and one retiree shall be elected by the retired employees of the  
16 civilian or uniformed highway patrol. The retiree serving on the board on August 28, 2007, shall  
17 continue to serve on the board as the representative of the retired employees of the transportation  
18 department until June 30, 2010. An election shall be held prior to January 1, 2008, for the retiree  
19 to be elected by the retired employees of the civilian or uniformed highway patrol with said term  
20 to commence on January 1, 2008, and expire on June 30, 2010. All terms of elected retired  
21 employees shall be for four years after June 30, 2010. The board shall determine the procedures  
22 for nomination and election of the elective board members. Nominations may be entered by any  
23 member of the system, provided members of the system have a reasonable opportunity to vote.

104.170. 1. The board shall elect by secret ballot one member as chair and one member  
2 as vice chair at the first board meeting of each year. The chair may not serve more than two  
3 consecutive terms beginning after August 13, 1988. The chair shall preside over meetings of the  
4 board and perform such other duties as may be required by action of the board. The vice chair  
5 shall perform the duties of the chair in the absence of the latter or upon the chair's inability or  
6 refusal to act.

7           2. The board shall appoint a full-time executive director, who shall not be compensated  
8 for any other duties under the state ~~[highways and transportation commission]~~ **department of**  
9 **transportation**. The executive director shall have charge of the offices and records and shall  
10 hire such employees that the executive director deems necessary subject to the direction of the  
11 board. The executive director and all other employees of the system shall be members of the  
12 system and the board shall make contributions to provide the insurance benefits available  
13 pursuant to section 104.270 on the same basis as provided for other state employees pursuant to  
14 the provisions of section 104.515, and also shall make contributions to provide the retirement  
15 benefits on the same basis as provided for other employees pursuant to the provisions of sections  
16 104.090 to 104.260. The executive director is authorized to execute all documents including  
17 contracts necessary to carry out any and all actions of the board.

18           3. Any summons or other writ issued by the courts of the state shall be served upon the  
19 executive director or, in the executive director's absence, on the assistant director.

104.175. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** is authorized, when requested by the highways and transportation employees' and  
3 highway patrol retirement system, to provide liability insurance covering the operation of all  
4 vehicles owned or leased or used by the system. The ~~[commission]~~ **department** is also  
5 authorized, when requested by the system, to provide workers' compensation coverage for the  
6 executive director and employees of the system. In the event the ~~[commission]~~ **department**  
7 provides such insurance coverage, the system shall reimburse the ~~[commission]~~ **department** for  
8 all costs of such coverage.

104.180. 1. The board of trustees shall meet within the state of Missouri upon the  
2 written call of the chairman or by agreement of any four members of the board. Notice of the  
3 meeting shall be delivered to all other trustees in person, or by depositing notice in a United  
4 States post office, in a properly stamped and addressed envelope, not less than six days prior to  
5 the date fixed for the meeting, unless authorized by the board. The board may meet at any time  
6 by unanimous mutual consent. There shall be at least one meeting in each quarter.

7           2. Six trustees shall constitute a quorum for the transaction of business, and any official  
8 action of the board shall be based on the majority vote of the trustees present.

9           3. The trustees shall serve without compensation, but shall receive their necessary  
10 expenses incurred in the performance of their duties for the system.

11           4. The executive director and other employees of the system shall receive such salaries  
12 or other compensation as may be fixed by the board and their necessary travel expense within  
13 and without the state as may be authorized by the board.

14           5. Duties performed for the system as board members by the director or any elected  
15 employee of the state ~~[highways and transportation commission]~~ **department of transportation**

16 or by the superintendent of the state highway patrol or any elected employee or member of the  
17 patrol shall be considered duties in connection with the regular employment of such individual,  
18 and the employee shall suffer no loss in regular compensation by reason of the performance of  
19 such duties.

104.210. 1. The general administration of, and responsibility for, the proper operation  
2 of the system are hereby vested in a board of trustees.

3 2. Subject to the limitations of law, the board shall formulate and adopt rules and  
4 regulations for the government of its own proceedings and for the administration of the system,  
5 and its decisions as to all question of fact shall be final and conclusive on all persons except for  
6 the right of review as provided by law and except for fraud or such gross mistake of fact as to  
7 have an effect equivalent to fraud.

8 3. The accounts and records of the state [~~highways and transportation commission~~]  
9 **department of transportation**, the state highway patrol, the state auditor, and the state treasurer  
10 shall be open to inspection to the board of trustees and its employees, for the purpose of  
11 obtaining information necessary in the performance of the duties of such board under sections  
12 104.010 to 104.270 and sections 104.600 to 104.800.

13 4. The board shall have the power to subpoena witnesses or obtain the production of  
14 records when necessary for the performance of its duties.

15 5. Subject to the provisions of the constitution and sections 104.010 to 104.270 and  
16 sections 104.600 to 104.800, the board of trustees shall have exclusive jurisdiction and control  
17 over the funds and property of the system and may employ and fix the compensation of necessary  
18 employees.

19 6. No trustee or employee of the system shall receive any gain or profit from any funds  
20 or transaction of the system, except benefits from interest in investments common to all members  
21 if entitled thereto.

22 7. Any trustee or employee accepting any gratuity or compensation for the purpose of  
23 influencing his action with respect to the investment and the funds of the system shall thereby  
24 forfeit his office and in addition thereto be subject to the penalties prescribed for bribery.

104.230. The chief counsel of the state [~~highways and transportation commission~~]  
2 **department of transportation** may furnish whatever legal services shall be necessary and may  
3 call upon the attorney general, who shall furnish such services as may be requested.

104.270. The state [~~highways and transportation commission~~] **department of**  
2 **transportation** may provide for benefits to cover medical expenses and death for members of  
3 the closed and year 2000 plans of the highways and transportation employees' and highway patrol  
4 retirement system. Any plan may provide medical benefits for dependents of members and for  
5 retirees of the closed and year 2000 plans and for persons entitled to deferred annuities in the

6 closed and year 2000 plans and their dependents. Death benefits shall be comparable to those  
7 provided for in section 104.517. Contributions by the state [~~highways and transportation~~  
8 ~~commission~~] **department of transportation** to provide the benefits shall be on the same basis  
9 as provided for other state employees under the provisions of section 104.515. Except as  
10 otherwise provided by law, the cost of benefits for dependents of members and for retirees and  
11 their dependents shall be paid by the members or retirees. The [~~commission~~] **department** may  
12 contract with other persons or entities including but not limited to third-party administrators,  
13 health network providers, and health maintenance organizations for all, or any part of, the  
14 benefits provided for in this section. The [~~commission~~] **department** may require reimbursement  
15 of any medical claims paid by the [~~commission's~~] **department's** medical plan for which there  
16 was third-party liability.

104.515. 1. Separate accounts for medical, life insurance and disability benefits  
2 provided pursuant to sections 104.517 and 104.518 shall be established as part of the fund. The  
3 funds, property and return on investments of the separate account shall not be commingled with  
4 any other funds, property and investment return of the system. All benefits and premiums are  
5 paid solely from the separate account for medical, life insurance and disability benefits provided  
6 pursuant to this section.

7 2. The state shall contribute an amount as appropriated by law and approved by the  
8 governor per month for medical benefits, life insurance and long-term disability benefits as  
9 provided pursuant to this section and sections 104.517 and 104.518. Such amounts shall include  
10 the cost of providing life insurance benefits for each active employee who is a member of the  
11 Missouri state employees' retirement system, a member of the public school retirement system  
12 and who is employed by a state agency other than an institution of higher learning, a member of  
13 the retirement system established by sections 287.812 to 287.855, the judicial retirement system,  
14 each legislator and official holding an elective state office, members not on payroll status who  
15 are receiving workers' compensation benefits, and if the state [~~highways and transportation~~  
16 ~~commission~~] **department of transportation** so elects, those employees who are members of the  
17 state transportation department employees' and highway patrol retirement system; if the state  
18 [~~highways and transportation commission~~] **department of transportation** so elects to join the  
19 plan, the state shall contribute an amount as appropriated by law for medical benefits for those  
20 employees who are members of the transportation department employees' and highway patrol  
21 retirement system; an additional amount equal to the amount required, based on competitive  
22 bidding or determined actuarially, to fund the retired members' death benefit or life insurance  
23 benefit, or both, provided in subsection 4 of this section and the disability benefits provided in  
24 section 104.518. This amount shall be reported as a separate item in the monthly certification  
25 of required contributions which the commissioner of administration submits to the state treasurer

26 and shall be deposited to the separate account for medical, life insurance and disability benefits.  
27 All contributions made on behalf of members of the state transportation department employees'  
28 and highway patrol retirement system shall be made from highway funds. If the ~~[highways and~~  
29 ~~transportation commission]~~ **department of transportation** so elects, the spouses and  
30 unemancipated children under twenty-three years of age of employees who are members of the  
31 state transportation department employees' and highway patrol retirement system shall be able  
32 to participate in the program of insurance benefits to cover medical expenses pursuant to the  
33 provisions of subsection 3 of this section.

34 3. The board shall determine the premium amounts required for participating employees.  
35 The premium amounts shall be the amount, which, together with the state's contribution, is  
36 required to fund the benefits provided, taking into account necessary actuarial reserves. Separate  
37 premiums shall be established for employees' benefits and a separate premium or schedule of  
38 premiums shall be established for benefits for spouses and unemancipated children under  
39 twenty-three years of age of participating employees. The employee's premiums for spouse and  
40 children benefits shall be established to cover that portion of the cost of such benefits which is  
41 not paid for by contributions by the state. All such premium amounts shall be paid to the board  
42 of trustees at the time that each employee's wages or salary would normally be paid. The  
43 premium amounts so remitted will be placed in the separate account for medical, life insurance  
44 and disability benefits. In lieu of the availability of premium deductions, the board may establish  
45 alternative methods for the collection of premium amounts.

46 4. Each special consultant eligible for life benefits employed by a board of trustees of  
47 a retirement system as provided in section 104.610 who is a member of the Missouri state life  
48 insurance plan or Missouri state transportation department and Missouri state highway patrol life  
49 insurance plan shall, in addition to duties prescribed in section 104.610 or any other law, and  
50 upon request of the board of trustees, give the board, orally or in writing, a short detailed  
51 statement on life insurance and death benefit problems affecting retirees. As compensation for  
52 the extra duty imposed by this subsection, any special consultant as defined above, other than  
53 a special consultant entitled to a deferred normal annuity pursuant to section 104.035 or 104.335,  
54 who retires on or after September 28, 1985, shall receive as a part of compensation for these  
55 extra duties, a death benefit of five thousand dollars, and any special consultant who terminates  
56 employment on or after August 28, 1999, after reaching normal or early retirement age and  
57 becomes a retiree within sixty days of such termination shall receive five thousand dollars of life  
58 insurance coverage. In addition, each special consultant who is a member of the transportation  
59 department employees' and highway patrol retirement system medical insurance plan shall also  
60 provide the board, upon request of the board, orally or in writing, a short detailed statement on  
61 physical, medical and health problems affecting retirees. As compensation for this extra duty,

62 each special consultant as defined above shall receive, in addition to all other compensation  
63 provided by law, nine dollars, or an amount equivalent to that provided to other special  
64 consultants pursuant to the provisions of section 103.115. In addition, any special consultant as  
65 defined in section 287.820 or section 476.601 who terminates employment and immediately  
66 retires on or after August 28, 1995, shall receive as a part of compensation for these duties, a  
67 death benefit of five thousand dollars and any special consultant who terminates employment on  
68 or after August 28, 1999, after reaching the age of eligibility to receive retirement benefits and  
69 becomes a retiree within sixty days of such termination shall receive five thousand dollars of life  
70 insurance coverage.

71 5. Any former employee who is receiving disability income benefits from the Missouri  
72 state employees' retirement system or the transportation department employees' and highway  
73 patrol retirement system shall, upon application with the board of trustees of the Missouri  
74 consolidated health care plan or the transportation department employees and highway patrol  
75 medical plan, be made, constituted, appointed and employed by the respective board as a special  
76 consultant on the problems of the health of disability income recipients and, upon request of the  
77 board of trustees of each medical plan, give the board, orally or in writing, a short detailed  
78 statement of physical, medical and health problems affecting disability income recipients. As  
79 compensation for the extra duty imposed by this subsection, each such special consultant as  
80 defined in this subsection may receive, in addition to all other compensation provided by law,  
81 an amount contributed toward medical benefits coverage provided by the Missouri consolidated  
82 health care plan or the transportation employees and highway patrol medical plan pursuant to  
83 appropriations.

104.517. 1. The board shall provide or contract, or both, for life insurance benefits for  
2 employees pursuant to sections 104.320 to 104.540, persons covered by sections 287.812 to  
3 287.855, and for employees who are members of the judicial retirement system as provided in  
4 section 476.590, and at the election of the state [~~highways and transportation commission~~]  
5 **department of transportation** shall include employees who are members of the state  
6 transportation department employees' and highway patrol retirement system. Employees are  
7 entitled to fifteen thousand dollars of life insurance until December 31, 2000. Effective January  
8 1, 2001, the system shall provide or contract or both for basic life insurance for employees  
9 covered under any retirement plan administered by the system pursuant to this chapter, persons  
10 covered by sections 287.812 to 287.856, for employees who are members of the judicial  
11 retirement system as provided in section 476.590, and, at the election of the state [~~highways and~~  
12 ~~transportation commission~~] **department of transportation**, employees who are members of the  
13 highways and transportation employees' and highway patrol retirement system, in an amount  
14 equal to one times annual pay, subject to a minimum amount of fifteen thousand dollars. The

15 board shall establish by rule or contract the method for determining the annual rate of pay and  
16 any other terms of such insurance as it deems necessary to implement the requirements pursuant  
17 to this section. Annual rate of pay shall not include overtime or any other irregular payments as  
18 determined by the board. Such life insurance shall provide for triple indemnity in the event the  
19 cause of death is a proximate result of a personal injury or disease arising out of and in the course  
20 of actual performance of duty as an employee.

21 2. A conversion of such life insurance benefits shall be available. However, a member  
22 eligible to receive a lump sum death benefit as provided in subsection 4 of section 104.515 shall  
23 be entitled to convert any amount of terminated life insurance benefit in excess of the benefit  
24 provided in said section.

25 3. (1) In addition to the life insurance authorized by the provisions of subsection 1 of  
26 this section, any person for whom life insurance is provided or contracted for pursuant to such  
27 subsection may purchase, at the person's own expense and only if monthly voluntary payroll  
28 deductions are authorized, additional life insurance at a cost to be stipulated in a contract with  
29 a private insurance company or as may be required by the system if the board of trustees  
30 determines that the system should provide such insurance itself. The maximum amount of  
31 additional life insurance which may be so purchased on or after January 1, 1998, but prior to  
32 January 1, 2004, is that amount which equals six times the amount of the person's annual rate of  
33 pay, except that if such maximum amount is not evenly divisible by one thousand dollars, then  
34 the maximum amount of additional insurance which may be purchased is the next higher amount  
35 evenly divisible by one thousand dollars. The maximum amount of additional life insurance  
36 which may be so purchased on or after January 1, 2004, is an amount to be stipulated in a  
37 contract with a private insurance company or as may be required by the system if the board of  
38 trustees determines that the system should provide the insurance itself. The selection of a private  
39 insurance company to provide this life insurance shall be on the basis of competitive bidding.

40 (2) Any person defined in subdivision (1) of this subsection retiring on or after  
41 September 1, 1988, may retain an amount not to exceed ten thousand dollars of life insurance  
42 following the date of his or her retirement if such person makes written application for such life  
43 insurance at the same time such person's application is made to the board for retirement benefits.  
44 Any person, defined in subdivision (1) of this subsection, retiring on or after May 1, 1996, may  
45 retain an amount not to exceed sixty thousand dollars of life insurance following the date of the  
46 person's retirement if such person makes written application for such life insurance at the same  
47 time such person applies to the board for retirement benefits. Such life insurance shall only be  
48 provided if such person pays the entire cost of the insurance, as determined by the board, by  
49 allowing voluntary deductions from the member's monthly retirement benefits.

50 (3) Effective January 1, 1998, in addition to the life insurance authorized in subsection  
51 1 of this section, any person for whom life insurance is provided or contracted for pursuant to  
52 such subsection may purchase, at the person's own expense and only if monthly voluntary payroll  
53 deductions are authorized, life insurance covering the person's children or the person's spouse  
54 or both the person's children and the person's spouse at coverage amounts to be determined by  
55 the board at a cost to be stipulated in a contract with a private insurance company or as may be  
56 required by the system if the board of trustees determines that the system should provide such  
57 insurance itself.

58 4. The highways and transportation employees' and highway patrol retirement system  
59 shall provide or contract or both for the death benefit for special consultants in subsection 4 of  
60 section 104.515. The highways and transportation employees' and highway patrol retirement  
61 system may request the state [~~highways and transportation commission~~] **department of**  
62 **transportation** to administer the death benefit. If the state [~~highways and transportation~~  
63 ~~commission~~] **department of transportation** accepts the obligation to administer the death  
64 benefit, the highways and transportation employees' and highway patrol retirement system shall  
65 reimburse the state [~~highways and transportation commission~~] **department of transportation**  
66 for any costs or expenses of administering the death benefit.

67 5. To the extent that the board enters or has entered into any contract with any insurer  
68 or service organization to provide life insurance provided for pursuant to this section:

69 (1) The obligation to provide such life insurance shall be primarily that of the insurer or  
70 service organization and secondarily that of the board;

71 (2) Any member who has been denied life insurance benefits by the insurer or service  
72 organization and has exhausted all appeal procedures provided by the insurer or service  
73 organization may appeal such decision by filing a petition against the insurer or service  
74 organization in a court of law in the member's county of residence; and

75 (3) The board and the system shall not be liable for life insurance benefits provided by  
76 an insurer or service organization pursuant to this section and shall not be subject to any cause  
77 of action with regard to life insurance benefits or the denial of life insurance benefits by the  
78 insurer or service organization unless the member has obtained judgment against the insurer or  
79 service organization for life insurance benefits and the insurer or service organization is unable  
80 to satisfy that judgment.

104.1072. 1. Each board shall provide or contract, or both, for life insurance benefits  
2 for employees covered pursuant to the year 2000 plan as follows:

3 (1) Employees shall be provided fifteen thousand dollars of life insurance until  
4 December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for  
5 basic life insurance for employees covered under any retirement plan administered by the system



6 pursuant to this chapter, persons covered by sections 287.812 to 287.856, for employees who are  
7 members of the judicial retirement system as provided in section 476.590, and, at the election  
8 of the state [~~highways and transportation commission~~] **department of transportation**,  
9 employees who are members of the highways and transportation employees' and highway patrol  
10 retirement system, in the amount equal to one times annual pay, subject to a minimum amount  
11 of fifteen thousand dollars. The board shall establish by rule or contract the method for  
12 determining the annual rate of pay and any other terms of such insurance as it deems necessary  
13 to implement the requirements pursuant to this section. Annual rate of pay shall not include  
14 overtime or any other irregular payments as determined by the board. Such life insurance shall  
15 provide for triple indemnity in the event the cause of death is a proximate result of a personal  
16 injury or disease arising out of and in the course of actual performance of duty as an employee;

17 (2) Any member who terminates employment after reaching normal or early retirement  
18 eligibility and becomes a retiree within sixty days of such termination shall receive five thousand  
19 dollars of life insurance coverage.

20 2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of  
21 this section, any person for whom life insurance is provided or contracted for pursuant to such  
22 subsection may purchase, at the person's own expense and only if monthly voluntary payroll  
23 deductions are authorized, additional life insurance at a cost to be stipulated in a contract with  
24 a private insurance company or as may be required by a system if the board of trustees  
25 determines that the system should provide such insurance itself. The maximum amount of  
26 additional life insurance which may be so purchased prior to January 1, 2004, is that amount  
27 which equals six times the amount of the person's annual rate of pay, subject to any maximum  
28 established by a board, except that if such maximum amount is not evenly divisible by one  
29 thousand dollars, then the maximum amount of additional insurance which may be purchased  
30 is the next higher amount evenly divisible by one thousand dollars. The maximum amount of  
31 additional life insurance which may be so purchased on or after January 1, 2004, is an amount  
32 to be stipulated in a contract with a private insurance company or as may be required by the  
33 system if the board of trustees determines that the system should provide the insurance itself.

34 (2) Any person defined in subdivision (1) of this subsection may retain an amount not  
35 to exceed sixty thousand dollars of life insurance following the date of his or her retirement if  
36 such person becomes a retiree the month following termination of employment and makes  
37 written application for such life insurance at the same time such person's application is made to  
38 the board for retirement benefits. Such life insurance shall only be provided if such person pays  
39 the entire cost of the insurance, as determined by the board, by allowing voluntary deductions  
40 from the member's annuity.

41 (3) In addition to the life insurance authorized in subdivision (1) of this subsection, any  
42 person for whom life insurance is provided or contracted for pursuant to this subsection may  
43 purchase, at the person's own expense and only if monthly voluntary payroll deductions are  
44 authorized, life insurance covering the person's children or the person's spouse or both at  
45 coverage amounts to be determined by the board at a cost to be stipulated in a contract with a  
46 private insurer or as may be required by the system if the board of trustees determines that the  
47 system should provide such insurance itself.

48 (4) Effective July 1, 2000, any member who applies and is eligible to receive an annuity  
49 based on the attainment of at least forty-eight years of age with a total of years of age and years  
50 of credited service which is at least eighty shall be eligible to retain any optional life insurance  
51 described in subdivision (1) of this subsection. The amount of such retained insurance shall not  
52 be greater than the amount in effect during the month prior to termination of employment. Such  
53 insurance may be retained until the member's attainment of the earliest age for eligibility for  
54 reduced Social Security retirement benefits but no later than age sixty-two, at which time the  
55 amount of such insurance that may be retained shall be that amount permitted pursuant to  
56 subdivision (2) of this subsection.

57 3. The state ~~[highways and transportation commission]~~ **department of transportation**  
58 may provide for insurance benefits to cover medical expenses for members of the highways and  
59 transportation employees' and highway patrol retirement system. The state ~~[highways and~~  
60 ~~transportation commission]~~ **department of transportation** may provide medical benefits for  
61 dependents of members and for retired members. Contributions by the state ~~[highways and~~  
62 ~~transportation commission]~~ **department of transportation** to provide the benefits shall be on  
63 the same basis as provided for other state employees pursuant to the provisions of section  
64 104.515. Except as otherwise provided by law, the cost of benefits for dependents of members  
65 and for retirees and their dependents shall be paid by the members or retirees. The ~~[commission]~~  
66 **department** may contract with other persons or entities including but not limited to third-party  
67 administrators, health network providers and health maintenance organizations for all, or any part  
68 of, the benefits provided for in this section. The ~~[commission]~~ **department** may require  
69 reimbursement of any medical claims paid by the ~~[commission's]~~ **department's** medical plan for  
70 which there was third-party liability.

71 4. The highways and transportation employees' and highway patrol retirement system  
72 may request the state ~~[highways and transportation commission]~~ **department of transportation**  
73 to provide life insurance benefits as required in subsections 1 and 2 of this section. If the state  
74 ~~[highways and transportation commission]~~ **department of transportation** agrees to the request,  
75 the highways and transportation employees' and highway patrol retirement system shall  
76 reimburse the state ~~[highways and transportation commission]~~ **department of transportation**

77 for any and all costs for life insurance provided pursuant to subdivision (2) of subsection 1 of this  
78 section. The person who is covered pursuant to subsection 2 of this section shall be solely  
79 responsible for the costs of any additional life insurance. In lieu of the life insurance benefit in  
80 subdivision (2) of subsection 1 of this section, the highways and transportation employees' and  
81 highway patrol retirement system is authorized in its sole discretion to provide a death benefit  
82 of five thousand dollars.

83 5. To the extent that the board enters or has entered into any contract with any insurer  
84 or service organization to provide life insurance provided for pursuant to this section:

85 (1) The obligation to provide such life insurance shall be primarily that of the insurer or  
86 service organization and secondarily that of the board;

87 (2) Any member who has been denied life insurance benefits by the insurer or service  
88 organization and has exhausted all appeal procedures provided by the insurer or service  
89 organization may appeal such decision by filing a petition against the insurer or service  
90 organization in a court of law in the member's county of residence; and

91 (3) The board and the system shall not be liable for life insurance benefits provided by  
92 an insurer or service organization pursuant to this section and shall not be subject to any cause  
93 of action with regard to life insurance benefits or the denial of life insurance benefits by the  
94 insurer or service organization unless the member has obtained judgment against the insurer or  
95 service organization for life insurance benefits and the insurer or service organization is unable  
96 to satisfy that judgment.

142.827. 1. Each distributor of gasoline upon which a tax is imposed pursuant to this  
2 chapter shall forward to the director not later than the last day of the month next following the  
3 month of delivery, a copy of the invoice for each delivery of such gasoline to a marina or other  
4 retailer who sells such gasoline to the ultimate consumer for use in a boat or ship operating on  
5 the waterways of this state and which is located in a county containing any part of a lake having  
6 one hundred miles of shoreline or more. Each invoice submitted to the director shall include the  
7 name and address of the purchaser, the county in which the gasoline was delivered, the quantity  
8 of gasoline delivered and the amount of gasoline tax collected thereon.

9 2. Prior to July first of each year, each county described in subsection 1 of this section  
10 and the state [~~highways and transportation commission~~] **department of transportation** shall  
11 jointly file with the director a statement listing each public road in that county which provides  
12 access to a lake having one hundred miles of shoreline or more, and which the state [~~highways  
13 and transportation commission~~] **department of transportation** assumed ownership of, from the  
14 county, after June 30, 1989. This statement shall list the mutually agreed percentage of  
15 unclaimed refunds of gasoline tax collected within that county under the provisions of this  
16 section to be paid to that county, and the percentage which is to be paid to the state [~~highways~~

17 ~~and transportation commission]~~ **department of transportation.** Until the state ~~[highways and~~  
18 ~~transportation commission]~~ **department of transportation** assumes ownership of one or more  
19 such public roads in a county after June 30, 1989, that county shall receive one hundred percent  
20 of all unclaimed refunds of gasoline tax derived from that county. If no such statement is filed,  
21 the director may assume that the most recent statement on file for that county is correct. As the  
22 state ~~[highways and transportation commission]~~ **department of transportation** assumes  
23 ownership of one or more such lake access roads within a county, its percentage of unclaimed  
24 refunds of gasoline tax collected within that county shall increase correspondingly. The various  
25 counties and the state ~~[highways and transportation commission]~~ **department of transportation**  
26 are authorized to enter into agreements to effectuate the purpose and intent of this section.

27         3. No later than August fifteenth of each year, the director shall compare the invoices for  
28 delivery of gasoline in each county for use in boats or ships during the previous year with the  
29 sales slips submitted to support the claims for refund of gasoline tax provided in this section, and  
30 shall, with the approval of the Missouri department of transportation, pay to each county that  
31 county's agreed percentage of record of the amount by which the tax paid in the county on sales  
32 of gasoline for use in boats and ships exceeds the tax refunded on gasoline purchased in the  
33 county. The balance of the unclaimed boat or ship gasoline tax refunds for the county shall be  
34 deposited in the state road fund for the use of the ~~[highways and transportation commission]~~  
35 **department of transportation.**

36         4. The refunds of gasoline tax received by each county in accordance with the provisions  
37 of this section shall be used by that county for the construction, repair and maintenance of public  
38 roads in the county which connect a state highway with a lake having one hundred miles of  
39 shoreline or more and for no other purpose. The state ~~[highways and transportation commission]~~  
40 **department of transportation** is authorized but not required to assume the ownership and  
41 responsibility for the construction, repair, and maintenance of a road which provides access to  
42 a lake having one hundred miles of shoreline or more, and each county commission having such  
43 a road is authorized to transfer its ownership of the road to the ~~[highways and transportation~~  
44 ~~commission]~~ **department of transportation** when that ownership transfer is mutually agreeable.  
45 When the ~~[highways and transportation commission]~~ **department of transportation** assumes  
46 ownership of any such road, that road becomes a part of the state highway system, and shall be  
47 constructed, reconstructed, repaired and maintained as the ~~[highways and transportation~~  
48 ~~commission]~~ **department of transportation** deems appropriate from the revenue available in  
49 the state road fund and any other available sources.

226.005. 1. The department of highways and transportation shall hereafter be known as  
2 the "Department of Transportation". ~~[The department shall be in charge of a state highways and~~  
3 ~~transportation commission as provided by the constitution and statutes.]~~

4           2. The director shall receive an annual salary of not less than that provided for in section  
5 105.950. The salaries of the chief engineer, chief financial officer, chief counsel, assistant chief  
6 engineer, the secretary [~~of the commission~~], and of the division chiefs, department heads,  
7 engineers, clerks and other employees of the department shall be fixed by the [~~commission~~]  
8 **director.**

9           **3. As of August 28, 2020, the state highways and transportation commission is**  
10 **dissolved and the department of transportation shall be in the charge of a director**  
11 **appointed by the governor, with the advice and consent of the senate.**

226.008. 1. The [~~highways and transportation commission~~] **department of**  
2 **transportation** shall have responsibility and authority, as provided in this section and sections  
3 104.805, 389.005, 389.610, and 621.040, for the administration and enforcement of:

4           (1) Licensing, supervising and regulating motor carriers for the transportation of  
5 passengers, household goods and other property by motor vehicles within this state;

6           (2) Licensing motor carriers to transport hazardous waste, used oil, infectious waste and  
7 permitting waste tire haulers in intrastate or interstate commerce, or both, by motor vehicles  
8 within this state;

9           (3) Compliance by motor carriers and motor private carriers with applicable  
10 requirements relating to safety and hazardous materials transportation, within the terminals of  
11 motor carriers and motor private carriers of passengers or property;

12           (4) Compliance by motor carriers and motor private carriers with applicable  
13 requirements relating to safety and hazardous materials transportation wherever they possess,  
14 transport or deliver hazardous waste, used oil, infectious waste or waste tires. This authority is  
15 in addition to, and not exclusive of, the authority of the department of natural resources to ensure  
16 compliance with any and all applicable requirements related to the transportation of hazardous  
17 waste, used oil, infectious waste or waste tires;

18           (5) Collecting and regulating amounts payable to the state from interstate motor carriers  
19 in accordance with the provisions of the International Fuel Tax Agreement in accordance with  
20 section 142.617, and any successor or similar agreements, including the authority to impose and  
21 collect motor fuel taxes due pursuant to chapter 142, and such agreement;

22           (6) Registering and regulating interstate commercial motor vehicles operated upon the  
23 highways of this state, in accordance with the provisions of the International Registration Plan  
24 in accordance with sections 301.271 through 301.277, and any successor or similar agreements,  
25 including the authority to issue license plates in accordance with sections 301.130 and 301.041;

26           (7) Permitting the transportation of over dimension or overweight motor vehicles or  
27 loads that exceed the maximum weights or dimensions otherwise allowed upon the public

28 highways within the jurisdiction of the ~~[highways and transportation commission]~~ **department**  
29 **of transportation**; and

30 (8) Licensing intrastate housemovers.

31 2. The ~~[highways and transportation commission]~~ **department of transportation** shall  
32 carry out all powers, duties and functions relating to intrastate and interstate transportation  
33 previously performed by:

34 (1) The division of motor carrier and railroad safety within the department of economic  
35 development, and all officers or employees of that division;

36 (2) The department of natural resources, and all officers or employees of that division,  
37 relating to the issuance of licenses or permits to transport hazardous waste, used oil, infectious  
38 waste or waste tires by motor vehicles operating within the state;

39 (3) The highway reciprocity commission within the department of revenue, and all  
40 officers or employees of that commission; and the director of revenue's powers, duties and  
41 functions relating to the highway reciprocity commission, except that the ~~[highways and~~  
42 ~~transportation commission]~~ **department of transportation** may allow the department of revenue  
43 to enforce the provisions of the International Fuel Tax Agreement, as required by such  
44 agreement; and

45 (4) The motor carrier services unit within the traffic functional unit of the department  
46 of transportation, relating to the special permitting of operations on state highways of motor  
47 vehicles or loads that exceed the maximum length, width, height or weight limits established by  
48 law or by the ~~[highways and transportation commission]~~ **department of transportation**.

49 3. All the powers, duties and functions described in subsections 1 and 2 of this section,  
50 including but not limited to, all powers, duties and functions pursuant to chapters 387, 390 and  
51 622, including all rules and orders, are hereby transferred to the department of transportation,  
52 which is in the charge of the highways and transportation commission, by type I transfer, as  
53 defined in the Omnibus State Reorganization Act of 1974, and the preceding agencies and  
54 officers shall no longer be responsible for those powers, duties and functions. **As of August 28,**  
55 **2020, the state highways and transportation commission is dissolved and the department**  
56 **of transportation shall be in the charge of a director appointed by the governor, with the**  
57 **advice and consent of the senate.**

58 4. All the powers, duties and functions, including all rules and orders, of the  
59 administrative law judges of the division of motor carrier and railroad safety, as amended by the  
60 provisions of this section and sections 104.805, 389.005, 389.610, and 621.040, are hereby  
61 transferred to the administrative hearing commission within the state office of administration.

62 5. The division of motor carrier and railroad safety and the highway reciprocity  
63 commission are abolished.

64 6. Personnel previously employed by the division of motor carrier and railroad safety and  
65 the highway reciprocity commission shall be transferred to the department of transportation, but  
66 the department of natural resources shall not be required to transfer any personnel pursuant to  
67 this section. The administrative law judge within the division of motor carrier and railroad safety  
68 shall be transferred to the administrative hearing commission.

69 7. Credentials issued by the transferring agencies or officials before July 11, 2002, shall  
70 remain in force or expire as provided by law. In addition, the ~~[highways and transportation~~  
71 ~~commission]~~ **department of transportation** shall have the authority to suspend, cancel or  
72 revoke such credentials after July 11, 2002.

73 8. Notwithstanding any provision of law to the contrary, on and after July 11, 2002, all  
74 surety bonds, cash bonds, certificates of deposit, letters of credit, drafts, checks or other financial  
75 instruments payable to:

76 (1) The highway reciprocity commission or the department of revenue pursuant to  
77 section 301.041 or pursuant to the International Fuel Tax Agreement; or

78 (2) Any other agency or official whose powers, duties or functions are transferred  
79 pursuant to this section,

80

81 shall be payable instead to the state ~~[highways and transportation commission]~~ **department of**  
82 **transportation.**

83 9. The department of natural resources shall have authority to collect and establish by  
84 rule the amount of the fee paid by applicants for a permit to transport waste tires.

85 10. The Missouri hazardous waste management commission created in section 260.365  
86 shall have the authority to collect and establish by rule the amount of the fee paid by applicants  
87 for a license to transport hazardous waste, used oil, or infectious waste pursuant to section  
88 260.395.

89 11. All of the authority, powers, duties, and functions of the division of highway safety  
90 relating to the motorcycle safety program under sections 302.133 to 302.138, the driver  
91 improvement program authorized under section 302.178, the ignition interlock program under  
92 sections 577.600 to 577.614, and other state highway safety programs as provided by state law,  
93 including all administrative rules promulgated thereunder, are hereby transferred to the  
94 department of transportation, which is in charge of the state highways and transportation  
95 commission, by type I transfer as set forth in the Omnibus State Reorganization Act of 1974.

96 **As of August 28, 2020, the state highways and transportation commission is dissolved and**  
97 **the department of transportation shall be in the charge of a director appointed by the**  
98 **governor, with the advice and consent of the senate.**

226.009. 1. Whenever the Federal Motor Carrier Safety Administration, the United States Department of Transportation, or the state ~~[highways and transportation commission]~~ **department of transportation** issues an out-of-service order against a motor carrier, as those terms are defined in Section 390.5 of Title 49, Code of Federal Regulations, as those regulations have been and periodically may be amended, the ~~[commission]~~ **department** may immediately, without hearing, order the suspension, revocation, cancellation, confiscation, or any of these, of every license, registration, certificate, permit, and other credential issued to the motor carrier by the ~~[commission's]~~ **department's** authority under section 226.008 and every motor vehicle license plate issued under any provision of chapter 301 which authorizes the operation of motor vehicles in intrastate or interstate commerce by that motor carrier. This section is applicable to out-of-service orders placing a motor carrier's entire operation out of service, but does not apply to any out-of-service order placing an individual driver or individual vehicle out of service.

(1) The ~~[commission]~~ **department** immediately shall serve notice of its order upon the affected motor carrier, and upon the director of revenue, in the manner authorized by section 622.410, or any other manner authorized by law for the service of notice of the ~~[commission's]~~ **department's** orders. The notice or order shall state a specific effective date for the ~~[commission's]~~ **department's** action or, in the ~~[commission's]~~ **department's** discretion, that its action shall become effective immediately upon the service of the notice or order upon the motor carrier. The order shall remain in force until ordered otherwise by the ~~[commission]~~ **department** or by a court having proper jurisdiction.

(2) Whenever an order of the ~~[commission]~~ **department** issued under subsection 1 of this section is in force, a motor carrier who is prohibited by the order from operating commercial motor vehicles shall not operate any commercial motor vehicles and shall not allow any employee, agent, lessor, or other person acting under the motor carrier's authority or control to operate any commercial motor vehicles in intrastate or interstate commerce within this state. Upon receiving notice of the ~~[commission's]~~ **department's** order, the motor carrier immediately shall surrender all license plates, motor carrier licenses, registrations, permits, and other credentials as directed by the ~~[commission's]~~ **department's** order. While the out-of-service order is in force, the ~~[commission]~~ **department of transportation** and department of revenue may dismiss or deny every application for the issuance of any of these credentials issued by that respective agency to that motor carrier.

(3) After the ~~[commission]~~ **department** has issued an order under this section, the out-of-service motor carrier shall not be eligible to apply for the issuance or reinstatement of and the ~~[commission]~~ **department of transportation** or department of revenue shall not issue or reinstate any license plate, motor carrier license, registration, permit, certificate, or other credential issued by that respective agency described in the ~~[commission's]~~ **department's** order,



37 until the out-of-service order and any ~~[commission]~~ **department** orders issued under this  
38 subsection have been rescinded by the agency that issued these orders, or the orders have been  
39 set aside by a court having proper jurisdiction.

40         2. In any commission or court proceeding, a copy of any federal or state order described  
41 in subsection 1 of this section shall be admissible and shall constitute prima facie evidence that  
42 the motor carrier violated Title 49, Code of Federal Regulations, or that the motor carrier's  
43 operation of commercial motor vehicles poses an imminent hazard to safety, or both, as stated  
44 in that order.

45         3. Any person who is aggrieved by an order of the ~~[highways and transportation~~  
46 ~~commission]~~ **department of transportation** issued under this section, or by any out-of-service  
47 order issued by ~~[commission]~~ **department** enforcement personnel under section 390.201 or  
48 subsection 3 of section 307.400, may apply to the circuit court for a hearing and review of the  
49 order. Venue of such judicial review shall lie within the county of the first classification with  
50 more than seventy-one thousand three hundred but fewer than seventy-one thousand four  
51 hundred inhabitants, or in the county where the out-of-service order was issued to the motor  
52 carrier. The right to a hearing and judicial review of the ~~[commission's]~~ **department's** orders  
53 under this section shall be waived, unless an aggrieved person files a petition for review with the  
54 clerk of the circuit court in the proper venue, not later than thirty days following issuance of the  
55 order to be reviewed. Except as otherwise provided in this section, sections 622.430 to 622.450  
56 shall govern the judicial review of orders issued by the ~~[commission]~~ **department** or its  
57 personnel as described in this section. In addition to any other interested parties, the  
58 ~~[commission]~~ **department** shall have the right to appear in all hearing and review proceedings  
59 under this section, and may, in its discretion, defend any order or notice issued and any action  
60 taken by any public agency or officer acting in good faith under the provisions of this section.  
61 This section shall not be construed as conferring any jurisdiction to review, amend, vacate, or  
62 set aside any orders issued by a federal agency or federal officer.

63         4. Notwithstanding any provision of law to the contrary, the ~~[highways and~~  
64 ~~transportation commission]~~ **department of transportation** may receive and disclose any data,  
65 information, or evidence relating to any out-of-service motor carrier as provided in this section.  
66 Except as otherwise provided in this section, this data may include, but is not limited to, the  
67 identity and location of any persons known or reasonably believed to have leased motor vehicles  
68 with or without driver to the out-of-service motor carrier, any persons known or reasonably  
69 believed to be operating commercial motor vehicles under the authority or control of the  
70 out-of-service motor carrier, and any motor vehicles owned, operated by, or leased to the  
71 out-of-service motor carrier or those persons, including the vehicle identification numbers. The  
72 ~~[commission]~~ **department**, in its discretion, may disclose this data to the following entities,

73 which are hereby authorized to receive such data from, and to disclose such data to, the  
74 ~~[commission]~~ **department**:

75 (1) The Federal Motor Carrier Safety Administration and other relevant officials of the  
76 United States Department of Transportation;

77 (2) The department of revenue;

78 (3) The Missouri state highway patrol, and any other peace officers authorized to  
79 exercise police powers within the state;

80 (4) Similarly authorized law enforcement agencies of any other state, of the United States  
81 government, or of any foreign government having legal authority to promote or enforce motor  
82 carrier safety;

83 (5) Any liability insurer or surety that provides, or has an interest in providing,  
84 automobile liability insurance coverage for the out-of-service motor carrier, or for any person  
85 who leases, or proposes to lease, motor vehicles to be operated by or under the authority or  
86 control of the out-of-service motor carrier; and

87 (6) Attorneys representing a person identified in this subsection; except that the  
88 ~~[commission]~~ **department** may disclose to such attorneys only data relating to their client, their  
89 client's employer or employee, or their client's lessor or lessee with reference to a motor vehicle.

90 5. Upon receiving notice of any order issued by the ~~[highways and transportation~~  
91 ~~commission]~~ **department of transportation** under subsection 1 of this section, together with  
92 any additional information reasonably required by the director of revenue, the director of revenue  
93 may immediately, without hearing, update the director's records to reflect the suspension,  
94 revocation, or cancellation of all motor vehicle license plates, registrations, and other credentials  
95 issued to the out-of-service motor carrier by the director of revenue. The director of revenue  
96 shall immediately notify the motor carrier, and the ~~[commission]~~ **department**, of all actions  
97 taken pursuant to the ~~[commission's]~~ **department's** order. The motor carrier shall have the right  
98 to seek judicial review of the ~~[commission's]~~ **department's** order, including the suspension,  
99 revocation, or cancellation of motor vehicle license plates and registrations under the  
100 ~~[commission's]~~ **department's** order, as provided in subsection 3 of this section. The motor  
101 carrier shall not be entitled to any separate appeal or review of the director of revenue's notice  
102 of suspension, revocation, or cancellation of motor vehicle licenses or registrations, or any other  
103 actions taken by the director of revenue under the ~~[commission's]~~ **department's** order.

104 6. The ~~[commission]~~ **department** may authorize any of its personnel to enforce any  
105 provision of this section, or any out-of-service orders described in this section, in the same  
106 manner provided by law for other orders of the ~~[commission]~~ **department** authorized under  
107 section 226.008. The Missouri state highway patrol and other peace officers within this state  
108 may enforce the requirements of this section and of any orders issued under this section. If so

109 authorized by the ~~[commission's]~~ **department's** order under this section, in addition to any other  
 110 remedies provided by law, personnel of the state department of transportation and the state  
 111 highway patrol may confiscate any license plates, motor carrier licenses, registrations,  
 112 certificates, permits, and other credentials issued to the motor carrier by the ~~[commission]~~  
 113 **department of transportation**, the director of revenue, the department of revenue, or all of  
 114 these.

115 7. Notwithstanding any provision of the law to the contrary, the state of Missouri, the  
 116 ~~[highways and transportation commission]~~ **department of transportation**, the state highway  
 117 patrol, and any peace officers or other public officers acting in good faith under the authority of  
 118 this section shall not be held liable or required to pay any refund of any fees, taxes, assessments,  
 119 penalties, fines, forfeitures, or other payments that may be charged to, received, or collected from  
 120 the out-of-service motor carrier, or from persons whose motor vehicles are leased to or operated  
 121 under the control of that motor carrier, in relation to any license plate, motor carrier license,  
 122 registration, permit, certificate, or other credential that is suspended, revoked, cancelled, or  
 123 confiscated under any provisions of this section.

124 8. Any act or omission by a state agency that this section authorizes or requires with  
 125 reference to an out-of-service motor carrier, or with reference to motor vehicles operated by an  
 126 out-of-service motor carrier, is likewise authorized or required with reference to:

127 (1) Any person who operates motor vehicles under the actual control of that motor  
 128 carrier, and any person who operates motor vehicles that are leased to that motor carrier, with  
 129 or without driver; and

130 (2) Any motor vehicles operated under the actual control of that motor carrier, and any  
 131 motor vehicles that are leased to that motor carrier, with or without driver.

226.010. Whenever in sections 226.010 to 226.190, or any proceeding thereunder, the  
 2 following words or terms are used, they shall be deemed and taken to have the meaning ascribed  
 3 to them as follows:

4 (1) "Civil subdivision", a county, township, road district or other political subdivision  
 5 of the state or quasi public corporation having legal jurisdiction of the construction and  
 6 maintenance of public roads;

7 (2) ~~["Commission", the state highways and transportation commission created under the  
 8 provisions of sections 226.010 to 226.190;~~

9 ~~—(3) "Commissioner", one of the members of the commission]~~ **"Department", the  
 10 department of transportation;**

11 ~~[(4)]~~ **(3) "Engineer", the chief engineer of the [highways and transportation commission]  
 12 department of transportation;**

13           ~~[(5)]~~ (4) "Hard-surfaced road", a highway surfaced with concrete, comparable types,  
 14 macadam, properly bound gravel, or the equivalent of properly bound gravel, to be approved by  
 15 the ~~[commission]~~ **department** and meeting the federal requirements;

16           ~~[(6)]~~ (5) "Municipality" includes a city, town or village;

17           ~~[(7)]~~ (6) "State highway", a highway constructed or maintained at the cost of the state,  
 18 or constructed with the aid of state funds or the United States government funds, or any highway  
 19 included by authority of law in the state highway system.

226.020. ~~[There is hereby created a "State Highways and Transportation Commission",~~  
 2 ~~which]~~ **The director of the department of transportation** shall be vested with the powers and  
 3 duties specified in chapters 226 and 227 and also all powers necessary or proper to enable the  
 4 ~~[commission]~~ **director**, or any of ~~[its]~~ **the** officers or employees **of the department**, to carry out  
 5 fully and effectively all of the purposes of chapters 226 and 227.

226.040. 1. ~~[The state highways and transportation commission shall appoint a chief~~  
 2 ~~executive officer with the title of director of the Missouri department of transportation. The~~  
 3 ~~director shall serve at the pleasure of the commission.]~~ The director shall be a citizen and a  
 4 resident of this state, shall have had executive management experience for at least five years, and  
 5 may be a registered professional engineer. The director's duties shall include appointment of a  
 6 chief engineer, a chief financial officer and other department heads, engineers and other  
 7 employees as the ~~[commission]~~ **director** may designate and deem necessary. ~~[Under the direction~~  
 8 ~~of the commission,]~~ The director shall have general charge of, and be responsible for, the overall  
 9 operations and performance of the department. The director shall provide quarterly ~~[to the~~  
 10 ~~commission at its regularly scheduled meetings]~~ a current unaudited written version of the report  
 11 required in subsection 2 of section 21.795 with changes from the most recent audited report  
 12 clearly marked. Such report shall be made available to the public.

13           2. The chief engineer shall be a registered professional engineer responsible for  
 14 preparation and approval of all engineering documents, plans and specifications and shall have  
 15 general oversight of construction and maintenance work for the department as determined by the  
 16 director.

17           3. Engineers of the department responsible for supervising the activities of road and  
 18 bridge design, construction, maintenance and materials inspection and analysis shall be registered  
 19 professional engineers in this state.

226.050. The ~~[state highways and transportation commission]~~ **director of the**  
 2 **department of transportation** shall appoint a secretary who shall serve at ~~[its]~~ **the director's**  
 3 pleasure. The secretary shall ~~[keep complete and accurate records of all the proceedings of the~~  
 4 ~~commission, shall]~~ be the custodian of all books, maps, documents and papers filed with the  
 5 ~~[commission]~~ **department** and all orders made by the ~~[commission]~~ **department**. Under the

6 direction of the ~~[commission]~~ **director**, the secretary shall have such authority and perform such  
 7 duties as the ~~[commission]~~ **director** may require. The secretary may designate one of the clerks  
 8 in his office to perform the duties of the secretary during his **or her** absence, and during such  
 9 time the clerk so designated shall, while at the office of the ~~[commission]~~ **director**, possess the  
 10 powers of the secretary.

226.060. 1. The director of the Missouri department of transportation~~[, with the consent~~  
 2 ~~of the highways and transportation commission,]~~ shall select and fix the salary of a chief counsel  
 3 who shall possess the same qualifications as judges of the supreme court and who shall serve at  
 4 the pleasure of the director and shall appear for and represent the ~~[commission]~~ **department** in  
 5 all actions and proceedings under chapters 226 and 227, or any other law administered by the  
 6 ~~[commission]~~ **department**, or in any decision, order or proceeding of the ~~[commission]~~  
 7 **department**, or of the director and shall commence, prosecute or defend all actions or  
 8 proceedings authorized or requested by the ~~[commission]~~ **department** or to which the  
 9 ~~[commission]~~ **department** is a party and shall advise the ~~[commission or the]~~ director, when  
 10 requested, in all matters in connection with the organization, powers and duties of the  
 11 ~~[commission]~~ **department** or the powers and duties of the director.

12 2. The chief counsel shall, with the consent of the director, appoint such assistant  
 13 attorneys as the director may deem necessary and their salaries shall be fixed by the director. The  
 14 chief counsel's office shall be furnished offices in the department of transportation building.

15 3. Nothing in this subsection shall be construed to conflict with the duties of the chief  
 16 counsel as established in subsection 1 of this section. The chief counsel, or assistant attorneys  
 17 designated by the chief counsel, shall render legal opinions and advise the ~~[commission]~~  
 18 **department** and director on any matter required by the ~~[commission or the]~~ director. The  
 19 ~~[commission, or an individual commissioner or commissioners,]~~ director may request legal  
 20 opinions or advice from the chief counsel pursuant to subsection 1 of this section and the chief  
 21 counsel or an assistant attorney designated by the chief counsel shall provide such opinion or  
 22 advice directly to the ~~[commission or individual commissioners making the request]~~ **director**.

226.080. The salaries of the department heads, engineers, clerks and other employees  
 2 shall be fixed by the ~~[commission]~~ **director**, except that the compensation of clerical or other  
 3 nontechnical employees of the department shall not exceed that of those in similar employment  
 4 in other departments of the state. Preference shall be given, other conditions being equal, to  
 5 employment of honorably discharged members of the armed services, but any other preference  
 6 or discrimination in connection with employment is declared to be unlawful.

226.090. All ~~[members of the commission, and every other person appointed to office,~~  
 2 ~~or]~~ **individuals** employed by the ~~[commission]~~ **department**, shall, before entering upon the  
 3 duties of his **or her** office or employment, take and subscribe to an oath or affirmation to support

4 the Constitution of the United States and of this state, and to faithfully and honestly discharge  
 5 the duties of such office or employment. No ~~[member]~~ **employee** of the ~~[commission]~~  
 6 **department, or** engineer~~], or other person appointed or employed by the commission]~~ shall,  
 7 directly or indirectly, have any pecuniary interest in, or act as agent for, the sale of road or bridge  
 8 building material, equipment, tools, machinery or supplies, or in any contract for the construction  
 9 or maintenance of state highways or bridges, or the financing thereof, or in any performance  
 10 bond or workers' compensation or any other insurance furnished to the ~~[commission]~~  
 11 **department,** or insurance furnished to any person, firm or corporation contracting with the  
 12 ~~[commission]~~ **department.** Any officer or employee of the ~~[commission]~~ **department** who has  
 13 custody or control of property or funds of the state, shall give a good and sufficient bond, in an  
 14 amount and with sureties satisfactory to the ~~[commission]~~ **department,** conditioned upon the  
 15 faithful discharge of the duties of his office and upon the accounting for all property and funds  
 16 coming into his hands by, through or from such office. Any officer or employee who shall  
 17 violate the provisions of this section shall be guilty of a misdemeanor. The ~~[commission]~~  
 18 **department** shall have power to remove any officer or employee of the ~~[commission]~~  
 19 **department.** The selection and removal of all employees of the ~~[highways and transportation~~  
 20 ~~commission, of the]~~ transportation department, or of the department of transportation, shall be  
 21 without regard to political affiliations.

226.092. The state ~~[highways and transportation commission]~~ **department of**  
 2 **transportation** is authorized, when considered by it to be in the public interest, to provide  
 3 liability insurance covering the operation of all motor vehicles and equipment, including  
 4 airplanes and boats, owned, leased, rented, or operated pursuant to ~~[commission]~~ **department**  
 5 authorization and used in the performance of official ~~[commission or]~~ department business. The  
 6 ~~[commission]~~ **department** is authorized to provide such insurance coverage for all authorized  
 7 operators, as determined by the ~~[commission]~~ **department,** and the ~~[commission's]~~  
 8 **department's** liability by a plan of self-insurance operated in accordance with commercial  
 9 insurance industry standards for fleet vehicle coverage or by a plan partially self-insured and  
 10 partially insured by a contract of insurance with an insurance company or by a plan fully insured  
 11 by a contract of insurance with an insurance company as the ~~[commission]~~ **department** deems  
 12 to be in the public interest. If the ~~[commission]~~ **department** provides for a plan of self-insurance  
 13 or partial self-insurance, it shall annually determine the amount of contribution to the plan  
 14 required to pay all accrued and anticipated claims and the cost of administering the plan and shall  
 15 include such amount in its budget request for contribution to the ~~[commission's]~~ **department's**  
 16 self-insurance plan. The ~~[commission]~~ **department** may contract for the services of such  
 17 actuaries, consultants, and claims administrators as it deems necessary for the effective  
 18 administration of a self-insurance plan and is authorized to contract for excess insurance

19 coverage with an insurance company authorized to write such coverage in this state. The  
20 immunity in tort actions of the state and the ~~[commission]~~ **department** shall not be in any way  
21 affected by this section.

226.096. 1. This section shall govern any controversy or claim to which the Missouri  
2 department of transportation is a party that arises out of or relates to a contract awarded pursuant  
3 to subdivision (9) of subsection 1 of section 226.130, and the claim exceeds twenty-five  
4 thousand dollars, but is less than three hundred twenty-seven thousand dollars as adjusted on an  
5 annual basis effective January first of each year in accordance with the Implicit Price Deflator  
6 for Personal Consumption Expenditures as calculated pursuant to subsection 5 of section  
7 537.610. Provided a claim has been filed pursuant to the procedures set forth in the Missouri  
8 standard specifications for highway construction, or its successor, upon issuance of a final  
9 decision as provided in such standards or upon expiration of ninety days from the date the claim  
10 was filed, the controversy or claim shall upon written demand by any party to the contract be  
11 settled by arbitration administered by the American Arbitration Association under its  
12 Construction Industry Arbitration Rules, except as provided herein. The highways and  
13 transportation commission shall promulgate rules pursuant to chapter 536, to become effective  
14 on or before July 1, 2004, establishing a method for appointment of arbitrators and allowing for  
15 the mediation of claims upon agreement of both parties. Judgment upon awards rendered under  
16 arbitration shall be entered in the circuit court of Cole County, Missouri.

17 2. Any contract specification, special provision, contract clause, or rule pertaining to  
18 contracts governed by this section, which purports to waive, release or extinguish the rights of  
19 a contractor to file a claim, or which purports to bind any court of competent jurisdiction or  
20 alternate dispute resolution process to any determinations of fact rendered by the Missouri  
21 department of transportation or its employees and agents so as to prevent any such court or  
22 alternate dispute resolution process from fully considering the merits of any controversy or claim  
23 governed by this section, is against public policy and shall be void and unenforceable.

24 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
25 under the authority delegated in this section shall become effective only if it complies with and  
26 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
27 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
28 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
29 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
30 proposed or adopted after August 28, 2003, shall be invalid and void.

226.100. The principal office of the ~~[commission]~~ **department** shall be in the City of  
2 Jefferson, Missouri. The said office shall be provided and assigned by the board of public  
3 buildings which board may rent or lease offices, if it be found necessary. The ~~[commission]~~

4 **department** shall have a seal bearing the inscription, "Missouri [~~Highways and~~] **Department**  
5 **of Transportation** [~~Commission~~]", which shall be in the custody of the secretary, and shall be  
6 affixed to all official documents of the [~~commission~~] **department**, or of the director, and to such  
7 other instruments as the [~~commission~~] **department** shall direct. The courts of this state shall  
8 take judicial notice of said seal. The [~~commission~~] **department** may sue and be sued in its  
9 official name, and for the purpose of suit and other legal proceedings, service may be had on the  
10 secretary. The [~~commission~~] **department** shall be supplied with all necessary books, maps,  
11 charts, stationery, office furniture, telephone and other necessary appliances, supplies and  
12 incidentals, to be paid for in the same manner as other expenses authorized by chapters 226 and  
13 227. [~~Each of the members of the commission,~~] The secretary and the director shall have power  
14 and authority to administer oaths in all parts of the state, so far as such authority is incidental to  
15 the performance of their duties.

226.110. The state transportation department building shall constitute the official  
2 residence of the state [~~highways and transportation commission~~] **department of transportation**.  
3 Such building shall be under the charge and control of the board of public buildings, which is  
4 directed and empowered to provide for the proper maintenance and repair of said building, and  
5 to preserve the same from waste and damage from fire and other causes. The board of public  
6 buildings may appoint and employ janitors, elevator operators and watchmen necessary for the  
7 proper use, maintenance, management and control of said building. The cost of material, labor  
8 and repair necessary for the maintenance and use of said building shall be paid by the state  
9 treasurer out of the state highway department fund, upon warrants based upon bills of particulars  
10 and vouchers certified by the board of public buildings.

226.130. 1. The [~~commission~~] **department** shall:

2 (1) Have supervision of highways and bridges which are constructed, improved and  
3 maintained in whole or in part by the aid of state moneys, and of highways constructed in whole  
4 or in part by the aid of moneys appropriated by the United States government, so far as such  
5 supervision is consistent with the acts of Congress relating thereto;

6 (2) Prescribe rules and regulations not inconsistent with law, fixing the duties of all  
7 persons employed by the state [~~highways and transportation commission~~] **department of**  
8 **transportation**;

9 (3) Provide for aiding county highway engineers or other officials of civil subdivisions  
10 in establishing gradients and alignments, and preparing suitable systems for maintenance of  
11 highways and bridges;

12 (4) Cause standard plans, specifications and estimates to be prepared for the repair and  
13 improvement of highways and the construction and repair of bridges by civil subdivisions;



14 (5) Investigate and determine upon the various methods of road and bridge construction  
15 adapted to different sections of the state and as to the best methods of construction and  
16 maintenance of highways and bridges;

17 (6) Compile statistics relating to public highways throughout the state and collect such  
18 information in regard thereto as it shall deem expedient;

19 (7) Aid at all times in promoting highway improvement throughout the state;

20 (8) Prepare plans, specifications and estimates for all state highways;

21 (9) Let all contracts for the construction or improvement of state highways;

22 (10) Prescribe a system of auditing and accounting for all road and bridge moneys for  
23 the use of all highway officials, which system shall be as nearly uniform as practicable;

24 (11) Have power to construct, under its own direction and supervision, all roads, culverts  
25 or bridges, or any part thereof as herein provided.

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

226.133. 1. The general assembly may authorize the ~~[highways and transportation~~  
2 ~~commission]~~ **department of transportation** to issue bonds or other evidence of indebtedness  
3 in an amount not to exceed two billion dollars from fiscal year 2001 to fiscal year 2006; except  
4 that, the ~~[highways and transportation commission]~~ **department of transportation** may  
5 immediately authorize issue of bonds up to two hundred fifty million dollars for the purpose of  
6 providing funds for use in highway construction and repairs scheduled in the five-year plan. The  
7 principal amount of such bonds shall not exceed five hundred million dollars in any one fiscal  
8 year. Proceeds from the issuance of the bonds shall be provided to the department of  
9 transportation to pay for the cost of construction engineering and construction. The proceeds  
10 from the bonds shall not be used to pay for administrative expenses, including but not limited  
11 to planning and design expenses. Contracted final design shall not be considered an  
12 administrative expense, but shall not exceed seven percent of any project.

13 2. To obtain authorization for the issuance of bonds, the ~~[highways and transportation~~  
14 ~~commission]~~ **department of transportation** shall annually present to the general assembly, by  
15 the tenth legislative day, a proposed plan and an analysis demonstrating the feasibility and  
16 appropriateness thereof. The plan to issue bonds shall become effective no later than forty-five  
17 calendar days after the plan proposed by the ~~[highways and transportation commission]~~  
18 **department of transportation** is submitted to a regular session of the general assembly, unless  
19 it is disapproved within forty-five calendar days of its submission to a regular session by a  
20 concurrent resolution introduced within fourteen calendar days of the submission of the plan to  
21 a regular session of the general assembly and adopted by a majority vote of the elected members  
22 of each house. If no concurrent resolution disapproving of the highway plan is introduced within

23 fourteen calendar days of the submission of the plan to the legislature, then the plan shall become  
24 effective immediately. The presiding officer of each house in which a concurrent resolution  
25 disapproving of a plan to issue bonds has been introduced, unless the resolution has been  
26 previously accepted or rejected by that house, shall submit it to a vote of the membership not  
27 sooner than seven calendar days or later than fourteen calendar days after introduction of the  
28 concurrent resolution pertaining to the department of transportation plan. The presiding officer  
29 of the house passing a concurrent resolution disapproving of a plan to issue bonds shall  
30 immediately forward the bill to the other house and the presiding officer of that house shall  
31 submit it to a vote of the membership not sooner than seven calendar days or later than fourteen  
32 calendar days of its receipt from the other legislative body. The plan submitted by the ~~[highways  
33 and transportation commission]~~ **department of transportation** shall not be subject to  
34 amendment by either chamber and may only be rejected in its entirety.

35 3. The ~~[highways and transportation commission]~~ **department of transportation** shall  
36 offer such bonds at public sale or negotiated sale. The bonds shall be for a period of not less than  
37 ten years and not more than twenty years from their date of issue and shall bear interest at a rate  
38 or rates not exceeding the rate permitted by law.

39 4. The proceeds of the sale or sales of any bonds issued pursuant to this section shall be  
40 paid into the state road fund to be expended for the purpose specified pursuant to the provisions  
41 of section 226.220.

42 5. Bonds issued pursuant to this section shall be state road bonds as such term is used  
43 in Section 30(b) of Article IV of the State Constitution, and as such, principal and interest  
44 payments on such bonds shall be made from the state road fund as provided in Section 30(b) of  
45 Article IV of the State Constitution. Bonds issued pursuant to this section shall not be deemed  
46 to constitute a debt or liability of the state or a pledge of the full faith and credit of the state, and  
47 the principal and interest on such bonds shall be payable solely from the state road fund. Bonds  
48 issued pursuant to this section, the interest thereon, or any proceeds from such bonds, shall be  
49 exempt from taxation in the state of Missouri for all purposes except for the state estate tax.

50 6. Bonds may be issued for the purpose of refunding, either at maturity or in advance of  
51 maturity, any bonds issued under this section. The proceeds of such refunding bonds may either  
52 be applied to the payment of the bonds being refunded or deposited in trust and maintained in  
53 cash or investments for the retirement of the bonds being refunded, as shall be specified by the  
54 ~~[highways and transportation commission]~~ **department of transportation** and the authorizing  
55 resolution or trust indenture securing such refunding bonds. The authorizing resolution or trust  
56 indenture securing the refunding bonds shall specify the amount and other terms of the refunding  
57 bonds and may provide that the refunding bonds shall have the same security for their payment  
58 as provided for the bonds being refunded. The refunding bonds shall be for a period of not less

59 than ten years and not more than twenty years from their date of issue and shall bear interest at  
60 a rate or rates not exceeding the rate permitted by law. The principal amount of refunding bonds  
61 issued pursuant to this section shall not be counted toward the limit on the principal amount of  
62 bonds permitted under this section.

226.135. 1. The state [~~highways and transportation commission~~] **department of**  
2 **transportation** shall have the authority to enter into one or more agreements with appropriate  
3 authorities within other states for the issuance of a multistate or regional permit for vehicles and  
4 equipment exceeding the legal limitations on width, length, height and weight, or which are  
5 unable to maintain minimum speed limits. Such permits shall be issued by the chief engineer  
6 of the state department of transportation, or his counterpart in another state subject to such an  
7 agreement with the [~~commission~~] **department**, for good cause shown and when the public safety  
8 or public interest so justifies. Such permits shall be issued only for a single trip or for a definite  
9 period, not exceeding the maximum period set forth in the multistate agreement with the  
10 [~~commission~~] **department**, and shall designate the highways and bridges within Missouri which  
11 may be used under the authority of such permit.

12 2. The chief engineer of the department of transportation shall have authority to collect  
13 permit fees for Missouri and for the other state or states subject to an agreement authorized in  
14 subsection 1 of this section, in the same manner as he now collects fees for permits for vehicles  
15 and equipment exceeding width, length, height and weight limits, or which are unable to  
16 maintain minimum speed limits, for travel exclusively within Missouri. Within each agreement  
17 authorized in this section, the [~~highways and transportation commission~~] **department of**  
18 **transportation** may authorize officials in another state or states subject to that agreement to  
19 collect fees for and on behalf of the [~~commission~~] **department** as well as other states, in  
20 compensation for the issuance of such permits for those vehicles and equipment to travel on  
21 Missouri highways and bridges. Permit fees for multistate travel for such vehicles and  
22 equipment shall be established and reestablished within each agreement authorized in this  
23 section, and any amendments thereto.

24 3. The permit fees collected by the chief engineer on behalf of other jurisdictions under  
25 agreements made under subsection 1 of this section are hereby designated as "nonstate funds"  
26 within the meaning of Section 15, Article IV, Constitution of Missouri, and shall be immediately  
27 transmitted to the department of revenue of the state for deposit to the credit of a special fund  
28 which is hereby created and designated as the "Over-Dimension Permit Fund". The chief  
29 engineer shall not less frequently than once each month direct the payment of, and the director  
30 of revenue shall pay, the fees so collected to the appropriate other jurisdictions. All income  
31 derived from the investment of the over-dimension permit fund by the director of revenue shall  
32 be credited to the state road fund. The portion of those permit fees collected by another state or

33 states pursuant to the terms of the agreement authorized by this section and owing to the  
34 Missouri ~~[highways and transportation commission]~~ **department of transportation** shall be  
35 deposited into the state road fund, as provided in the agreement.

226.140. 1. The governor may cause the books and accounts of the ~~[commission]~~  
2 **department** to be audited by the state auditor or otherwise at any time.

3 2. As authorized by Article IV, Section 30(c) of the Missouri Constitution, the  
4 ~~[commission]~~ **department** shall develop a plan to modernize the state's transportation system,  
5 including but not limited to, mass transportation, aviation, railroads, ports and waterborne  
6 commerce. The ~~[commission]~~ **department** shall make a report to the governor and the general  
7 assembly prior to January 1, 1994, and by January first of each year thereafter. The  
8 ~~[commission]~~ **department** shall include in the report a review of its pursuit of federal funds  
9 including mass transit matching funds to ensure that Missouri is receiving all of the federal  
10 transportation assistance to which it is entitled.

11 3. The state auditor shall, where practicable, use but shall not be limited to the data and  
12 information developed for, and provided by, the report required pursuant to subdivision (1) of  
13 subsection 2 of section 21.795 when performing an audit authorized by section 29.210.

226.150. The ~~[commission]~~ **department** is hereby directed to comply with the  
2 provisions of any act of Congress providing for the distribution and expenditure of funds of the  
3 United States appropriated by Congress for highway construction, and to comply with any of the  
4 rules or conditions made by the Bureau of Public Roads of the Department of Agriculture, or  
5 other branch of the United States government, acting under the provisions of federal law in order  
6 to secure to the state of Missouri funds allotted to this state by the United States government for  
7 highway construction. The ~~[commission]~~ **department** is authorized to pay the state's proportion  
8 of the cost of roads constructed with federal and state funds out of the state road fund. Any  
9 money due to the state of Missouri from the United States, under the provisions of such acts of  
10 Congress, relating to highway construction, shall be received by the state treasury and deposited  
11 in a separate fund, and paid out by the state treasurer on requisitions drawn by an officer of the  
12 state ~~[highways and transportation commission]~~ **department of transportation** on a warrant of  
13 the state auditor. Said funds being the funds of the federal government allotted to the state of  
14 Missouri, no appropriation of the general assembly for the expenditure of such funds shall be  
15 necessary. The ~~[commission]~~ **department** is authorized to accept, receive and utilize any road  
16 machinery, trucks or supplies donated, loaned or sold to the state by the federal government, and  
17 to pay the necessary transportation and other expenses of securing the same. The ~~[commission]~~  
18 **department** may also sell any unnecessary or surplus tools or equipment and receive payment  
19 therefor and all money received on account of such sales, if any, shall be immediately paid into  
20 the state treasury to the credit of the state road fund; provided, however, that no such unnecessary

21 or surplus tools or equipment shall be sold directly or indirectly by the ~~[commission]~~  
22 **department** to any employees of the transportation department except when such sales are made  
23 at public sale open to the general public.

226.160. 1. The provisions of chapter 287 governing workers' compensation may be  
2 extended to include the employees of the state ~~[highways and transportation commission]~~  
3 **department of transportation** and the employees of the state highway patrol as herein provided.  
4 The state ~~[highways and transportation commission]~~ **department of transportation** shall have  
5 authority by resolution to elect, under the provisions of section 287.030, to accept the provisions  
6 of chapter 287 and to pay compensation to its employees and to the uniformed members of the  
7 state highway patrol, for injury or death arising out of and in the course of their employment in  
8 accordance with the provisions and restrictions as set forth in chapter 287. The state ~~[highways~~  
9 ~~and transportation commission]~~ **department of transportation** shall adopt rules classifying the  
10 employees who may be eligible for compensation under this section and section 226.170 and its  
11 classification shall be decisive as to whether or not an employee falls within the definition of an  
12 employee eligible for compensation coverage under this section and section 226.170. In case the  
13 ~~[commission]~~ **department** shall elect to accept such provisions, it may purchase insurance for  
14 such purpose or establish a self-insurance plan pursuant to the provisions of chapter 287. The  
15 ~~[commission]~~ **department** shall have authority to perform such other duties as may be necessary  
16 or incidental effectually to carry out the purposes of this law.

17 2. If the ~~[commission]~~ **department** decides to establish a self-insurance plan, the  
18 ~~[commission]~~ **department** shall annually determine the amount of contribution to the plan  
19 required to pay all accrued and anticipated claims and the cost of administering the plan, and  
20 shall include such amount in its budget request for contribution to the ~~[highways and~~  
21 ~~transportation commission]~~ **department of transportation** employees' and highway patrol  
22 workers' compensation fund. The ~~[commission]~~ **department** may contract for the services of  
23 such actuaries, consultants and claims administrators as it deems necessary for the effective  
24 administration of a self-insurance plan, and is authorized to contract for excess insurance  
25 coverage with an insurance company authorized to write such coverage in this state.

226.170. No election of the state ~~[highways and transportation commission]~~ **department**  
2 **of transportation** to come under the provisions of chapter 287 shall ever be construed as  
3 acknowledging or creating any liability in tort or as incurring other obligations or duties except  
4 only the duty and obligation of complying with the provisions of said chapter 287 so long as said  
5 ~~[commission]~~ **department** may elect to remain under the provisions of chapter 287.

226.191. 1. For the purposes of assisting in the planning, acquisition, development and  
2 construction of transportation facilities other than highways in this state, there is hereby created  
3 in the state treasury a fund known as the "State Transportation Assistance Revolving Fund". The

4 fund shall receive all moneys which may be appropriated or otherwise credited to it by the  
 5 general assembly and shall also receive any gifts, contributions, grants or bequests received from  
 6 federal, private or other sources.

7         2. The state transportation assistance revolving fund shall be administered by the state  
 8 ~~[highways and transportation commission]~~ **department of transportation** which shall have the  
 9 power to loan moneys in the fund to any political subdivision of the state or to any public or  
 10 private not-for-profit organization or entity for:

11           (1) The planning, acquisition, development and construction of facilities for  
 12 transportation by air, water, rail or mass transit;

13           (2) The purchase of vehicles for the transportation of elderly or handicapped persons;  
 14 or

15           (3) The purchase of rolling stock for transit purposes.

16

17 No funds provided by this section shall be used for the payment of the operating expenses of  
 18 such transportation facilities or for the construction or maintenance of state highways.

19         3. The state ~~[highways and transportation commission]~~ **department of transportation**,  
 20 by rule, shall establish the procedures, conditions and repayment terms applicable to any loans  
 21 or grants made under this section. An application fee or other charges may be assessed by the  
 22 ~~[commission]~~ **department**. Loans made under this section may be interest bearing or interest  
 23 free.

24         4. Loaned funds and the interest, if any, accrued thereon which are repaid to the state  
 25 ~~[highways and transportation commission]~~ **department of transportation** shall be deposited in  
 26 the state treasury to the credit of the state transportation assistance revolving fund and may be  
 27 used by the ~~[commission]~~ **department** for other eligible projects under this section.

28         5. Any balance in the state transportation assistance revolving fund remaining at the end  
 29 of an appropriation period shall not be transferred to the general revenue fund and the provisions  
 30 of section 33.080 shall not apply to the fund. All interest earned upon the balance in the state  
 31 transportation assistance revolving fund shall be deposited to the credit of the same fund.

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

2           (1) ~~["Commission", the Missouri highways and transportation commission;~~

3           ~~(2)] "Department", the Missouri department of transportation;~~

4           ~~[(3)]~~ (2) "Public mass transportation service provider", a city, a city transit authority, a  
 5 city utilities board, or an interstate transportation authority as such terms are defined in section  
 6 94.600, an intrastate transportation authority, or an agency receiving funding from either the  
 7 federal transit administration urban or nonurban formula transit program.

8           2. There is hereby created the "Missouri State Transit Assistance Program". The purpose  
9 of this program is to provide state financial assistance to defray the operating and capital costs  
10 incurred by public mass transportation service providers.

11           3. Funds appropriated to the Missouri state transit assistance program shall be  
12 appropriated to the department and administered by the department on behalf of the  
13 ~~[commission]~~ **department**. The distribution of funds to public mass transportation service  
14 providers shall be determined by evaluating factors including but not limited to the following:

- 15           (1) Population;  
16           (2) Ridership;  
17           (3) Cost and efficiency of the program;  
18           (4) Availability of alternative transportation in the area;  
19           (5) Local effort or tax support.

20           4. The commission shall promulgate rules to implement the provisions of this section.  
21 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the  
22 authority delegated in this section shall become effective only if it complies with and is subject  
23 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
24 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant  
25 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
26 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
27 or adopted after August 28, 2011, shall be invalid and void.

          226.200. 1. There is hereby created a "State Highways and Transportation Department  
2 Fund" into which shall be paid or transferred all state revenue derived from highway users as an  
3 incident to their use or right to use the highways of the state, including all state license fees and  
4 taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the  
5 privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales  
6 tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held  
7 for expenditure by or under the department of transportation ~~[or the state highways and  
8 transportation commission]~~, except:

- 9           (1) Money arising from the sale of bonds;  
10           (2) Money received from the United States government; or  
11           (3) Money received for some particular use or uses other than for the payment of  
12 principal and interest on outstanding state road bonds.

13           2. Subject to the limitations of subsection 3 of this section, from said fund shall be paid  
14 or credited the cost:

- 15           (1) Of collection of all said state revenue derived from highway users as an incident to  
16 their use or right to use the highways of the state;

- 17           (2) ~~Of maintaining the state highways and transportation commission;~~  
18        ~~——(3)~~ Of maintaining the state transportation department;  
19           [(4)] (3) Of any workers' compensation for state transportation department employees;  
20           [(5)] (4) Of the share of the transportation department in any retirement program for state  
21 employees, only as may be provided by law; and  
22           [(6)] (5) Of administering and enforcing any state motor vehicle laws or traffic  
23 regulations.

24           3. Beginning in fiscal year 2004, the total amount of appropriations from the state  
25 highways and transportation department fund for all state offices and departments, except for the  
26 highway patrol, and actual costs incurred by the office of administration for or on behalf of the  
27 highway patrol and employees of the department of transportation, shall not exceed the total  
28 amount appropriated for such offices and departments from said fund for fiscal year 2001.  
29 Appropriations to the highway patrol from the state highways and transportation department fund  
30 shall be made in accordance with Article IV, Section 30(b) of the Missouri Constitution.  
31 Appropriations allocated from the state highways and transportation department fund to the  
32 highway patrol shall only be used by the highway patrol to administer and enforce state motor  
33 vehicle laws or traffic regulations. Beginning July 1, 2007, any activities or functions conducted  
34 by the highway patrol not related to enforcing or administering state motor vehicle laws or traffic  
35 regulations shall not be funded by the state highways and transportation department fund, but  
36 shall be funded from general revenue or any other applicable source. Any current funding from  
37 the highways and transportation department fund used for activities not related to enforcing state  
38 motor vehicle laws or traffic regulations shall expire on June 30, 2007. The state auditor shall  
39 annually audit and examine the appropriations made to the highway patrol to determine whether  
40 such appropriations are actually being used for administering and enforcing state motor vehicle  
41 laws and traffic regulations pursuant to the constitution. The state auditor shall submit its annual  
42 findings to the general assembly by January fifteenth of each year.

43           4. The provisions of subsection 3 of this section shall not apply to appropriations from  
44 the state highways and transportation department fund to the ~~[highways and transportation~~  
45 ~~commission and the]~~ state transportation department or to appropriations to the office of  
46 administration for department of transportation employee fringe benefits and OASDHI payments,  
47 or to appropriations to the department of revenue for motor vehicle fuel tax refunds under  
48 chapter 142 or to appropriations to the department of revenue for refunds or overpayments or  
49 erroneous payments from the state highways and transportation department fund.

50           5. All interest earned upon the state highways and transportation department fund shall  
51 be deposited in and to the credit of such fund.



52           6. Any balance remaining in said fund after payment of said costs shall be transferred  
53 to the state road fund.

54           7. Notwithstanding the provisions of subsection 2 of this section to the contrary, any  
55 funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372 after  
56 April 1, 1992, shall not be used for administrative purposes or administrative expenses of the  
57 transportation department.

          226.220. 1. There is hereby created and set up the "State Road Fund" which shall  
2 receive all moneys and credits from

3           (1) The sale of state road bonds;

4           (2) The United States government and intended for highway purposes;

5           (3) The state road bond and interest sinking fund as provided in section 226.210; and

6           (4) Any other source if they are held for expenditure by or under the department of  
7 transportation [~~or the state highways and transportation commission~~] and if they are not required  
8 by section 226.200 to be transferred to the state highway department fund.

9           2. The costs and expenses withdrawn from the state treasury

10          (1) For locating, relocating, establishing, acquiring, reimbursing for, constructing,  
11 improving and maintaining state highways in the systems specified in Article IV, Section 30(b),  
12 of the Constitution;

13          (2) For acquiring materials, equipment and buildings; and

14          (3) For other purposes and contingencies relating and appertaining to the construction  
15 and maintenance of said highways shall be paid from the state road fund upon warrants drawn  
16 by the state auditor, based upon bills of particulars and vouchers preapproved and certified for  
17 payment by the commissioner of administration and by the state [~~highways and transportation~~  
18 ~~commission~~] **department of transportation** acting through such of their employees as may be  
19 designated by them.

20          3. No payments or transfers shall ever be made from the state road fund except for an  
21 expenditure made

22          (1) Under the supervision and direction of the state [~~highways and transportation~~  
23 ~~commission~~] **department of transportation**; and

24          (2) For a purpose set out in Subparagraph (1), (2), (3), (4), or (5) of Section 30(b),  
25 Article IV, of the Constitution.

          226.230. The auditor and treasurer and the state [~~highways and transportation~~  
2 ~~commission~~] **department of transportation** are directed to use their judgment in anticipation  
3 of collections coming into these funds and to make transfers when same shall be deemed  
4 advisable by them.

          226.455. The duties of the commission shall be:

2 (1) To advise the state transportation department in the implementation of the powers  
3 of the department conferred under the provisions of sections 226.280 to 226.430, RSMo 1978;

4 (2) To promote the best interests of the state before the government of the United States,  
5 Canada, the Great River Roads Commission and the national Mississippi River Parkway  
6 Commission in the development and construction of the Mississippi River Parkway and Great  
7 River Road;

8 (3) To advise the governor and the general assembly when, in the judgment of the  
9 commission, action should be taken which will better promote the development of commerce  
10 and trade in counties contiguous to the Mississippi River in Missouri; and

11 (4) To make reports to the ~~[highways and transportation commission]~~ **department of**  
12 **transportation** as required.

226.500. The general assembly finds and declares that outdoor advertising is a legitimate  
2 commercial use of private property adjacent to the interstate and primary highway systems and  
3 that it is necessary to regulate and control same to promote highway safety, to promote  
4 convenience and enjoyment of highway travel, and to preserve the natural scenic beauty of  
5 highways and adjacent areas. The general assembly further declares it to be the policy of this  
6 state that the erection and maintenance of outdoor advertising in areas adjacent to the interstate  
7 and primary highway systems be regulated in accordance with sections 226.500 to 226.600 and  
8 rules and regulations promulgated by the state ~~[highways and transportation commission]~~  
9 **department of transportation** pursuant thereto and may confer with the department of public  
10 safety regarding highway safety, the department of economic development and the state division  
11 of tourism with regard to promoting the convenience and enjoyment of highway travel, and the  
12 departments of conservation and natural resources regarding the preservation of the natural  
13 scenic beauty of adjacent areas.

226.510. As used in sections 226.500 to 226.600, the following words or phrases mean:

2 (1) "Freeway primary highway", that part of a federal-aid primary highway system, as  
3 of June 1, 1991, which has been constructed as divided, dual lane fully controlled access  
4 facilities with no access to the throughways except the established interchanges. When existing  
5 two-lane highways are being upgraded to four-lane limited access, the regulations for freeway  
6 primary highways shall apply as of the date the state ~~[highways and transportation commission]~~  
7 **department of transportation** acquires all access rights on the adjoining right-of-way;

8 (2) "Interstate system", that portion of the national system of interstate highways located  
9 within the boundaries of Missouri, as officially designated or may be hereafter designated by the  
10 state ~~[highways and transportation commission]~~ **department of transportation** with the  
11 approval of the Secretary of Transportation, pursuant to Title 23, United States Code, as  
12 amended;

13 (3) "Outdoor advertising", an outdoor sign, display, device, figure, painting, drawing,  
14 message, plaque, poster, billboard, or other thing designed, intended or used to advertise or  
15 inform, any part of the advertising or information contents of which is visible from any point of  
16 the traveled ways of the interstate or primary systems;

17 (4) "Primary system", the federal-aid primary highways as of June 1, 1991, and all  
18 highways designated as part of the National Highway System by the National Highway System  
19 Designation Act of 1995 and those highways subsequently designated as part of the National  
20 Highway System;

21 (5) "Rest area", an area or site established and maintained within or adjacent to the  
22 highway right-of-way under public supervision or control, for the convenience of the traveling  
23 public, except that the term shall not include automotive service stations, hotels, motels,  
24 restaurants or other commerce facilities of like nature;

25 (6) "Urban area", an urban place as designated by the Bureau of the Census, having a  
26 population of five thousand or more within boundaries to be fixed by the state ~~[highways and~~  
27 ~~transportation commission]~~ **department of transportation** and local officials in cooperation  
28 with each other and approved by the Secretary of Transportation, or an urbanized area as  
29 designated by the Bureau of the Census within boundaries to be fixed by the state ~~[highways and~~  
30 ~~transportation commission]~~ **department of transportation** and local officials and approved by  
31 the Secretary of Transportation. The boundary of the urban area shall, as a minimum, encompass  
32 the entire urban place as designated by the Bureau of the Census.

226.520. On and after March 30, 1972, no outdoor advertising shall be erected or  
2 maintained within six hundred sixty feet of the nearest edge of the right-of-way and visible from  
3 the main traveled way of any highway which is part of the federal-aid primary highways as of  
4 June 1, 1991, and all highways designated as part of the National Highway System by the  
5 National Highway System Designation Act of 1995 and those highways subsequently designated  
6 as part of the National Highway System in this state except the following:

7 (1) Directional and other official signs, including, but not limited to, signs pertaining to  
8 natural wonders, scenic, cultural (including agricultural activities or attractions), scientific,  
9 educational, religious sites, and historical attractions, which are required or authorized by law,  
10 and which comply with regulations which shall be promulgated by the department relative to  
11 their lighting, size, number, spacing and such other requirements as may be appropriate to  
12 implement sections 226.500 to 226.600, but such regulations shall not be inconsistent with, nor  
13 more restrictive than, such national standards as may be promulgated from time to time by the  
14 Secretary of the Department of Transportation of the United States, under subsection (c) of  
15 Section 131 of Title 23 of the United States Code, and two-year colleges shall qualify for

16 substantially the same signs as traditional four-year colleges, irrespective of differences in  
17 student housing or types of degrees offered;

18 (2) Signs, displays, and devices advertising activities conducted on the property upon  
19 which they are located, or services and products therein provided;

20 (3) Outdoor advertising located in areas which are zoned industrial, commercial or the  
21 like as provided in sections 226.500 to 226.600 or under other authority of law;

22 (4) Outdoor advertising located in unzoned commercial or industrial areas as defined and  
23 determined pursuant to sections 226.500 to 226.600;

24 (5) Outdoor advertising for tourist-oriented businesses, and scoreboards used in sporting  
25 events or other electronic signs with changeable messages which are not prohibited by federal  
26 regulations or local zoning ordinances. Outdoor advertising which is authorized by this  
27 subdivision (5) shall only be allowed to the extent that such outdoor advertising is not prohibited  
28 by Title 23, United States Code, Section 131, as now or thereafter amended, and lawful  
29 regulations promulgated thereunder. The general assembly finds and declares it to be the policy  
30 of the state of Missouri that the tourism industry is of major and critical importance to the  
31 economic well-being of the state and that directional signs, displays and devices providing  
32 directional information about goods and services in the interest of the traveling public are  
33 essential to the economic welfare of the tourism industry. The general assembly further finds  
34 and declares that the removal of directional signs advertising tourist-oriented businesses is  
35 harmful to the tourism industry in Missouri and that the removal of directional signs within or  
36 near areas of the state where there is high concentration of tourist-oriented businesses would  
37 have a particularly harmful effect upon the economies within such areas. The state [~~highways  
38 and transportation commission~~] **department of transportation** is authorized and directed to  
39 determine those specific areas of the state of Missouri in which there is high concentration of  
40 tourist-oriented businesses, and within such areas, no directional signs, displays and devices  
41 which are lawfully erected, which are maintained in good repair, which provide directional  
42 information about goods and services in the interest of the traveling public, and which would  
43 otherwise be required to be removed because they are not allowed to be maintained under the  
44 provisions of sections 226.500 through 226.600 shall be required to be removed until such time  
45 as such removal has been finally ordered by the United States Secretary of Transportation;

46 (6) The provisions of this section shall not be construed to require removal of signs  
47 advertising churches or items of religious significance, items of native arts and crafts,  
48 woodworking in native products, or native items of artistic, historical, geologic significance, or  
49 hospitals or airports.

226.525. 1. The state [~~highways and transportation commission~~] **department of**  
2 **transportation** is directed to erect within the right-of-way of all classes of highways within the

3 state signs and notices pertaining to publicly and privately owned natural wonders and scenic and  
4 historical attractions under the following conditions:

5 (1) Such signs shall not violate any federal law, rule, or regulation affecting the  
6 allocation of federal funds to the state of Missouri or which violate any safety regulation formally  
7 promulgated by the state [~~highways and transportation commission~~] **department of**  
8 **transportation**.

9 (2) Such official signs shall be limited in content to the name of the attraction and  
10 necessary travel information.

11 (3) The state [~~highways and transportation commission~~] **department of transportation**  
12 shall determine those sites and attractions for which directional and other official signs may be  
13 erected as permitted by Section 131 of Title 23, United States Code, which it deems of such  
14 importance as to justify such signing, using as a guide those publicly or privately owned natural  
15 wonders and scenic, historic, educational, cultural, or recreational sites which have been  
16 determined to be of general interest.

17 (4) The state [~~highways and transportation commission~~] **department of transportation**  
18 may require reimbursement for the cost of erection and maintenance of the official directional  
19 signs authorized hereunder when sites or attractions are privately owned by other than the state  
20 or political subdivisions. The state [~~highways and transportation commission~~] **department of**  
21 **transportation** shall prescribe the size, number and locations of such signs based upon its  
22 determination of the travelers' need for directional information.

23 2. The [~~commission~~] **department** shall adopt rules to implement a program for the  
24 erection and maintenance of tourist-oriented directional signs within the right-of-way of state  
25 highways in the state. The tourist-oriented directional signs shall provide business identification  
26 and directional information for natural attractions and activities which, during a normal business  
27 season, derive a major portion of the income and visitors for the business or activity from  
28 motorists not residing in the immediate area of the business or activity. Natural attractions and  
29 activities eligible for such tourist-oriented directional signs shall include, but not be limited to,  
30 caves, museums, wineries, antique business districts and tourist-oriented directional signs  
31 indicating the location of any veterans' memorial located at any college in such county provided  
32 that such signs are located on a highway known as the "Veterans' Memorial Highway" in any  
33 county of the first classification with a population of more than one hundred seventy thousand  
34 inhabitants but less than two hundred thousand inhabitants.

226.527. 1. On and after August 13, 1976, no outdoor advertising shall be erected or  
2 maintained beyond six hundred and sixty feet of the right-of-way, located outside of urban areas,  
3 visible from the main traveled way of the interstate or primary system and erected with the

4 purpose of its message being read from such traveled way, except such outdoor advertising as  
5 is defined in subdivisions (1) and (2) of section 226.520.

6 2. No compensation shall be paid for the removal of any sign erected in violation of  
7 subsection 1 of this section unless otherwise authorized or permitted by sections 226.501 to  
8 226.580. No sign erected prior to August 13, 1976, which would be in violation of this section  
9 if it were erected or maintained after August 13, 1976, shall be removed unless such removal is  
10 required by the Secretary of Transportation and federal funds required to be contributed to this  
11 state under Section 131(g) of Title 23, United States Code, to pay compensation for such removal  
12 have been appropriated and allocated and are immediately available to this state, and in such  
13 event, such sign shall be removed pursuant to section 226.570.

14 3. In the event any portion of this chapter is found in noncompliance with Title 23,  
15 United States Code, Section 131, by the Secretary of Transportation or his representative, and  
16 any portion of federal-aid highway funds or funds authorized for removal of outdoor advertising  
17 are withheld, or declared forfeited by the Secretary of Transportation or his representative, all  
18 removal of outdoor advertising by the Missouri state ~~[highways and transportation commission]~~  
19 **department of transportation** pursuant to this chapter shall cease, and shall not be resumed  
20 until such funds are restored in full. Such cessation of removal shall not be construed to affect  
21 compensation for outdoor advertising removed or in the process of removal pursuant to this  
22 chapter.

23 4. In addition to any applicable regulations set forth in sections 226.500 through 226.600,  
24 signs within an area subject to control by a local zoning authority and wherever located within  
25 such area shall be subject to reasonable regulations of that local zoning authority relative to size,  
26 lighting, spacing, and location; provided, however, that no local zoning authority shall have  
27 authority to require any sign within its jurisdiction which was lawfully erected and which is  
28 maintained in good repair to be removed without the payment of just compensation.

29 5. When a legally erected billboard exists on a parcel of property, a local zoning  
30 authority shall not adopt or enforce any ordinance, order, rule, regulation or practice that  
31 eliminates the ability of a property owner to build or develop property or erect an on-premise  
32 sign solely because a legally erected billboard exists on the property.

226.530. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** is required to issue one-time permanent permits as provided in section 226.550  
3 for the erection and maintenance of outdoor advertising along the interstate and primary highway  
4 systems and subject to section 226.540 to promulgate only those rules and regulations of minimal  
5 necessity and consistent with customary use to secure to this state any federal aid contingent  
6 upon compliance with federal laws, rules and regulations relating to outdoor advertising. No rule

7 or portion of a rule promulgated under the authority of this section shall become effective unless  
8 it has been promulgated pursuant to the provisions of section 536.024.

226.540. Notwithstanding any other provisions of sections 226.500 to 226.600, outdoor  
2 advertising shall be permitted within six hundred and sixty feet of the nearest edge of the  
3 right-of-way of highways located on the interstate, federal-aid primary system as it existed on  
4 June 1, 1991, or the national highway system as amended in areas zoned industrial, commercial  
5 or the like and in unzoned commercial and industrial areas as defined in this section, subject to  
6 the following regulations which are consistent with customary use in this state:

7 (1) Lighting:

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

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

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

24 (2) Size of signs:

25 (a) The maximum area for any one sign shall be eight hundred square feet with a  
26 maximum height of thirty feet and a maximum length of seventy-two feet, inclusive of border  
27 and trim but excluding the base or apron, supports, and other structural members. The area shall  
28 be measured as established herein and in rules promulgated by the ~~commission~~ **department**.  
29 In determining the size of a conforming or nonconforming sign structure, temporary cutouts and  
30 extensions installed for the length of a specific display contract shall not be considered a  
31 substantial increase to the size of the permanent display; provided the actual square footage of  
32 such temporary cutouts or extensions may not exceed thirty-three percent of the permanent  
33 display area. Signs erected in accordance with the provisions of sections 226.500 to 226.600

34 prior to August 28, 2002, which fail to meet the requirements of this provision shall be deemed  
35 legally nonconforming as defined herein;

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

39 (c) After August 28, 1999, no new sign structure shall be erected in which two or more  
40 displays are stacked one above the other. Stacked structures existing on or before August 28,  
41 1999, in accordance with sections 226.500 to 226.600 shall be deemed legally nonconforming  
42 and may be maintained in accordance with the provisions of sections 226.500 to 226.600.  
43 Structures displaying more than one display on a horizontal basis shall be allowed, provided that  
44 total display areas do not exceed the maximum allowed square footage for a sign structure  
45 pursuant to the provisions of paragraph (a) of this subdivision;

46 (3) Spacing of signs:

47 (a) On all interstate highways, freeways, and nonfreeway federal-aid primary highways  
48 as of June 1, 1991, and all highways designated as part of the National Highway System by the  
49 National Highway System Designation Act of 1995 and those highways subsequently designated  
50 as part of the National Highway System:

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

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

61 (b) The spacing between structure provisions of this subdivision do not apply to signs  
62 which are separated by buildings, natural surroundings, or other obstructions in such manner that  
63 only one sign facing located within such distance is visible at any one time. Directional or other  
64 official signs or those advertising the sale or lease of the property on which they are located, or  
65 those which advertise activities on the property on which they are located, including products  
66 sold, shall not be counted, nor shall measurements be made from them for the purpose of  
67 compliance with spacing provisions;

68 (c) No sign shall be located in such manner as to obstruct or otherwise physically  
69 interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or



70 physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting  
71 traffic;

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

76 (4) As used in this section, the words "unzoned commercial and industrial land" shall  
77 be defined as follows: that area not zoned by state or local law or ordinance and on which there  
78 is located one or more permanent structures used for a commercial business or industrial activity  
79 or on which a commercial or industrial activity is actually conducted together with the area along  
80 the highway extending outwardly seven hundred fifty feet from and beyond the edge of such  
81 activity. All measurements shall be from the outer edges of the regularly used improvements,  
82 buildings, parking lots, landscaped, storage or processing areas of the commercial or industrial  
83 activity and along and parallel to the edge of the pavement of the highway. Unzoned land shall  
84 not include:

85 (a) Land on the opposite side of the highway from an unzoned commercial or industrial  
86 area as defined in this section and located adjacent to highways located on the interstate,  
87 federal-aid primary system as it existed on June 1, 1991, or the national highway system as  
88 amended, unless the opposite side of the highway qualifies as a separate unzoned commercial  
89 or industrial area; or

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

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

94 (a) Outdoor advertising structures;

95 (b) Agricultural, forestry, ranching, grazing, farming, and related activities, including  
96 seasonal roadside fresh produce stands;

97 (c) Transient or temporary activities;

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

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

101 (f) Railroad tracks and minor sidings;

102 (6) The words "unzoned commercial or industrial land" shall also include all areas not  
103 specified in this section which constitute an "unzoned commercial or industrial area" within the  
104 meaning of the present Section 131 of Title 23 of the United States Code, or as such statute may  
105 be amended. As used in this section, the words "zoned commercial or industrial area" shall refer

106 to those areas zoned commercial or industrial by the duly constituted zoning authority of a  
107 municipality, county, or other lawfully established political subdivision of the state, or by the  
108 state and which is within seven hundred fifty feet of one or more permanent commercial or  
109 industrial activities. Commercial or industrial activities as used in this section are limited to  
110 those activities:

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

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

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

117 (d) In determining whether the primary use of the property is commercial or industrial  
118 pursuant to paragraph (a) of this subdivision, the state [~~highways and transportation commission~~]  
119 **department of transportation** shall consider the following factors:

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

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

123 c. On-premise signs or other identification;

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

126 (7) In zoned commercial and industrial areas, whenever a state, county or municipal  
127 zoning authority has adopted laws or ordinances which include regulations with respect to the  
128 size, lighting and spacing of signs, which regulations are consistent with the intent of sections  
129 226.500 to 226.600 and with customary use, then from and after the effective date of such  
130 regulations, and so long as they shall continue in effect, the provisions of this section shall not  
131 apply to the erection of signs in such areas. Notwithstanding any other provisions of this section,  
132 after August 28, 1992, with respect to any outdoor advertising which is regulated by the  
133 provisions of subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527:

134 (a) No county or municipality shall issue a permit to allow a regulated sign to be newly  
135 erected without a permit issued by the state [~~highways and transportation commission~~]  
136 **department of transportation**;

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

142 (8) The state [~~highways and transportation commission~~] **department of transportation**  
143 on behalf of the state of Missouri, may seek agreement with the Secretary of Transportation of  
144 the United States under Section 131 of Title 23, United States Code, as amended, that sections  
145 226.500 to 226.600 are in conformance with that Section 131 and provides effective control of  
146 outdoor advertising signs as set forth therein. If such agreement cannot be reached and the  
147 penalties under subsection (b) of Section 131 are invoked, the attorney general of this state shall  
148 institute proceedings described in subsection (1) of that Section 131.

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

2 (1) "Conforming out of standard signs", signs that fail to meet the current statutory and  
3 administrative rule requirements for outdoor advertising but currently comply with the terms of  
4 the federal/state agreement and meet the August 27, 1999, statutory and administrative rule  
5 requirements that governed outdoor advertising and the Highway Beautification Act of 1965;

6 (2) "Federal/state agreement", an agreement executed between the United States  
7 Department of Transportation and the state highways and transportation commission on February  
8 22, 1972, for carrying out national policy relative to control of outdoor advertising in areas  
9 adjacent to the national system of interstate and defense highways and the federal-aid primary  
10 system;

11 (3) "Qualifying signs", signs which meet the requirements for outdoor advertising in  
12 effect on August 27, 1999, and the requirements of the federal/state agreement;

13 (4) "Reset", movement of a sign structure from one location to another location on the  
14 same or adjoining property, if the adjoining property is zoned commercial or industrial or in an  
15 unzoned commercial or industrial area and the owner of the sign has obtained the legal right to  
16 erect a sign on the adjoining property from its owner, as authorized by a sign permit amendment  
17 and the terms of an executed written partial waiver and reset agreement between the permit  
18 owner and the state [~~highways and transportation commission~~] **department of transportation**;

19 (5) "Substantially rebuilt", any reconstruction or repair of a sign that requires the  
20 replacement of more than fifty percent of the sign structure's support poles in a twelve-month  
21 period.

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

29           3. If allowed by applicable local regulations, a conforming out of standard sign may be  
30 upgraded:

31           (1) Up to twenty percent of the sign face, not to exceed one hundred sixty square feet of  
32 area, with digital technology for displaying text or numbers in accordance with current law and  
33 rules; or

34           (2) More than twenty percent only if it maintains a distance of at least one thousand four  
35 hundred feet from any other such digital technology display sign.

36           4. Notwithstanding any provision of the law to the contrary, a conforming out of standard  
37 sign may be unstacked by closing the gap between the signs or by replacing the faces with one  
38 display area. The resulting sign face square footage shall not exceed the square footage of the  
39 original stacked structure. A conforming out of standard sign structure height may be lowered.

40           5. On the date the ~~[commission]~~ **department** approves funding for any phase or portion  
41 of construction or reconstruction of any street or highway, the rules in effect for outdoor  
42 advertising on August 27, 1999, shall be reinstated for that section of highway scheduled for  
43 construction and there shall immediately be a moratorium imposed on the issuance of state sign  
44 permits for new sign structures.

45           6. Owners of existing signs which meet the requirements for outdoor advertising in effect  
46 on August 27, 1999, and the requirements of the federal/state agreement and who voluntarily  
47 execute a partial waiver and reset agreement may reset such signs on the same or adjoining  
48 property. Such reset agreements shall be contingent upon obtaining any required local approval  
49 to reset the sign structure. Any sign which has been reset must still comply with the August 27,  
50 1999, outdoor advertising regulations after it has been reset.

51           7. Owners of existing signs who elect to reset qualifying signs shall receive  
52 compensation from the state ~~[highways and transportation commission]~~ **department of**  
53 **transportation** or in accordance with a cost sharing agreement representing the actual cost to  
54 reset the existing sign. Signs which have been reset under these provisions must be  
55 reconstructed of the same type materials and may not exceed the square footage of the original  
56 sign structure.

57           8. Sign owners may elect to reset existing qualifying signs by executing a partial waiver  
58 and reset agreement with the ~~[commission]~~ **department**. Such agreement shall specify the size,  
59 type, and location of the rebuilt sign and the reset expenses to be paid to the owner by the  
60 ~~[commission]~~ **department**. The ~~[commission]~~ **department** may consider the impact of a  
61 potential reset upon scenic, natural, historic, or other features in the surrounding area in its  
62 determination of whether to enter into a reset agreement.

63 9. Immediately upon the completion of construction on any section of highway, the  
64 moratorium on new permits shall be lifted and the rules for outdoor advertising in effect on the  
65 date the construction is completed shall apply to such section of highway.

66 10. Local zoning authorities may prohibit the resetting of qualifying signs which fail to  
67 comply with local regulations.

68 11. The state ~~[highways and transportation commission]~~ **department of transportation**,  
69 in accordance with section 226.500, shall review its current rules and regulations and solicit  
70 industry, stakeholder, and public comments regarding digital technology upgrades, including but  
71 not limited to, ad copy duration, distance from interchanges, brightness controls, including light  
72 sensors and timers, and distance from other billboards prior to implementing the sign reset  
73 agreement program or digital upgrade regulations described in this section.

74 12. All signs shall be subject to the biennial inspection fees under section 226.550.

226.545. Notwithstanding any other provision of sections 226.500 to 226.600, outdoor  
2 advertising signs lawfully in existence on October 22, 1965, determined by agreement between  
3 the state ~~[highways and transportation commission]~~ **department of transportation** and the  
4 Secretary of Transportation to be landmark signs, including signs on farm structures or natural  
5 surfaces, of historical or artistic significance may be maintained.

226.550. 1. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of  
2 section 226.520 or subsection 1 of section 226.527 shall be erected or maintained on or after  
3 August 28, 1992, without a one-time permanent permit issued by the state ~~[highways and  
4 transportation commission]~~ **department of transportation**. Application for permits shall be  
5 made to the state ~~[highways and transportation commission]~~ **department of transportation** on  
6 forms furnished by the ~~[commission]~~ **department** and shall be accompanied by a permit fee of  
7 two hundred dollars for all signs; except that, tax-exempt religious organizations as defined in  
8 subdivision (11) of section 313.005, service organizations as defined in subdivision (12) of  
9 section 313.005, veterans' organizations as defined in subdivision (14) of section 313.005, and  
10 fraternal organizations as defined in subdivision (8) of section 313.005 shall be granted a permit  
11 for signs less than seventy-six square feet without payment of the fee. In the event a permit  
12 holder fails to erect a sign structure within twenty-four months of issuance, said permit shall  
13 expire and a new permit must be obtained prior to any construction.

14 2. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of section  
15 226.520 or subsection 1 of section 226.527 which was erected prior to August 28, 1992, shall  
16 be maintained without a one-time permanent permit for outdoor advertising issued by the state  
17 ~~[highways and transportation commission]~~ **department of transportation**. If a one-time  
18 permanent permit was issued by the state highways and transportation commission after March  
19 30, 1972, and before August 28, 1992, it is not necessary for a new permit to be issued. If a

20 one-time permanent permit was not issued for a lawfully erected and lawfully existing sign by  
21 the state highways and transportation commission after March 30, 1972, and before August 28,  
22 1992, a one-time permanent permit shall be issued by the commission for each sign which is  
23 lawfully in existence on the day prior to August 28, 1992, upon application and payment of a  
24 permit fee of two hundred dollars. All applications and fees due pursuant to this subsection shall  
25 be submitted before December 31, 1992.

26 3. For purposes of sections 226.500 to 226.600, the terminology "structure lawfully in  
27 existence" or "lawfully existing" sign or outdoor advertising shall, nevertheless, include the  
28 following signs unless the signs violate the provisions of subdivisions (3) to (7) of subsection  
29 1 of section 226.580:

30 (1) All signs erected prior to January 1, 1968;

31 (2) All signs erected before March 30, 1972, but on or after January 1, 1968, which  
32 would otherwise be lawful but for the failure to have a permit for such signs prior to March 30,  
33 1972, except that any sign or structure which was not in compliance with sizing, spacing,  
34 lighting, or location requirements of sections 226.500 to 226.600 as the sections appeared in the  
35 revised statutes of Missouri 1969, wheresoever located, shall not be considered a lawfully  
36 existing sign or structure;

37 (3) All signs erected after March 30, 1972, which are in conformity with sections  
38 226.500 to 226.600;

39 (4) All signs erected in compliance with sections 226.500 to 226.600 prior to August 28,  
40 2002.

41 4. On or after August 28, 1992, the state [~~highways and transportation commission~~]  
42 **department of transportation** may, in addition to the fees authorized by subsections 1 and 2  
43 of this section, collect a biennial inspection fee every two years after a state permit has been  
44 issued. Biennial inspection fees due after August 28, 2002, and prior to August 28, 2003, shall  
45 be fifty dollars. Biennial inspection fees due on or after August 28, 2003, shall be seventy-five  
46 dollars. Biennial inspection fees due on or after August 28, 2004, shall be one hundred dollars;  
47 except that, tax-exempt religious organizations as defined in subdivision (11) of section 313.005,  
48 service organizations as defined in subdivision (12) of section 313.005, veterans' organizations  
49 as defined in subdivision (14) of section 313.005, and fraternal organizations as defined in  
50 subdivision (8) of section 313.005 shall not be required to pay such fee.

51 5. In order to effect the more efficient collection of biennial inspection fees, the state  
52 [~~highways and transportation commission~~] **department of transportation** is encouraged to  
53 adopt a renewal system in which all permits in a particular county are renewed in the same  
54 month. In conjunction with the conversion to this renewal system, the state [~~highways and~~

55 ~~transportation commission~~ **department of transportation** is specifically authorized to prorate  
56 renewal fees based on changes in renewal dates.

57 6. Sign owners or owners of the land on which signs are located must apply to the state  
58 ~~highways and transportation commission~~ **department of transportation** for biennial  
59 inspection and submit any fees as required by this section on or before December 31, 1992. For  
60 a permitted sign which does not have a permit, a permit shall be issued at the time of the next  
61 biennial inspection.

62 7. The state ~~highways and transportation commission~~ **department of transportation**  
63 shall deposit all fees received for outdoor advertising permits and inspection fees in the state road  
64 fund, keeping a separate record of such fees, and the same may be expended by the ~~commission~~  
65 **department** in the administration of sections 226.500 to 226.600.

226.570. 1. The state ~~highways and transportation commission~~ **department of**  
2 **transportation** is directed to acquire by purchase, exchange, agreement, eminent domain, gift  
3 or condemnation, and shall pay just compensation for the removal of lawfully existing outdoor  
4 advertising signs, displays and devices not permitted to be maintained under sections 226.500  
5 to 226.600, but any signs advertising tourist oriented type business will be the last to be removed.  
6 Eminent domain shall be exercised in accordance with the provisions of chapter 523.

7 (1) Just compensation shall be paid for outdoor advertising and all property rights  
8 pertaining to same which are acquired including the taking from the owner of such sign, display,  
9 or device, and in his leasehold or other interest in the land; and the taking from the owner of the  
10 real property on which the sign, display, or device is located, of the right to erect and maintain  
11 such signs, displays, and devices thereon.

12 (2) Despite any contrary provision in sections 226.500 to 226.600, no lawfully existing  
13 sign shall be required to be removed unless at the time of removal there are sufficient funds,  
14 from whatever source, appropriated and allocated and available to this state with which to pay  
15 the just compensation required under this section, and unless at such time the federal funds  
16 required to be contributed to this state under section 131(g) of Title 23, United States Code, have  
17 been appropriated and allocated and are immediately available to this state.

18 2. Any outdoor advertising in existence along the interstate or primary system on March  
19 30, 1972, which is not subject to removal pursuant to section 226.580 and which is not in  
20 conformity with the provisions of sections 226.500 to 226.600 shall not be required to be  
21 removed until such removal is required by the Secretary of Transportation. Outdoor advertising  
22 within six hundred sixty feet of the right-of-way of an interstate or primary highway shall not be  
23 required to be removed unless such removal is pursuant to this section or section 226.580.

226.580. 1. The following outdoor advertising within six hundred sixty feet of the right-of-way of interstate or primary highways is deemed unlawful and shall be subject to removal:

(1) Signs erected after March 30, 1972, contrary to the provisions of sections 226.500 to 226.600 and signs erected on or after January 1, 1968, but before March 30, 1972, contrary to the sizing, spacing, lighting, or location provisions of sections 226.500 to 226.600 as they appeared in the revised statutes of Missouri 1969; or

(2) Signs for which a permit is not obtained or a biennial inspection fee is more than twelve months past due; or

(3) Signs which are obsolete. Signs shall not be considered obsolete solely because they temporarily do not carry an advertising message; or

(4) Signs that are not in good repair; or

(5) Signs not securely affixed to a substantial structure; or

(6) Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device; or

(7) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

2. Signs erected after August 13, 1976, beyond six hundred sixty feet of the right-of-way outside of urban areas, visible from the main traveled way of the interstate or primary system and erected with the purpose of their message being read from such traveled way, except those signs described in subdivisions (1) and (2) of section 226.520 are deemed unlawful and shall be subject to removal.

3. If a sign is deemed to be unlawful for any of the reasons set out in subsections 1 to 7 of this section, the state ~~[highways and transportation commission]~~ **department of transportation** shall give notice either by certified mail or by personal service to the owner or occupant of the land on which advertising believed to be unlawful is located and the owner of the outdoor advertising structure. Such notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action which is required to correct the unlawfulness and shall advise that a failure to take the remedial action within sixty days will result in the sign being removed. Within sixty days after receipt of the notice as to him **or her**, the owner of the land or of the structure may remove the sign or may take the remedial action specified or may file an action for administrative review pursuant to the provisions of sections 536.067 to 536.090 to review the action of the state ~~[highways and transportation commission]~~ **department of transportation**, or he **or she** may proceed under the provisions of section 536.150 as if the act of the ~~[highways and transportation commission]~~ **department of transportation** was one not



37 subject to administrative review. Notwithstanding any other provisions of sections 226.500 to  
38 226.600, no outdoor advertising structure erected prior to August 28, 1992, defined as a  
39 "structure lawfully in existence" or "lawfully existing", by subdivision (1), (2) or (3) of  
40 subsection 3 of section 226.550, shall be removed for failure to have a permit until a notice, as  
41 provided in this section, has been issued which shall specify failure to obtain a permit or pay a  
42 biennial inspection fee as the basis for alleged unlawfulness, and shall advise that failure to take  
43 the remedial action of applying for a permit or paying the inspection fee within sixty days will  
44 result in the sign being removed. Signs for which biennial inspection fees are delinquent shall  
45 not be removed unless the fees are more than twelve months past due and actual notice of the  
46 delinquency has been provided to the sign owner. Upon application made within the sixty-day  
47 period as provided in this section, and accompanied by the fee prescribed by section 226.550,  
48 together with any inspection fees that would have been payable if a permit had been timely  
49 issued, the state [~~highways and transportation commission~~] **department of transportation** shall  
50 issue a one-time permanent permit for such sign. Such signs with respect to which permits are  
51 so issued are hereby determined by the state of Missouri to have been lawfully erected within the  
52 meaning of "lawfully erected" as that term is used in Title 23, United States Code, Section  
53 131(g), as amended, and shall only be removed upon payment of just compensation, except that  
54 the issuance of permits shall not entitle the owners of such signs to compensation for their  
55 removal if it is finally determined that such signs are not "lawfully erected" as that term is used  
56 in Section 131(g) of Title 23 of the United States Code.

57 4. If actual notice as provided in this section is given and neither the remedial action  
58 specified is taken nor an action for review is filed, or if an action for review is filed and is finally  
59 adjudicated in favor of the state [~~highways and transportation commission~~] **department of**  
60 **transportation**, the state [~~highways and transportation commission~~] **department of**  
61 **transportation** shall have authority to immediately remove the unlawful outdoor advertising.  
62 The owner of the structure shall be liable for the costs of such removal. The [~~commission~~]  
63 **department** shall incur no liability for causing this removal, except for damage caused by  
64 negligence of the [~~commission~~] **department**, its agents or employees.

65 5. If notice as provided in this section is given and an action for review is filed under the  
66 provisions of section 536.150, or if administrative review pursuant to the provisions of sections  
67 536.067 to 536.090 is filed and the state [~~highways and transportation commission~~] **department**  
68 **of transportation** enters its final decision and order to remove the outdoor advertising structure,  
69 the advertising message contained on the structure shall be removed or concealed by the owner  
70 of the structure, at the owner's expense, until the action for judicial review is finally adjudicated.  
71 If the owner of the structure refuses or fails to remove or conceal the advertising message, the  
72 [~~commission~~] **department** may remove or conceal the advertising message and the owner of the

73 structure shall be liable for the costs of such removal or concealment. The [~~commission~~]  
74 **department** shall incur no liability for causing the removal or concealment of the advertising  
75 message while an action for review is pending, except if the owner finally prevails in its action  
76 for judicial review, the [~~commission~~] **department** will compensate the owner at the rate the  
77 owner is actually receiving income from the advertiser pursuant to written lease from the time  
78 the message is removed until the judicial review is final.

79 6. Any signs advertising tourist-oriented type business will be the last to be removed.

80 7. Any signs prohibited by section 226.527 which were lawfully erected prior to August  
81 13, 1976, shall be removed pursuant to section 226.570.

82 8. The transportation department shall reimburse to the lawful owners of any said  
83 nonconforming signs that are now in existence as defined in sections 226.540, 226.550, 226.580  
84 and 226.585, said compensation calculated and/or based on a fair market value and not mere  
85 replacement cost.

226.590. The state [~~highways and transportation commission~~] **department of**  
2 **transportation** is authorized to use any funds, appropriated to it or received by it from other than  
3 the state road fund for matching federal funds or for other lawful purposes of sections 226.500  
4 to 226.600.

226.660. As used in sections 226.650 to 226.720, words or phrases mean:

2 (1) "Automobile graveyard" means any establishment, area, or place of business  
3 maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined,  
4 or dismantled motor vehicles or parts thereof;

5 (2) "Interstate system" means that portion of the national system of interstate and defense  
6 highways located within the boundaries of Missouri, as officially designated or as may be  
7 hereafter designated by the state [~~highways and transportation commission~~] **department of**  
8 **transportation** with the approval of the Secretary of Commerce, pursuant to Title 23, United  
9 States Code, as amended;

10 (3) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber  
11 debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and  
12 other old or scrap ferrous or nonferrous material;

13 (4) "Junkyard" means an establishment, area, or place of business maintained, operated,  
14 or used for the storing, keeping, buying, or selling of junk or for the operation of an automobile  
15 graveyard, garbage dump or sanitary fill;

16 (5) "Primary system" means that portion of the highways of this state officially  
17 designated by the state [~~highways and transportation commission~~] **department of**  
18 **transportation** as being in the primary highway system as authorized by the constitution and  
19 laws of Missouri.

226.670. No person shall operate, establish, or maintain a junkyard, any portion of which  
2 is within one thousand feet of the nearest edge of the right-of-way of any interstate or primary  
3 highway, without obtaining a license from the state [~~highways and transportation commission~~]  
4 **department of transportation** of Missouri. The state [~~highways and transportation~~  
5 ~~commission~~] **department of transportation** shall have authority to issue a license for the  
6 establishment, operation, and maintenance of junkyards within the limits established in the  
7 preceding section and shall charge an annual fee of ten dollars, payable in advance. All licenses  
8 shall expire on the first day of January following the date of issue and the [~~commission~~]  
9 **department** may charge a pro rata part of the annual license fee for portions of a year. Licenses  
10 shall be renewed from year to year on payment of the license fee. Such fee shall be deposited  
11 in the highway fund and be expended by the state [~~highways and transportation commission~~]  
12 **department of transportation** in the administration of provisions of sections 226.650 to  
13 226.720.

226.680. No license shall be granted for the operation of a junkyard within one thousand  
2 feet of the nearest edge of right-of-way of any highway on the interstate or primary system except  
3 the following:

- 4 (1) Those screened by natural objects, plantings, fences, or other appropriate means so  
5 as to render them not visible from the traveled way of the highway involved;
- 6 (2) Those located within areas which are zoned for industrial use under authority of law;
- 7 (3) Those located within industrial areas determined by the state [~~highways and~~  
8 ~~transportation commission~~] **department of transportation** from actual land use to be industrial  
9 or commercial areas;
- 10 (4) Those not visible from the right-of-way of the interstate or primary system.

226.690. Any junkyard lawfully in existence on August 4, 1966, which is within one  
2 thousand feet of the nearest edge of the right-of-way and visible from the traveled roadway of  
3 any highway on the interstate or primary system shall be screened, if feasible, by the state  
4 [~~highways and transportation commission~~] **department of transportation** so as to render it not  
5 visible from such highways. When the state [~~highways and transportation commission~~]  
6 **department of transportation** shall determine that adequate screening of such junkyards is not  
7 economically feasible or possible, it is authorized to acquire by purchase, exchange,  
8 condemnation proceedings, or otherwise, all interests in land necessary to secure the relocation,  
9 removal, or disposal of junkyards involved and to pay for the relocation, removal, or disposal  
10 thereof. The [~~commission~~] **department** may acquire such lands or interests in lands as is  
11 necessary to provide adequate screening of junkyards when it considers it to be in the best  
12 interest of the state.

226.700. The state [~~highways and transportation commission~~] **department of transportation** shall have authority to promulgate reasonable rules and regulations to implement sections 226.650 to 226.720 and is authorized to enter into agreements with the United States Secretary of Commerce as provided by Title 23, United States Code, relating to the control of junkyards. The maintenance of the junkyard in violation of sections 226.650 to 226.720 is declared to be a nuisance, and the state [~~highways and transportation commission~~] **department of transportation** may apply to the circuit court of any county in which such unlawful junkyard is located for an injunction to abate such nuisance.

226.750. The state [~~highways and transportation commission~~] **department of transportation** is hereby authorized to acquire, maintain, and improve areas abutting interstate highways and other highways in the primary system bearing federal designations for the restoration, preservation, and enhancement of scenic beauty and for rest and recreational areas for accommodation of the traveling public.

226.760. The state [~~highways and transportation commission~~] **department of transportation** may acquire such areas in fee, easement, or other interest as may be determined by the [~~commission~~] **department** to be reasonably necessary to accomplish the purposes of sections 226.750 to 226.790. The acquisition may be by gift, purchase, exchange, or condemnation, and if the latter be necessary, it shall be carried out in the same manner as now provided by law for acquisition of right-of-way for state highways.

226.770. The state [~~highways and transportation commission~~] **department of transportation** is authorized to enter into any necessary agreements with the Secretary of Commerce or other public agency necessary to obtaining of available funds for the purposes described in Title 23, Sections 136 and 319, of the United States Code, as revised in 1965.

226.790. The [~~commission~~] **department** shall not operate any commercial facilities in any rest or recreation area.

226.797. 1. The general assembly finds that certain roads and highways serve scenic and natural areas and that preserving, protecting, and enhancing such roads and highways for the benefit of the state of Missouri and improving the coordination between all levels of government in preserving such roads and highways is of importance to the people of the state, and that measures should be taken in order to provide a means and stimulus for coordinating the preservations, protection, enhancement, enjoyment, and utilization of such roads and highways.

2. The [~~highways and transportation commission~~] **department of transportation** of the state of Missouri is authorized to create a state system of scenic byways in order to create and preserve rustic, historic or scenic roads and highways for vehicular, bicycle and pedestrian travel in unhurried, quiet and leisurely enjoyment; to protect and preserve a part of Missouri's transportation history, historic roads and cultures, recreational driving, beauty, trees, vegetation

12 and wildlife by establishing protective standards for scenic byway design, access, maintenance,  
13 preservation, and identification, which will promote a continuous system of scenic byways for  
14 the public health and welfare.

15 3. Any county commission or the governing body of any municipality may apply to the  
16 Missouri ~~[highways and transportation commission]~~ **department of transportation** for the  
17 designation of any road or highway, all or part of which is under its jurisdiction, as a scenic  
18 byway after a public hearing with at least a thirty-day prior notice. Unless the ~~[commission]~~  
19 **department** determines that the road or highway does not meet the standards for scenic byways  
20 established by the ~~[commission]~~ **department** pursuant to this section the ~~[commission]~~  
21 **department** shall approve the application for designation of the road or highway as a scenic  
22 byway.

23 4. Any county commission or the governing body of any municipality may apply to the  
24 ~~[commission]~~ **department** for the removal of any road or highway from the scenic byways  
25 system after a public hearing with at least a thirty-day prior notice. Unless opposed by a majority  
26 of the residents along the scenic byway or if the ~~[commission]~~ **department** determines that the  
27 road or highway does not meet the standards for scenic byways established by the ~~[commission]~~  
28 **department** pursuant to this section the ~~[commission]~~ **department** shall approve the application  
29 for removal of the road or highway from the scenic byways system.

30 5. Roads or highways submitted for designation or removal as scenic byways, which are  
31 under the joint jurisdiction of two or more municipalities, or one or more municipalities and one  
32 or more counties, or two or more counties may not be designated scenic byways or be withdrawn  
33 from the scenic byways system by the ~~[commission]~~ **department** until the governing bodies of  
34 all affected municipalities and the county commissions of all affected counties approve of such  
35 designation or removal after public hearings with at least thirty-day prior notices.

36 6. The county commissions, the municipalities and the counties shall have the same  
37 authority over scenic byways as they possess over other roads or highways under their  
38 jurisdiction.

226.798. 1. The ~~[highways and transportation commission]~~ **department of**  
2 **transportation** shall consider, at a minimum, the following factors in designating a road or  
3 highway as a scenic byway:

- 4 (1) Highway design which preserves and protects the natural beauty or scenery of the  
5 area;
- 6 (2) Significant scenic, natural, historical, cultural or recreational resources in the area;
- 7 (3) Adequate land area to accommodate safe enjoyment of scenic attractions;
- 8 (4) Compatibility of the scenic byway with recreational, aesthetic and environmental  
9 management needs of the area; and

10 (5) Presence of existing protected areas near, or adjacent to, the scenic byway, such as  
11 national forests or federal or state park land.

12 2. The ~~[commission]~~ **department** shall adopt a rating system to ensure that only roads  
13 and highways that display outstanding characteristics pursuant to the provision of subsection 1  
14 of this section are designated as scenic byways as provided by the provisions of section 226.797.

226.799. Prior to the designation of a road or highway as a scenic byway pursuant to the  
2 provisions of section 226.797, the ~~[commission]~~ **department** shall provide written notice of its  
3 intent to designate the road or highway as a scenic byway to newspapers of general circulation  
4 in the area or areas affected and to the governing body of each county and each municipality that  
5 has jurisdiction over all or part of the road or highway. Within thirty days after receipt of such  
6 notice, the governing body of each such county or municipality shall conduct a public hearing  
7 on the matter. Within ninety days after the receipt of the notice from the ~~[commission]~~  
8 **department**, each such governing body of a county or municipality, after such hearing, shall  
9 approve or reject the proposed designation of the road or highway as a scenic byway and notify  
10 the ~~[commission]~~ **department** of its approval or rejection of the proposed scenic byway. The  
11 ~~[commission]~~ **department** shall only designate a portion of a road or highway as a scenic byway  
12 if the governing body of the county or municipality containing that portion of the road or  
13 highway approves the proposed scenic byway as prescribed in this section.

226.800. 1. The department of transportation shall mark the primary routes of all  
2 national historic trails including, but not limited to, the Pony Express Trail, Trail of Tears, Lewis  
3 and Clark Trail, Mormon Trail, Santa Fe Trail, Oregon Trail, and California Trail in Missouri,  
4 as described in the respective National Park Service comprehensive management and use plans,  
5 when published and distributed for each of the trails, by placing official National Park Service  
6 approved signs in locations where the trails travel on public highways and cross public highways.  
7 In addition, the department of transportation shall at such time as it shall mark the Santa Fe Trail  
8 place suitable signs at appropriate locations recognizing the contributions of Franklin and Arrow  
9 Rock, Missouri, to the origins of the Santa Fe Trail.

10 2. The state ~~[highways and transportation commission]~~ **department of transportation**  
11 may accept and administer gifts and donations to aid in obtaining suitable signs bearing the  
12 proper approved inscription.

226.801. 1. The ~~[commission]~~ **department** may adopt rules to regulate or prohibit  
2 outdoor advertising in order to preserve scenic corridors adjacent to, and visible from, roads and  
3 highways designated as scenic byways pursuant to the provisions of section 226.797, except, that  
4 on-premise signs may be regulated, but not prohibited. Areas zoned commercial or industrial  
5 shall not be designated as scenic byways.

6           2. The ~~[commission]~~ **department** may adopt rules to implement a program for the  
 7 erection and maintenance of tourist-oriented directional signs within the right-of-way of scenic  
 8 byways in the state. The tourist-oriented directional signs shall provide business identification  
 9 and directional information for businesses, services, natural attractions and activities which,  
 10 during a normal business season, derive the major portion of the income and visitors for the  
 11 business or activity from motorists not residing in the immediate area of the business or activity.  
 12 Tourist-oriented directional signs shall only be used on roads and highways designated as scenic  
 13 byways under section 226.797.

226.900. The ~~[commission]~~ **department** shall develop specific goals for minority  
 2 employment and training and the use of minority-owned construction companies. The  
 3 ~~[commission]~~ **department** shall annually provide a report to the general assembly on or before  
 4 June fifteenth of each year. The report shall, at a minimum, provide detailed information which  
 5 indicates the progress made in achievement of the specific goals established under this section.

226.905. A minimum of ten percent of all contracts entered into by the Missouri  
 2 ~~[highways and transportation commission]~~ **department of transportation** in the design and  
 3 construction of projects financed in whole or in part with federal funds shall be entered into with  
 4 minority-owned construction companies or businesses. If there are not a sufficient number of  
 5 qualified minority business enterprises in a geographic area to meet the ten percent goal  
 6 established in this section, then the contract recipient shall make a good faith effort to solicit and  
 7 use subcontracts with minority business enterprises located within reasonable proximity to the  
 8 geographic area in order to meet the ten percent goal established in this section or increase  
 9 minority business enterprise participation in other projects.

226.910. If the United States Secretary of Transportation determines that sections  
 2 226.900 to 226.907 have the effect of placing the state of Missouri in noncompliance with any  
 3 federal constitutional, statutory or regulatory provision that would result in the loss of any federal  
 4 aid funds to the Missouri ~~[highways and transportation commission]~~ **department of**  
 5 **transportation**, then sections 226.900 to 226.907 shall be null and void.

226.950. As used in sections 226.950 to 226.973, the following words and phrases mean:

- 2           (1) "City", any incorporated city, town, village or municipality of the state of Missouri;
- 3           (2) ~~["Commission", the state highways and transportation commission;~~
- 4           ~~(3)]~~ "Corridor map", a legal description of the metes and bounds of the area within a  
 5 highway corridor, tied to an existing or reestablished government corner, and accompanied by  
 6 a county map showing the general location of the highway corridor. The legal description shall  
 7 govern in the case of any inconsistency with the corridor drawn on the map;
- 8           (4) (3) "County", any county of the state of Missouri;
- 9           (4) **"Department", the department of transportation;**

10 (5) "Highway corridor", the area projected to be needed as right-of-way for the  
11 construction and maintenance of a future new or relocated state highway, as determined by the  
12 ~~[commission]~~ **department**;

13 (6) "Regulatory authority", any city or county governmental entity within a county of the  
14 first or second classification, or a county containing any part of a lake having a shoreline of one  
15 hundred miles or more in length, which zones or regulates the use of land, approves plats of  
16 proposed subdivisions or other real property development, establishes and regulates setback lines  
17 from highways, grants zoning variances or exceptions, or which issues building or construction  
18 permits.

226.952. 1. Whenever the ~~[commission]~~ **department** has approved the location of the  
2 highway corridor of a new or relocated state highway it may file a certified copy of a corridor  
3 map with each regulatory authority having jurisdiction over any portion of the property contained  
4 within the highway corridor, and with the recorder of deeds in every county in which a portion  
5 of the highway corridor is located.

6 2. The ~~[commission]~~ **department** shall not file or record a corridor map in any county  
7 or city without first advertising and conducting a public hearing to learn of any objections that  
8 the residents and any appropriate regulatory authorities may have to the proposed location of the  
9 highway corridor. The ~~[commission]~~ **department** shall consult with all regulatory authorities  
10 having jurisdiction over the property contained within the proposed highway corridor regarding  
11 the appropriate location of such highway corridor. In areas within the boundaries of a  
12 metropolitan planning organization, as designated under 23 U.S.C. 134, the location of a  
13 proposed highway corridor shall be selected by the ~~[commission]~~ **department** in cooperation  
14 with the metropolitan planning organization for the area. At least thirty days prior to holding this  
15 hearing, the ~~[commission]~~ **department** shall send a notice of the hearing by certified mail,  
16 addressed to the owner of record of each parcel crossed by or within the highway corridor, at the  
17 address shown for such owner on the county tax records.

226.955. Any corridor map filed pursuant to sections 226.952 to 226.957 may be revised  
2 from time to time by filing with the same regulatory authorities and county recorders who  
3 received the prior corridor map, in the manner set forth in sections 226.952 to 226.957, certified  
4 copies of an amended corridor map indicating any changes to be made in the location of the  
5 highway corridor. In the event that the ~~[commission]~~ **department** fails to initiate construction  
6 on any portion of the new or relocated highway which was to be located within the approved  
7 corridor within ten years after the original copy of the corridor map is filed under sections  
8 226.952 to 226.957, the ~~[commission]~~ **department** shall, in accordance with section 226.967,  
9 dispose of any property acquired by the ~~[commission]~~ **department** within the approved corridor.



226.957. 1. Sections 226.952 to 226.957 shall not apply to, and the ~~[commission]~~  
2 **department** shall not attempt to file or record corridor maps in those areas of the state having  
3 no regulatory authority.

4 2. Sections 226.952 to 226.957 shall not apply to, and the ~~[commission]~~ **department**  
5 shall not file or record a corridor map for a highway corridor of a new or relocated state highway  
6 project funded with state funds and without any federal funds.

7 3. In order to compensate a regulatory authority for the activities required under sections  
8 226.950 to 226.973, the ~~[commission]~~ **department** shall pay a filing fee in the sum of two  
9 hundred and fifty dollars to the regulatory authority when a corridor map or a revised corridor  
10 map is filed with the regulatory authority.

11 4. Sections 226.952 to 226.957 shall not apply to, and the ~~[commission]~~ **department**  
12 shall not file or record a corridor map for, a highway corridor for a new or relocated state  
13 highway to be located within an area which is already developed at or near its maximum use with  
14 commercial, industrial or residential structures.

226.959. Whenever a corridor map or any amendment thereto has been filed by the  
2 ~~[commission]~~ **department** pursuant to sections 226.950 to 226.973, each affected regulatory  
3 authority shall refer to the ~~[commission]~~ **department** a copy of any of the following when it is  
4 received, with respect to any lot, tract or parcel of land which abuts or is located wholly or  
5 partially within the highway corridor:

6 (1) An application or request for a building permit for the construction of a new  
7 commercial, industrial or residential building or an increase in the square footage of an existing  
8 commercial or industrial building;

9 (2) An application or request for a zoning change, variance or exception;

10 (3) An application or request to approve a subdivision plat or plat of other proposed  
11 development; or

12 (4) An application or request for a modification of existing setback lines from highways.

226.961. 1. A city or county regulatory authority shall not approve any application or  
2 request described in sections 226.959 to 226.967 concerning property abutting or within a  
3 highway corridor without the concurrence of the ~~[commission]~~ **department** until at least  
4 forty-five days have elapsed after the ~~[commission]~~ **department** received the application or  
5 request, unless the regulatory authority has received a notice of concurrence in the application  
6 or request from the ~~[commission]~~ **department**.

7 2. Within the forty-five-day period, the ~~[commission]~~ **department** by written notice to  
8 the regulatory authority and the property owner may concur in the application or request, may  
9 recommend that the approval of the application or request be conditioned upon certain

10 modifications or limits set forth in the notice, or may give notice of probable intent to acquire  
11 the whole or any part of the subject property which is within the highway corridor.

12 3. If the ~~[commission]~~ **department** concurs in the application or request, the regulatory  
13 authority shall be free to act upon the application in such manner as may be provided by law.

226.963. If the ~~[commission]~~ **department** recommends that the approval of the  
2 application or request be conditioned upon special modifications or limits, either the regulatory  
3 authority or the applicant property owner may reject the conditions, and written notice of this  
4 rejection shall be served upon the ~~[commission]~~ **department** and the regulatory authority or  
5 applicant by personal delivery or certified mail. In the event the conditions requested by the  
6 ~~[commission]~~ **department** are rejected, the ~~[commission]~~ **department** shall be deemed to have  
7 given notice of probable intent to acquire the whole or any part of the subject property which is  
8 within the highway corridor on the date it received the written notice of rejection of its  
9 conditions, and no action shall be taken by the regulatory authority to approve the application  
10 or request at that time.

226.965. If the ~~[commission]~~ **department** does not concur in the application or request,  
2 and determines that it may wish to acquire the property or any portion of it before action is taken  
3 upon the application or request, it shall serve written notice on the regulatory authority and the  
4 property owner of its probable intent to acquire the subject property within the forty-five-day  
5 period provided, and no action shall be taken by the regulatory authority to approve the  
6 application or request at that time.

226.967. From the date the ~~[commission]~~ **department** gives notice of probable intent  
2 to acquire the whole or any part of the subject property which is within the highway corridor, or  
3 is deemed to have given such notice, the regulatory authority shall take no action to approve the  
4 property owner's application or request for a further period of one hundred twenty days. If the  
5 ~~[commission]~~ **department** does not acquire, agree to acquire, or commence an action in circuit  
6 court to condemn the property within this one hundred twenty-day period, the regulatory  
7 authority shall then be free to act upon the pending application in such manner as may be  
8 provided by law. If the location of a corridor is changed after property is acquired by the  
9 ~~[commission]~~ **department** or the ~~[commission]~~ **department** fails to initiate construction within  
10 ten years after a certified copy of the corridor map is filed under sections 226.952 to 226.957,  
11 the person from whom the property was acquired shall have the right of first refusal to reacquire  
12 the property at a cost of not more than the compensation paid by the ~~[commission]~~ **department**  
13 to such person for the property.

226.969. 1. No recorder of deeds shall record any plat for a subdivision or other real  
2 property development when either the property owner, or a regulatory authority, or both, has not  
3 complied in full with the provisions of sections 226.950 to 226.973.

4           2. No regulatory authority shall issue any building permit for the construction of a new  
5 commercial, industrial or residential building or an increase in the square footage of an existing  
6 commercial or industrial building, approve a subdivision or other plat, or zone, rezone, or grant  
7 a zoning variance or exception for any real property which is within a corridor map that has been  
8 properly filed and recorded, until the ~~[commission]~~ **department** has been given the required time  
9 to act on the application or request and if appropriate, to acquire, agree to acquire or commence  
10 a condemnation action on any part of the subject property.

226.971. 1. The ~~[commission]~~ **department** may institute any action it deems necessary  
2 in the circuit courts of this state to prevent a violation of any provision of sections 226.950 to  
3 226.973, or to undo any action taken in violation of sections 226.950 to 226.973. The  
4 ~~[commission]~~ **department** may obtain a court order to stop any construction in violation of  
5 sections 226.950 to 226.973. If the ~~[commission]~~ **department** acquires the property upon which  
6 development has occurred in violation of sections 226.950 to 226.973, the court shall order the  
7 property returned to its original condition prior to the commencement of the construction at the  
8 property owner's expense and without charge or cost to the ~~[commission]~~ **department**.

9           2. Any action taken by a regulatory authority or recorder of deeds in violation of sections  
10 226.950 to 226.973 shall be void and unenforceable.

226.973. 1. Nothing in sections 226.950 to 226.973 shall be construed to prohibit or  
2 limit the ability of any regulatory authority from incorporating a highway corridor into its master  
3 plan, zoning ordinances or regulations, or to adjust setback lines from highways accordingly, or  
4 from taking any lawful action that may be within the scope of its jurisdiction to preserve, protect  
5 and enforce the highway corridor.

6           2. Nothing in sections 226.950 to 226.973 shall be deemed to limit or restrict the general  
7 authority of the ~~[commission]~~ **department** to purchase or condemn fee simple or such lesser title  
8 or interest in real property for right-of-way or other authorized purposes.

226.975. In order to enable the ~~[commission]~~ **department** to acquire property to preserve  
2 a corridor for future highway construction under the provisions of sections 226.950 to 226.973,  
3 the ~~[commission]~~ **department** shall not be required to file detailed plans of the future highway  
4 construction with the county clerk as required by section 227.050.

227.010. The definitions of the terms "civil subdivision", ~~["commission",~~  
2 ~~"commissioner"],~~ **"department"**, **"director"**, "engineer", "municipality", "state highway" and  
3 "hard-surfaced road" as provided by section 226.010 shall apply to such terms as used in this  
4 chapter.

227.020. There is hereby created and established a statewide connected system of  
2 hard-surfaced public roads extending into each county of the state, which shall be located,  
3 acquired, constructed, reconstructed, and improved and ever after maintained as public roads,

4 and the necessary grading, hard-surfacing, bridges and culverts therefor shall be constructed by  
5 the state of Missouri. Such statewide connected system of hard-surfaced roads shall be known  
6 as the "state highway system", and shall consist of highways along the following described  
7 routes:

8 (1) Adair County — Beginning at the Adair-Sullivan County line, west of Novinger,  
9 thence east and south through Novinger, Kirksville and Brashear to the Adair-Knox County line.  
10 Beginning at the Adair-Schuyler County line, north of Sublette, thence south to Kirksville,  
11 thence south and east through Millard to the Adair-Macon County line near LaPlata.

12 (2) Andrew County — Beginning at the Nodaway-Andrew County line, thence south  
13 through Savannah to the Buchanan-Andrew County line, just north of St. Joseph. Beginning  
14 at the Holt-Andrew County line, at the state ferry crossing, thence east a distance of  
15 approximately six miles to a point connecting with the north and south state road near Savannah.  
16 Beginning at a point on the north and south state road near Rosendale, thence north and east  
17 through Rosendale, Rea and Whitesville to the Gentry County line west of King City. Beginning  
18 at a point on the DeKalb-Andrew County line near Union Star, thence south and west through  
19 Rochester and Avenue City to the Andrew-Buchanan County line near St. Joseph.

20 (3) Atchison County — Beginning at the Holt-Atchison County line east of Milton,  
21 thence north and west to Fairfax, thence north to Tarkio, continuing due north to the Iowa state  
22 line. Beginning at Tarkio, thence east to the Nodaway-Atchison County line, west of Burlington  
23 Junction. Beginning on the north and south state road south of Tarkio, thence west via Rockport  
24 to Phelps City. Beginning at Rockport, thence in a northerly direction to the Iowa state line.

25 (4) Audrain County — Beginning at the Audrain-Randolph County line, near Clark,  
26 thence southeast to the Audrain-Boone County line and along said county line to a point north  
27 of Centralia. Beginning at the Audrain-Boone County line east of Centralia, thence south and  
28 east through Thompson and Mexico to the Audrain-Montgomery County line near the Burlington  
29 railroad. Beginning at the Audrain-Monroe County line, thence southeast to Mexico, thence  
30 southwest to the Audrain-Callaway County line north of Auxvasse. Beginning at the  
31 Audrain-Pike County line, east of Vandalia, thence west to Vandalia, Farber and Laddonia,  
32 thence south to Laddonia, to connect with the state road north of Martinsburg.

33 (5) Barry County — Beginning at the Newton-Barry County line, thence in a  
34 northeasterly direction to Monett, thence north to the county line and along the county line for  
35 a short distance between Lawrence and Barry counties. Beginning at Monett, thence south to  
36 Cassville and southwest and southeast through Seligman to the Arkansas-Missouri state line.  
37 Beginning at the Newton-Barry County line, thence east and south to Wheaton, thence east and  
38 south to Exeter, thence east into Cassville, from Cassville northeast to Barry-Stone County line  
39 west of Galena.

40 (6) Barton County — Beginning at the Vernon-Barton County line, thence south through  
41 Lamar to the Jasper-Barton County line. Beginning at the Missouri-Kansas state line, thence east  
42 through Lamar, continuing east to near the Dade County line, thence south and east through  
43 Golden City to the Dade-Barton County line.

44 (7) Bates County — Beginning at the Cass-Bates County line, thence south through  
45 Adrian, Butler and Rich Hill to the Vernon-Bates County line. Beginning at the Kansas-Missouri  
46 state line, thence east through Amoret and Butler to the St. Clair-Bates County line, near the  
47 northwest corner of St. Clair County.

48 (8) Benton County — Beginning at the Pettis-Benton County line near Ionia, south  
49 through Lincoln and Warsaw, thence southeast through Dell and Fristoe to the Hickory-Benton  
50 County line, just north and west of Cross Timbers. Beginning on the north and south road two  
51 miles south of Ionia, thence east through Cole Camp to the Morgan-Benton County line.

52 (9) Bollinger County — Beginning at the Bollinger-Wayne County line at Ivey Ford,  
53 thence north and east through Marble Hill to the Bollinger-Cape Girardeau County line, west of  
54 Jackson. Beginning at Dongola, thence southeast to Bollinger-Stoddard County line. Beginning  
55 at Marble Hill, thence in a northerly direction to Patton, at which point the road forks, one  
56 extending to the Bollinger-Perry County line near Alliance, and the other to the  
57 Bollinger-Madison County line east of Fredericktown. Beginning at Marble Hill, thence south  
58 to a point near Dongola, thence in a southwesterly direction to Stoddard County line near Puxico.

59 (10) Boone County — Beginning on the Missouri river at Rocheport, thence east through  
60 Columbia to the Callaway-Boone County line west of Millersburg. Beginning at the  
61 Randolph-Boone County line near the southeast corner of Randolph County, thence south  
62 through Columbia, thence south and southeast to the Callaway-Boone County line near the  
63 Missouri River. Beginning just north of Centralia on the Audrain-Boone County line, thence  
64 south and east via Centralia to the Boone-Audrain County line.

65 (11) Buchanan County — Beginning at the Andrew-Buchanan County line, thence south  
66 to St. Joseph. Beginning at St. Joseph, thence in a southwesterly direction to the Missouri River,  
67 at Atchison, Kansas, also one prong southeast to Platte County line. Beginning at St. Joseph,  
68 thence south through Faucett to the Platte-Buchanan County line. Beginning at St. Joseph,  
69 thence east to the DeKalb-Buchanan County line. Beginning at St. Joseph, thence in a  
70 southeasterly direction to the Clinton-Buchanan County line. Beginning at St. Joseph, thence  
71 north and east to the Andrew County line.

72 (12) Butler County — Beginning at the Butler-Wayne County line near Hendrickson,  
73 thence south and east to Poplar Bluff, thence south and west to Neelyville, thence to the  
74 Missouri-Arkansas line. Beginning at the Butler-Ripley County line near Fairdealing, thence  
75 easterly a distance of approximately six and one-half miles to the road above described.

76 Beginning at Poplar Bluff, thence easterly to the Butler-Stoddard County line. Beginning at the  
77 Butler-Carter County line near Elsinore, thence south and east through Poplar Bluff to the  
78 Butler-Dunklin County line near the southern boundary of the County, near DeKin ferry.

79 (13) Caldwell County — Beginning at the Clinton-Caldwell County line, near the  
80 northeast corner of Clinton, thence east, crossing the north part of Caldwell County to the  
81 Caldwell-Livingston County line, near the northeast corner of Caldwell County. Beginning at  
82 the Daviess-Caldwell County line, thence south through Hamilton and Kingston, to the  
83 Caldwell-Ray County line.

84 (14) Callaway County — Beginning at the Callaway-Boone County line near  
85 Millersburg, thence south and east through Millersburg to Fulton, thence north and east through  
86 Calwood to Williamsburg to the Callaway-Montgomery County line. Beginning at Fulton,  
87 thence south and west through New Bloomfield to South Cedar City. Beginning at the  
88 Callaway-Audrain County line north of Auxvasse, thence south and west through Auxvasse to  
89 Fulton. Beginning at the Boone-Callaway County line near the Missouri River, thence southeast  
90 to South Cedar City.

91 (15) Camden County — Beginning at the Dallas-Camden County line, thence north and  
92 northeast through Branch, Macks Creek, Linn Creek and Zebra to the Miller-Camden County  
93 line. Beginning at the Morgan-Camden County line near Hurricane Deck, thence south through  
94 Linn Creek to the Laclede-Camden County line.

95 (16) Cape Girardeau County — Beginning at the Cape Girardeau-Perry County line,  
96 thence south and east through Jackson to Cape Girardeau, thence south to the Scott County line.  
97 Beginning at Jackson, thence in a southwesterly direction to the Cape Girardeau-Bollinger  
98 County line. Beginning at Jackson, thence south by way of Gordonville to Dutchtown and Delta,  
99 thence to the Cape Girardeau-Stoddard County line near the western boundary of Cape Girardeau  
100 County. Beginning at Cape Girardeau, thence southwest to Dutchtown.

101 (17) Carroll County — Beginning at the Ray-Carroll County line, thence in a  
102 northeasterly direction through Carrollton, to the Carroll-Chariton County line. Beginning at the  
103 Livingston-Carroll County line, thence south through Tina to Carrollton. Beginning at  
104 Carrollton, thence south to Missouri River at Waverly.

105 (18) Carter County — Beginning at the Carter-Shannon County line west of Fremont,  
106 thence east and north through Fremont and Van Buren to the Carter-Reynolds County line near  
107 Garwood. Beginning at the Carter-Reynolds County line near Garwood, thence in a  
108 southeasterly direction through Elsinore to the Carter-Butler County line. Beginning at the  
109 Carter-Ripley County line south of Grandin, thence in a northerly direction on through Grandin  
110 to Hunter, to the road last described above at Kirtz Corner.

111 (19) Cass County — Beginning at the Jackson-Cass County line north of Belton, thence  
112 to Belton and southeast to Harrisonville via Peculiar, thence south to the Bates-Cass County line  
113 via Archie. Beginning at the Jackson-Cass County line north of Pleasant Hill, thence south and  
114 east through Pleasant Hill to the Johnson-Cass County line. Beginning at Harrisonville, thence  
115 north to Pleasant Hill. From Harrisonville north to the Cass-Jackson County line.

116 (20) Cedar County — Beginning at El Dorado Springs, thence north to the St.  
117 Clair-Cedar County line. Beginning again at the Vernon-Cedar County line west of El Dorado  
118 Springs, thence east to El Dorado Springs, thence in a southeasterly direction through Stockton  
119 to the Polk-Cedar County line, west of Fairplay. Beginning at Stockton, thence south and west  
120 on the Greenfield road to the Dade County line.

121 (21) Chariton County — Beginning at the Chariton-Carroll County line, west of  
122 Brunswick thence easterly through Brunswick, Keytesville and Salisbury, to the  
123 Chariton-Randolph County line. Beginning at the Chariton-Linn County line, near Marceline,  
124 thence south and east to Keytesville. From Keytesville south to Glasgow.

125 (22) Christian County — Beginning at the Lawrence-Christian County line, near the  
126 southwest corner of Christian County, thence in a northeasterly direction through Billings to the  
127 Greene-Christian County line. Beginning at the Greene-Christian County line, thence south to  
128 Ozark and southwest to the Christian-Stone County line, near the intersection of Stone, Taney  
129 and Christian counties. Beginning at Ozark, thence east to the Douglas-Christian County line  
130 via Sparta. Beginning at Ozark, thence in a westerly direction, via Clever and Nixa to Billings.

131 (23) Clark County — Beginning at the Clark-Scotland County line, thence east and south  
132 through Luray, Kahoka and Wayland to Alexandria. Beginning at the Missouri-Iowa state line  
133 near Athens, thence south and east to Wayland. Beginning at Wayland, thence south and east  
134 to Lewis-Clark County line.

135 (24) Clay County — Beginning at the Clay-Clinton County line, near Trimble, thence  
136 south through Smithville, Nashua, and North Kansas City, also a prong near south end in  
137 westerly direction connecting with state road in Platte County. Beginning at the Ray-Clay  
138 County line, thence in a southwesterly direction through Excelsior Springs, Liberty and North  
139 Kansas City. Beginning at Nashua, thence west to the Platte-Clay County line.

140 (25) Clinton County — Beginning at the Clay-Clinton County line south of Trimble,  
141 thence north through Trimble and Grayson, one prong going east to Plattsburg and one prong  
142 north and west to the Buchanan-Clinton County line. Beginning at Plattsburg, thence in a  
143 southeasterly direction to Lathrop. Beginning at Plattsburg, thence northeast to Perrin and north  
144 to the east and west state road near the DeKalb-Clinton County line.

145 (26) Cole County — Beginning at the Moniteau-Cole County line, thence east through  
146 Centertown and Jefferson City to the Osage County line at Huber's Ferry. Beginning at Jefferson

147 City, thence southwest via Brazito to the Miller-Cole County line near Eugene. Beginning at  
148 Cole-Miller County line, thence north via Eugene to connect with state road north of Eugene.

149 (27) Cooper County — Beginning at the Saline-Cooper County line near the Missouri  
150 River, south of Arrow Rock, thence south and east through Lamine and Boonville to the  
151 Missouri River east of Boonville near Rocheport. Beginning at Boonville, thence southwest and  
152 south via Bellair to the Cooper-Moniteau County line near the Moniteau-Morgan County line.

153 (28) Crawford County — Beginning at the Phelps-Crawford County line, northeast of  
154 St. James, thence northeast via Cuba, Leasburg and Bourbon to the Franklin-Crawford County  
155 line near Sullivan. Beginning at Cuba, thence southeast via Steelville to Cherryville, thence  
156 southeast along the Cherryville-Davisville County road to the intersection of the Davisville-Sligo  
157 road, thence following the Davisville-Sligo road in a southwest direction to the Dent-Crawford  
158 County line. Beginning at Steelville, thence east to the Washington-Crawford County line,  
159 connecting with the east and west road in Washington County.

160 (29) Dade County — Beginning at the Barton-Dade County line near Golden City,  
161 thence east and north to Greenfield, thence east through Polk township, thence south to Everton,  
162 thence south and east to the Greene-Dade County line. Beginning at Greenfield, thence north  
163 to the Cedar County line. Beginning at Greenfield, thence south via South Greenfield and  
164 Pennsboro to Lawrence-Dade County line.

165 (30) Dallas County — Beginning near the northwest corner of Dallas County on the  
166 Hickory-Dallas County line, thence via Urbana and Louisburg in a southeasterly direction to  
167 Buffalo, thence south via Olive to Goss school house, thence west and south to Greene-Dallas  
168 County line. Beginning at Buffalo, thence in a northeasterly direction to the Dallas-Camden  
169 County line. Beginning at Buffalo, thence west to the Dallas-Polk County line.

170 (31) Daviess County — Beginning at the DeKalb-Daviess County line, near the  
171 southwest corner of Daviess County, thence in a northeasterly direction through Winston,  
172 Altamont, Gallatin and Jamesport, to the Grundy-Daviess County line. Beginning at Gallatin,  
173 thence south to the Daviess-Caldwell County line. Beginning at the Daviess-Harrison County  
174 line, north to Pattonsburg, thence in a southerly direction through Pattonsburg to Altamont.  
175 Beginning at the DeKalb-Daviess County line, near Weatherby, thence south and east to a point  
176 on the state road near Winston.

177 (32) DeKalb County — Beginning at the Buchanan-DeKalb County line, thence in an  
178 easterly direction to the Clinton-DeKalb County line. Beginning at the Buchanan-DeKalb  
179 County line, thence in a northeasterly direction through Clarksdale, Maysville and Weatherby  
180 to the Daviess-DeKalb County line. Beginning at the Gentry-DeKalb County line, near King  
181 City, thence south to Clarksdale. Beginning at the DeKalb-Gentry County line, near King City,  
182 on the north and south state road in DeKalb County, thence south and west through Union Star



183 to the Andrew County line. Beginning at the DeKalb-Daviess County line, near the southwest  
184 corner of Daviess County, thence south and west to the DeKalb County line at Cameron.

185 (33) Dent County — Beginning at the Texas-Dent County line, northeast of Licking,  
186 thence in a northeasterly direction, through Ranger and Salem to Sligo, thence east to  
187 Crawford-Dent County line connecting with the Sligo-Davisville County road west of  
188 Cherryville. Beginning at Salem, thence in an easterly direction by way of Stone Hill and Hawes  
189 Mill to the Iron-Dent County line southwest of Bixby. Beginning at Salem, thence in a  
190 southeasterly direction to the Shannon-Dent County line, connecting with the north and south  
191 state road in Shannon County.

192 (34) Douglas County — Beginning at the Wright-Douglas County line, south of  
193 Mansfield, thence in a southwesterly direction to Ava, thence in a southeasterly direction to the  
194 Douglas-Ozark County line. Beginning at Ava, thence in a northwesterly direction to the  
195 Christian-Douglas County line via Tigris. From Ava southeast to Howell-Douglas County line,  
196 just west of Siloam Springs.

197 (35) Dunklin County — Beginning at the Dunklin-Stoddard County line at the northeast  
198 corner of Dunklin County, thence southwest through Malden, Clarkton, Kennett, Caruth, Senath  
199 and Cardwell to the Missouri-Arkansas state line at Hopkins River bridge. Beginning at the  
200 Dunklin-Butler County line, thence south and east through Campbell and Holcomb to the road  
201 described above. Beginning at the Missouri-Arkansas state line west of Kennett, thence easterly  
202 through Kennett to the Dunklin-Pemiscot County line.

203 (36) Franklin County — Beginning at the Gasconade-Franklin County line near  
204 Rosebud, thence north and east through Gerald, Leslie, Union and Villa Ridge to the Franklin-St.  
205 Louis County line. Beginning at Washington, thence south and east to Villa Ridge. A distance  
206 of ten miles, connecting with the above described road. Beginning at Union, thence south and  
207 east to St. Clair, thence south and west through Stanton and Sullivan to the Franklin-Crawford  
208 County line. Beginning at St. Clair, thence south and east through Lonedell to the  
209 Franklin-Jefferson County line near Grubville.

210 (37) Gasconade County — Beginning at the Gasconade-Osage County line near Mt.  
211 Sterling, thence easterly through Mt. Sterling to Drake, thence south and east to Rosebud, thence  
212 northeast to the Gasconade-Franklin County line. Beginning at Hermann, thence in a southerly  
213 direction to Drake. Beginning at Rosebud, thence south and west through Owensville and Bland  
214 to the Gasconade-Osage County line near Belle.

215 (38) Gentry County — Beginning at King City, thence north to Stanberry, thence east  
216 through Albany to the Harrison-Gentry County line, near New Hampton. Beginning at the  
217 Worth-Gentry County line, thence south to the east and west road west of Albany, 11.2 miles.  
218 Beginning at the Nodaway-Gentry County line, thence east one-half mile, thence south to the

219 Wabash railroad, thence parallel the Wabash railroad south of east to Stanberry, 4.3 miles.  
220 Beginning at the Andrew-Gentry County line, thence east to King City. Beginning at Albany,  
221 thence south to Evona.

222 (39) Greene County — Beginning at the Christian-Greene County line near Billings,  
223 thence in a northeasterly direction and east direction to Springfield, thence in a northeasterly  
224 direction to the Webster-Greene County line. Another prong beginning at the Lawrence-Greene  
225 County line, thence in an easterly direction connecting with the above road west of Springfield.  
226 Beginning at Springfield, thence southeast through Galloway to the Christian-Greene County  
227 line. Another prong beginning on the above road just south of Galloway, thence east to the  
228 Webster-Greene County line near Rogersville. Beginning at the Dade-Greene County line,  
229 thence in a southeasterly direction connecting with the state road, west of Springfield. Beginning  
230 at the Polk-Greene County line, thence south to Springfield. Beginning at the Dallas-Greene  
231 County line, thence southwest to Springfield. Beginning at the Lawrence-Greene County line,  
232 thence east connecting with the state road west of Republic.

233 (40) Grundy County — Beginning at the Grundy-Daviess County line, thence in a  
234 northeasterly direction through Edinburg, Trenton and Galt to the Grundy-Sullivan County line.  
235 Beginning at the Mercer-Grundy County line, thence south through Spickard, Tindall and  
236 Trenton to the Livingston County line.

237 (41) Harrison County — Beginning at the Iowa-Missouri state line, thence south to  
238 Bethany, one prong running west to the Gentry-Harrison County line by way of New Hampton  
239 and the other running south to Harrison-Daviess County line. Beginning at Bethany, thence in  
240 a northeasterly direction to the Mercer-Harrison County line. Beginning south of Bethany, at the  
241 end of the south prong of the above road, and continuing southwestwardly to the  
242 Daviess-Harrison County line.

243 (42) Henry County — Beginning at the Johnson-Henry County line near Post Oak,  
244 thence south through Shawnee Mound, Clinton and Deepwater to the St. Clair-Henry County  
245 line. Beginning at Clinton, thence northeast to Windsor via Lewis and Calhoun. Beginning at  
246 Windsor, thence west and north to the Johnson-Henry County line. Beginning at the St.  
247 Clair-Henry County line near the northwest corner of St. Clair County, thence north to Montrose  
248 and east to Deepwater, on the north and south road in Henry County.

249 (43) Hickory County — Beginning at the Benton-Hickory County line, thence southeast  
250 and south through Cross Timbers and Preston to the Dallas-Hickory County line at the northwest  
251 corner of Dallas County. Beginning at Preston, thence west through Hermitage, Wheatland and  
252 Weaubleau to the St. Clair-Hickory County line east of Collins. Beginning on east and west  
253 road between Weaubleau and Wheatland, thence north to Benton-Hickory County line via  
254 Quincy.

255 (44) Holt County — Beginning at the Atchison-Holt County line, near Milton, thence  
256 south to a point east of Craig, where the road forks, one fork going to Craig and the other  
257 continuing in a southeasterly direction to Mound City. (One prong through Mound City  
258 southwest of Bigelow.) From Mound City east about five miles to the Gibson Corner, thence  
259 south to Oregon. (One prong extending from the north and south road from the Gibson Corner  
260 to Oregon, east to New Point.) (One prong from Oregon west to Forest City.) From Oregon east  
261 and south to the Andrew-Holt County line at the state ferry. Beginning at the northeast corner  
262 of Holt County, on the Nodaway-Holt County line, thence south through Maitland to a point  
263 directly east of Mound City, thence west to a point connecting with the Mound City-Oregon state  
264 road.

265 (45) Howard County — Beginning on the Missouri River at Glasgow, thence east and  
266 southeast through Fayette to the Howard-Boone County line at Rocheport. Beginning at the  
267 Randolph-Howard County line at Roanoke, thence south through Armstrong to the above  
268 mentioned road northwest of Fayette. Beginning at Fayette, thence south to the Missouri River  
269 at Boonville via New Franklin.

270 (46) Howell County — Beginning at the Texas-Howell County line, thence southeast  
271 through Willow Springs and West Plains to the Howell-Oregon County line near Koshkonong.  
272 Another prong beginning at Willow Springs, thence east through Mountain View to the  
273 Shannon-Howell County line. Beginning at the Ozark-Howell County line, thence in an east and  
274 northeasterly direction to West Plains. From Mountain View north to Texas-Howell County line.

275 (47) Iron County — Beginning at the Iron-Washington County line near Caledonia,  
276 thence south to Belleview, thence south and east to Ironton, thence south and west to Glover,  
277 thence in a southerly direction through Sabula, Annapolis and Des Arc, to the Iron-Wayne  
278 County line. Beginning at the Iron-Reynolds County line near Lesterville, thence north and east  
279 to Glover. Beginning at Ironton, thence south and east to the Iron-Madison County line.  
280 Beginning at the Iron-Dent County line near Bixby, thence north and east through Bixby and  
281 Brule, a distance approximately twenty-five miles to a point on the road first described above,  
282 approximately one and one-half miles north of Belleview.

283 (48) Jackson County — Beginning at the Cass-Jackson County line north of Belton,  
284 thence north to Kansas City. Beginning at Kansas City, thence in a southeasterly direction to  
285 Lee's Summit, Lonejack, to the Johnson-Jackson County line east of Lonejack. One prong  
286 leaving the above state road near Lee's Summit, thence in a southerly direction towards  
287 Harrisonville to the Cass-Jackson County line. Another prong from the same road in a  
288 southeasterly direction towards Pleasant Hill to the Jackson-Cass County line. Beginning at the  
289 east city limits of Kansas City, Missouri, near Leeds, Missouri, and thence via the road known  
290 as the Sni-A-Bar road to Grain Valley, Missouri, and thence in a southeasterly direction via Oak

291 Grove to the Lafayette-Jackson County line. Beginning at Kansas City, thence east by way of  
292 Independence and Levasy to the Lafayette-Jackson County line.

293 (49) Jasper County — Beginning at the Newton-Jasper County line near Joplin, thence  
294 north through Joplin and northeast and east through Webb City to Carthage, thence north to the  
295 Barton-Jasper County line. Beginning at Carthage, thence in a northeasterly direction to the  
296 Lawrence-Jasper County line. Beginning at the Lawrence-Jasper County line near the southeast  
297 corner of Jasper County, thence west parallel with the Jasper-Newton County line approximately  
298 sixteen miles thence north to Carthage. Beginning at Joplin, thence in a northwesterly direction  
299 through Carl Junction to the Missouri-Kansas state line.

300 (50) Jefferson County — Beginning at the Jefferson-St. Louis County line, thence south  
301 through Maxville, Kimmswick, Barnhart, Pevely and Herculanum to Festus, thence south and  
302 east to the Jefferson-Ste. Genevieve County line. Beginning at Festus, thence south and west  
303 through Hematite, Victoria and DeSoto to the Jefferson-Washington County line. Beginning at  
304 DeSoto, thence in a southerly direction to the Jefferson-St. Francois County line. Beginning at  
305 the Jefferson-Franklin County line near Grubville, thence in a northeasterly direction through  
306 Oermann, Dittmer, Cedar Hill, House Springs and High Ridge to the St. Louis County line,  
307 connecting with the Gravois road in St. Louis County.

308 (51) Johnson County — Beginning at the Cass-Johnson County line, thence east through  
309 Kingsville, Holden, Centerview, Warrensburg, and Knob Noster to the Pettis-Johnson County  
310 line. Beginning at Warrensburg, thence south to a point one-half mile north of Leeton where the  
311 road forks, one fork going south and west via Post Oak to the Johnson-Henry County line on the  
312 Clinton road, and the other south and east via Leeton to the Johnson-Henry County line on the  
313 Windsor road. Beginning at the Johnson-Jackson County line near the southeast corner of  
314 Jackson County east of Lonejack, thence south and east to a point west of Warrensburg,  
315 intersecting with the road first described above.

316 (52) Knox County — Beginning at the Knox-Adair County line, near Hurdland, thence  
317 easterly through Hurdland, Edina and Knox City, to the Knox-Lewis County line. Beginning at  
318 the Scotland-Knox County line, thence south through Barring, Edina and Plevna, to the  
319 Knox-Shelby County line.

320 (53) Laclede County — Beginning at the Laclede-Webster County line, thence northeast  
321 through Lebanon to the Pulaski-Laclede County line. Beginning at Lebanon, thence north via  
322 Dove to the Camden-Laclede County line near Decaturville. From Lebanon southeast to  
323 Wright-Laclede County line.

324 (54) Lafayette County — Beginning at the Lafayette-Jackson County line just east of  
325 Levasy, thence east by Wellington, Lexington, Dover, Waverly to the Saline-Lafayette County  
326 line. Beginning at the Jackson-Lafayette County line, thence in an easterly direction through

327 Odessa and Higginsville to the Saline-Lafayette County line. Beginning at Lexington, thence  
328 in a southeasterly direction to Higginsville.

329 (55) Lawrence County — Beginning at the Barry-Lawrence County line, thence in a  
330 northeasterly direction through Verona, Aurora, Marionville, and McKinley to the  
331 Christian-Lawrence County line. Beginning at the Lawrence-Jasper County line near the  
332 southeast corner of Jasper County, thence east to Mount Vernon to the Greene-Lawrence County  
333 line near the southwest corner of Greene County. Beginning at the Lawrence-Jasper County line  
334 northeast of Carthage, thence east to the Greene-Lawrence County line.

335 (56) Lewis County — Beginning at the Lewis-Knox County line near LaBelle, thence  
336 easterly through LaBelle, Lewistown and Monticello to Canton. Beginning again at the  
337 Lewis-Clark County line near Gregory Landing, thence south through Canton and LaGrange to  
338 the Lewis-Marion County line near Taylor.

339 (57) Lincoln County — Beginning at the Lincoln-Pike County line near Eolia, thence  
340 in a southerly direction to Troy, thence south and east through Moscow Mills to the Lincoln-St.  
341 Charles County line. Beginning at the Lincoln-Warren County line south of Hawk Point, thence  
342 north to Hawk Point, thence north and east through Troy to Winfield, thence south to the  
343 Lincoln-St. Charles County line.

344 (58) Linn County — Beginning at the Linn-Livingston County line, west of Meadville,  
345 thence east through Meadville, Laclede, Brookfield and Bucklin, to the Linn-Macon County line.  
346 Beginning at the Linn-Sullivan County line, thence southwest to Linneus, thence south and east  
347 through Brookfield and Marceline to the Linn-Chariton County line.

348 (59) Livingston County — Beginning at the Livingston-Caldwell County line, thence  
349 north and east through Mooresville, Utica, Chillicothe and Wheeling to the Livingston-Linn  
350 County line, west of Meadville. Beginning at the Livingston-Grundy County line, thence in a  
351 southeasterly direction through Farmersville, Chillicothe and Avalon to the Livingston-Carroll  
352 County line.

353 (60) McDonald County — Beginning at the Newton-McDonald County line, thence  
354 south through Anderson and Noel to the Arkansas-Missouri state line. Beginning at Noel, thence  
355 southwest to the Arkansas-Missouri state line, near the southwest corner of McDonald County.  
356 Another prong beginning on the state road south of Anderson at Lanagan, thence east to Pineville  
357 and southeasterly to the Arkansas-Missouri state line. From Anderson northeast to Rocky  
358 Comfort.

359 (61) Macon County — Beginning at the Macon-Linn County line east of Bucklin, thence  
360 easterly through New Cambria, Callao, Bevier and Macon to the Macon-Shelby County line, near  
361 Anabel. Beginning at the Macon-Adair County line north of LaPlata, thence south through  
362 LaPlata, Atlanta, Macon and Excello to the Macon-Randolph County line.

363 (62) Madison County — Beginning at the Madison-St. Francois County line near Mine  
364 LaMotte, thence south and east to Fredericktown, thence to the Madison-Wayne County line near  
365 Coldwater. Beginning at the Madison-Iron County line east of Arcadia, thence in an easterly  
366 direction through Fredericktown to the Madison-Bollinger County line near Patton.

367 (63) Maries County — Beginning at the Maries-Osage County line near Freeburg, thence  
368 south and east through Vienna to the Maries-Pulaski County line near Dixon. Beginning at the  
369 Maries-Osage-Gasconade County line east of Belle, thence south and west through Belle and  
370 Hawkins Store to Vienna. Beginning again at Hawkins Store, thence south and east to the  
371 Maries-Phelps County line near St. James.

372 (64) Marion County — Beginning at the Marion-Shelby County line near Hunnewell,  
373 thence east and north through Ely to Hannibal. Beginning at the Marion-Lewis County line north  
374 of Taylor, thence south through Taylor to Palmyra, thence south and east to Hannibal, thence  
375 south and west to the Marion-Ralls County line, near Oakwood. Beginning at Palmyra, thence  
376 westwardly to Philadelphia to the Marion-Shelby County line.

377 (65) Mercer County — Beginning at the Mercer-Harrison County line, thence north and  
378 east through Princeton and Ravanna, to the Mercer-Putnam County line. Beginning at the  
379 Missouri-Iowa state line in Mercer County, at Lineville, thence south and west through the towns  
380 of Mercer and Princeton to the Mercer-Grundy County line.

381 (66) Miller County — Beginning at the Cole-Miller County line east of Eldon, thence  
382 west to Eldon and southwest to Camden-Miller County line by the way of Bagnell. Beginning  
383 at the Morgan-Miller County line northwest of Eldon, thence in a southeasterly direction via  
384 Eldon, Tuscumbia, Iberia via Petrican ford of Big Tavern Creek to the Pulaski-Miller County line  
385 north of Crocker. Beginning at Tuscumbia, thence northwest to Cole-Miller County line near  
386 Eugene.

387 (67) Mississippi County — Beginning at the Mississippi-Scott County line near  
388 Buckeye, thence north and east through Charleston to Birds Point. Beginning at the  
389 Mississippi-Scott County line near Diehlstadt, thence southeasterly approximately four miles to  
390 the road described above. Beginning at Charleston, thence southerly to a point near Anniston  
391 where the road forks, one portion extending to Wolf Island and the other to the southwest to the  
392 Mississippi-New Madrid County line near East Prairie.

393 (68) Monroe County — Beginning at the Monroe-Randolph County line, thence  
394 northeasterly through Madison to Paris, thence southeasterly to the Monroe-Ralls County line,  
395 west of Perry. Beginning at the Monroe-Marion County line at Monroe City, thence south and  
396 west through Monroe City and Stoutsville to Paris. Beginning at Paris, thence south and east to  
397 the Monroe-Audrain County line. Beginning at the Monroe-Shelby County line, south of  
398 Shelbina, thence south and east to Paris.

399 (69) Moniteau County — Beginning at Cooper-Moniteau County line near the  
400 Moniteau-Morgan County line, thence east through Tipton and California to the Cole-Moniteau  
401 County line. Beginning at Tipton, thence south to the Morgan-Moniteau County line through  
402 Fortuna. Beginning at California, thence north to the Cooper-Moniteau County line on the  
403 Prairie Home road.

404 (70) Montgomery County — Beginning at the Montgomery-Callaway County line west  
405 of Mineola, thence easterly to Mineola, thence northeasterly to Danville, thence south and east  
406 through High Hill and Jonesburg to the Montgomery-Warren County line. Beginning at the  
407 Montgomery-Audrain County line, thence south and east through Wellsville, Montgomery, New  
408 Florence, Big Spring and McKittrick to the Missouri River.

409 (71) Morgan County — Beginning at the Moniteau-Morgan County line near Fortuna,  
410 thence south through Versailles and Gravois Mill to the Camden-Morgan County line.  
411 Beginning at the Benton-Morgan County line, thence east to Versailles and southeast through  
412 Barnett to the Morgan-Miller County line near Eldon.

413 (72) New Madrid County — Beginning at the New Madrid-Scott County line south of  
414 Sikeston, thence in a southerly direction to New Madrid, thence southwest through Portageville  
415 to the New Madrid-Pemiscot County line. Beginning at the New Madrid-Dunklin County line  
416 at Malden, thence in an easterly direction through Risco to a point in the above described road  
417 north of Marston. Beginning at the New Madrid-Stoddard County line near Morehouse, thence  
418 in a northeasterly direction through Morehouse to the New Madrid-Scott County line.

419 (73) Newton County — Beginning at the Jasper-Newton County line near Joplin, thence  
420 southeast to Neosho, thence southwest to the Newton-McDonald County line. Beginning at the  
421 Oklahoma-Missouri state line at Seneca, thence east through Neosho, via Granby, to the  
422 Barry-Newton County line near the northwest corner of Barry County.

423 (74) Nodaway County — Beginning at the Missouri-Iowa state line near Hopkins, thence  
424 south through Pickering, Maryville and Barnard, to the Nodaway-Andrew County line.  
425 Beginning at the Nodaway-Atchison County line, thence east and south through Burlington  
426 Junction to Maryville, connecting with the north and south state road. Beginning again on the  
427 north and south road, south of Maryville, thence easterly through Ravenwood to the  
428 Nodaway-Gentry County line.

429 (75) Oregon County — Beginning at the Oregon-Howell County line north of  
430 Koshkonong, thence south and east through Koshkonong and Thayer to the Missouri-Arkansas  
431 state line. Beginning at the Oregon-Shannon County line south of Birch Tree, thence south and  
432 east through Alton to the Oregon-Ripley County line. From Alton southwest to Thayer.

433 (76) Osage County — Beginning at Huber's Ferry at the Osage-Cole County line, thence  
434 in an easterly direction to Loose Creek and Linn to the Osage-Gasconade County line near Mt.

435 Sterling. Beginning at Chamois, thence south and west to an intersection with the above road,  
436 approximately nine miles east of Linn. Beginning at the Huber's Ferry and thence south and east  
437 through Westphalia and Freeburg to the Osage-Maries County line.

438 (77) Ozark County — Beginning at the Douglas-Ozark County line, thence southeast to  
439 Gainesville, thence easterly to the Howell-Ozark County line. Beginning at Gainesville,  
440 southwesterly to the Arkansas-Missouri state line. Beginning at or near the Douglas-Ozark  
441 County line on the state road from Ava to Gainesville, thence southwest via or in the vicinity of  
442 Foil to Thornfield, thence southwest to Longrun.

443 (78) Pemiscot County — Beginning at the Pemiscot-New Madrid County line near  
444 Portageville, thence south and west through Hayti, Canady, Steele and Holland to the  
445 Missouri-Arkansas state line. Beginning at the Pemiscot-Dunklin County line east of Kennett,  
446 thence east to Hayti and thence southeast to Caruthersville.

447 (79) Pettis County — Beginning at the Johnson-Pettis County line, thence east through  
448 Sedalia and Smithton to the Morgan-Pettis County line. Beginning at the Saline-Pettis County  
449 line, thence south through Sedalia to the Pettis-Benton County line near Ionia. Beginning at the  
450 Pettis-Henry County line at Windsor, thence due east approximately nine and one-half miles to  
451 an intersection with the north and south road described above.

452 (80) Perry County — Beginning at the Perry-Ste. Genevieve County line south of St.  
453 Marys, thence south and east through Perryville and Longtown to the Perry-Cape Girardeau  
454 County line near Appleton. Beginning on the Mississippi River near Claryville, thence south and  
455 west through Perryville via Silver Lake to the Perry-Bollinger County line near Alliance.

456 (81) Phelps County — Beginning at the Phelps-Pulaski County line, thence north and  
457 east through Newburg, Rolla and St. James to the Phelps-Crawford County line. Beginning at  
458 the Phelps-Texas County line, thence north and east through Edgar Springs to Rolla. Beginning  
459 at the Phelps-Maries County line, thence south and east to St. James.

460 (82) Pike County — Beginning at the Pike-Ralls County line near Frankford, thence  
461 south and east through Frankford, McCune and Bowling Green, to Eolia, thence south to the  
462 Pike-Lincoln County line. From Louisiana to Bowling Green, thence west to Pike-Audrain  
463 County line east of Vandalia.

464 (83) Platte County — Beginning at the Platte-Buchanan County line, thence south  
465 through Dearborn, Platte City, thence southeastwardly through Parkville, to the Platte-Clay  
466 County line, at the southeast corner of Platte County. Beginning at the Missouri River opposite  
467 Leavenworth, Kansas, thence east to Platte City, thence eastwardly to the Platte-Clay County  
468 line. Beginning at the Platte-Clay County line west of Nashua, thence westwardly to a point  
469 connecting with the road first described above.



470 (84) Polk County — Beginning at the Cedar-Polk County line west of Fairplay, thence  
471 east through Fairplay to Bolivar, thence south to the Greene-Polk County line. Beginning at the  
472 St. Clair-Polk County line, thence south to Fairplay, via Humansville and Dunnegan. Beginning  
473 at Bolivar, thence east to the Dallas-Polk County line.

474 (85) Pulaski County — Beginning at the Pulaski-Laclede County line, thence north and  
475 east through Laquey and Waynesville to the Pulaski-Phelps County line. Beginning at the  
476 Pulaski-Maries County line near Dixon, thence in a southerly direction through Dixon to  
477 Anderson's School, connecting with the above described road, approximately seven miles east  
478 of Waynesville. Beginning at the Pulaski-Miller County line, thence south and west via Crocker  
479 to Waynesville. Beginning at Waynesville, thence south via Bloodland to the Pulaski-Texas  
480 County line.

481 (86) Putnam County — Beginning at the Putnam-Mercer County line, near Ravanna,  
482 thence easterly through Unionville and Livonia to the Putnam-Schuyler County line. Beginning  
483 at the Missouri-Iowa state line north of Unionville, thence south to Unionville, thence south and  
484 west to the Putnam-Sullivan County line.

485 (87) Ralls County — Beginning at the Ralls-Marion County line near Oakwood, thence  
486 south and west to New London, thence south and east to the Ralls-Pike County line, near  
487 Frankford. Beginning at the Ralls-Monroe County line, thence east to Perry, thence north and  
488 east through Center to New London. Beginning at Perry, thence in a southerly direction to the  
489 Audrain County line.

490 (88) Randolph County — Beginning at the Randolph-Chariton County line, thence east  
491 and south through Huntsville, Moberly and Clark to the Randolph-Audrain County line.  
492 Beginning at the Randolph-Macon County line south of Excello, thence south through Cairo and  
493 Jacksonville to Moberly, thence north and east to the Randolph-Monroe County line. Beginning  
494 at the Randolph-Boone County line near Clark, thence north a distance of approximately three  
495 miles and connecting with the road as described above. Beginning at the Randolph-Howard  
496 County line, thence north and east to Huntsville.

497 (89) Ray County — Beginning at the road at the Clay County line, near Excelsior  
498 Springs, thence south and east through Richmond and Hardin, to the Ray-Carroll County line.  
499 Beginning at the Ray-Caldwell County line south of Kingston, thence south and east to  
500 Richmond. From Richmond southeast to Lexington.

501 (90) Reynolds County — Beginning at the Reynolds-Iron County line near Glover,  
502 thence westerly to Centerville, then south through Ellington to the Reynolds-Carter County line,  
503 approximately four miles west of Garwood. Beginning at Garwood, thence easterly to the  
504 Reynolds-Wayne County line. From Centerville northwest to Stone Hill.

505 (91) Ripley County — Beginning at the Ripley-Oregon County line, thence easterly  
506 through Doniphan to the Ripley-Butler County line near Fairdealing. Beginning at a point on  
507 the road described above, approximately two miles east of Doniphan, thence northwardly to the  
508 Ripley-Carter County line near Grandin. From Doniphan in a southwesterly direction to  
509 Arkansas state line, connecting with Arkansas state road.

510 (92) St. Charles County — Beginning at the Warren-St. Charles County line east of  
511 Warrenton, thence in an easterly direction to St. Charles, thence in a northerly and easterly  
512 direction to the Mississippi River north of West Alton. Beginning on the above described road  
513 near Wentzville, thence in a northerly direction via Wentzville to the Lincoln-St. Charles County  
514 line south of Moscow Mills. Beginning at the Lincoln-St. Charles County line south of Winfield,  
515 thence in a southeasterly direction to St. Peters.

516 (93) St. Clair County — Beginning at the Henry-St. Clair County line, thence southeast  
517 through Lowry City and Osceola and Collins to the Polk-St. Clair County line. Also a prong  
518 from Collins east to the Hickory-St. Clair County line. Beginning at the Cedar-St. Clair County  
519 line near El Dorado Springs, thence northeast and east via Tiffin to Osceola. Beginning at the  
520 Bates-St. Clair County line west of Appleton City, thence east and north to the Henry-St. Clair  
521 County line, south of Montrose.

522 (94) St. Francois County — Beginning at the St. Francois-Jefferson County line near  
523 the M.R. & B.T. tunnel, thence south to Bonne Terre, thence in a southeasterly direction through  
524 Desloge, St. Francois, Flat River, Farmington and Libertyville to the St. Francois-Madison  
525 County line. Beginning at the St. Francois-Washington County line, approximately one mile  
526 west of Bismarck near the southern boundary of Washington County, thence north and east  
527 through Bismarck and Elvins to Flat River. Beginning at Farmington, thence in an easterly  
528 direction to the St. Francois-St. Genevieve County line.

529 (95) Ste. Genevieve County — Beginning at the Ste. Genevieve-Jefferson County line  
530 near Danby, thence south and east through Bloomsdale to Ste. Genevieve, thence in a southerly  
531 direction through St. Marys to the Ste. Genevieve-Perry County line. Beginning at the Ste.  
532 Genevieve-St. Francois County line east of Farmington, thence east and north through  
533 Weingarten to Ste. Genevieve.

534 (96) St. Louis County — Beginning at the city limits of St. Louis at Wellston, thence  
535 in a northwesterly direction over what is known as the St. Charles Rock Road to the Missouri  
536 River bridge at the city of St. Charles. Beginning at the city limits of St. Louis, thence in a  
537 westerly direction through Manchester and Ballwin, over what is known as the Manchester Road  
538 to the Franklin County line. Beginning at the city limits of St. Louis, thence in a southwesterly  
539 direction over what is known as the Gravois Road to the St. Louis-Jefferson County line.

540 Beginning at the city limits of St. Louis, thence in southwesterly direction over what is known  
541 as the Lemay Ferry Road to the St. Louis-Jefferson County line.

542 (97) Saline County — Beginning at the Pettis-Saline County line, thence north through  
543 Marshall, continuing north to the Missouri River and the Carroll-Saline County line. Beginning  
544 at the Saline-Lafayette County line near Waverly, thence in an easterly and southerly direction  
545 through Malta Bend, Marshall to Arrow Rock on the Missouri River. Beginning at the  
546 Lafayette-Saline County line east of Higginsville, thence in an easterly direction to Marshall,  
547 thence in a northeasterly direction via Slater and Gilliam to the Missouri River near Glasgow.

548 (98) Schuyler County — Beginning at the Schuyler-Putnam County line, thence north  
549 and east through Glenwood to Lancaster, thence south and east through Downing to the  
550 Schuyler-Scotland County line. Beginning at the Missouri-Iowa state line north of Lancaster to  
551 Lancaster, thence southwest through Queen City and Green Top to the Schuyler-Adair County  
552 line.

553 (99) Scotland County — Beginning at the Schuyler-Scotland County line, thence south  
554 and east to Memphis, thence easterly through Arbela and Granger to the Scotland-Clark County  
555 line. Beginning at the Missouri-Iowa state line, thence south through Memphis to the  
556 Scotland-Knox County line.

557 (100) Scott County — Beginning at the Scott-Cape Girardeau County line south of Cape  
558 Girardeau, thence south and west through Kelso, Benton, Morley and Sikeston to the Scott-New  
559 Madrid County line. Beginning at Benton, thence south and east to the Scott-Mississippi County  
560 line, near Diehlstadt. Beginning at the Scott-New Madrid County line, thence northeasterly  
561 through Sikeston to the Scott-Mississippi County line.

562 (101) Shannon County — Beginning at the Shannon-Howell County line near Mountain  
563 View, thence eastwardly through Birch Tree to the Shannon-Carter County line. Beginning at  
564 Eminence, thence south through Winona to the road described above. Beginning at Birch Tree,  
565 thence southwardly to the Shannon-Oregon County line. From Eminence north to Shannon-Dent  
566 County line, crossing at a point between Rector and Sinking post offices.

567 (102) Shelby County — Beginning at the Shelby-Macon County line, thence south and  
568 east through Clarence, Lentner and Shelbina and Lakenan to the Shelby-Marion County line near  
569 Hunnewell. Beginning at the Shelby-Knox County line, thence south and east through Bethel  
570 to Shelbyville, thence south to Shelbina. Beginning at Shelbina, thence south and east to the  
571 Monroe County line.

572 (103) Stoddard County — Beginning at the Stoddard-Butler County line near Fisk,  
573 thence easterly through Dudley and Dexter to the Stoddard-New Madrid County line near  
574 Morehouse. Beginning at the Stoddard-Cape Girardeau County line near the western boundary  
575 to Cape Girardeau County, thence in a southerly direction through Advance, Bloomfield, Dexter

576 and Bernie to the Stoddard-Dunklin County line. Beginning at the Bollinger-Stoddard County  
577 line near Puxico, thence southwardly to a point below Puxico. Beginning at the  
578 Bollinger-Stoddard County line, thence southeast to Advance.

579 (104) Stone County — Beginning at the Lawrence-Stone County line at the northwest  
580 corner of Stone County, thence southeast through Crane, Galena to Reed Springs, thence south  
581 to the Arkansas-Missouri state line at Blue Eye. Beginning on the above road just north of the  
582 Arkansas state line, thence in a northeasterly direction towards Hollister to the Taney-Stone  
583 County line. Beginning at the Stone-Christian County line, thence in a southeasterly direction  
584 to the Stone-Taney County line. From Galena east via Abesville to north and south state road  
585 from Ozark to Branson. From Galena west to Stone-Barry County line.

586 (105) Sullivan County — Beginning at the Sullivan-Grundy County line near Galt,  
587 thence north and east through Humphrey, Reger and Milan, Green City and Greencastle to the  
588 Sullivan-Adair County line. Beginning at the Sullivan-Putnam County line, thence south and  
589 west through Milan to the Sullivan-Linn County line at Browning.

590 (106) Taney County — Beginning at the Stone-Taney County line near the northwest  
591 corner of Taney County, thence southeast to Branson, thence south through Hollister to the  
592 Arkansas-Missouri state line. Beginning at the Stone-Taney County line, thence northeast to a  
593 point two and one-half miles south of Hollister. Beginning again at Branson, thence in an east  
594 and northerly direction to Forsyth, thence in a northwest and west direction to the Stone-Taney  
595 County line. From Forsyth northeast via Dickens, Taneyville, Bradleyville and Brown Branch  
596 to Taney-Douglas County line.

597 (107) Texas County — Beginning at the Wright-Texas County line near Mountain  
598 Grove, thence east to Cabool, thence in a northeasterly direction to Houston, thence in an easterly  
599 and northerly direction through Licking to the Phelps-Texas County line north of Licking.  
600 Beginning at Licking, thence in a northeasterly direction to the Dent-Texas County line  
601 southwest of Ranger. Beginning on the state road east of Houston, thence in a southeasterly  
602 direction and southerly direction via Summerville to the Howell-Texas County line, near the  
603 southeast corner of Texas County. Beginning at Houston, thence in a northwesterly direction via  
604 Plato to the Pulaski-Texas County line. Beginning at Cabool, thence in a southeasterly direction  
605 to the Howell-Texas County line northwest of Willow Springs.

606 (108) Vernon County — Beginning at the Bates-Vernon County line south of Rich Hill,  
607 thence south through Arthur and Horton to Nevada and southeast through Milo and Sheldon to  
608 the Barton-Vernon County line. Beginning at the Missouri-Kansas state line, thence east through  
609 Deerfield and Nevada to the Cedar-Vernon County line west of El Dorado Springs.

610 (109) Warren County — Beginning at the Warren-Montgomery County line near  
611 Jonesburg, thence south and east through Warrenton to the Warren-St. Charles County line.

612 Beginning at the Warren-Lincoln County line, south of Hawk Point, thence south to Warrenton.  
613 Beginning at Warrenton, thence south and east through Marthasville and Dutzow to the Missouri  
614 River.

615 (110) Washington County — Beginning at the Washington-Jefferson County line, thence  
616 southwest to Potosi, thence south and east through Caledonia to the Washington-Iron County  
617 line. Beginning at the Washington-Crawford County line, thence in an easterly direction to  
618 Potosi. Beginning at Caledonia, thence in a southeasterly direction to the Washington-St.  
619 Francois County line, approximately one mile west of Bismarck.

620 (111) Wayne County — Beginning at the Wayne-Reynolds County line near the southern  
621 boundary of Reynolds County, thence east to Leeper, thence in a northerly direction to Piedmont,  
622 thence north and east through Sylvia to the Wayne-Bollinger County line. Beginning at the  
623 Wayne-Iron County line near Des Arc, thence south to Piedmont. Beginning at the  
624 Wayne-Madison County line near Coldwater, thence south through Coldwater, Sylvia and  
625 Greenville to the Wayne-Butler County line.

626 (112) Webster County — Beginning at the Greene-Webster County line, thence northeast  
627 to Northview, thence to Marshfield, thence northeast and north via Niangua to the  
628 Laclede-Webster County line. Beginning at the Greene-Webster County line near Rogersville,  
629 thence east through Rogersville, Fordland, Diggins and Seymour to the Wright-Webster County  
630 line.

631 (113) Worth County — Beginning at the Worth-Nodaway County line, east through  
632 Grant City and Allendale to the Worth-Harrison County line. Beginning at the Missouri-Iowa  
633 state line, connecting with the Iowa state primary road, thence south, approximately one-half  
634 mile east of Irena, thence south through Grant City and Worth, to the Worth-Gentry County line.

635 (114) Wright County — Beginning at the Webster-Wright County line, thence east  
636 through Mansfield and Mountain Grove to the Texas-Wright County line. Beginning at  
637 Hartville, thence southwest through Mansfield to the Wright-Douglas County line. From  
638 Hartville northeast, via Grove Spring to Laclede-Wright County line.

639 (115) Southern highway connection — Beginning at the Pettis-Morgan County line east  
640 of Smithton, thence in an easterly direction connecting with the east and west road in Moniteau  
641 County north of Tipton; provided, that the ~~[highways and transportation commission]~~  
642 **department of transportation** is authorized and empowered to designate the routes and types  
643 of the higher type roads of approximately one thousand five hundred miles connecting the  
644 principal population centers of the state, and to make such changes in the routes of said roads as  
645 it may deem necessary in the interest of economy and directness of routes, and is authorized to  
646 commence the construction of said higher type roads at such place or places on such routes as

647 it may deem advisable; provided further, that no changes in designation shall increase the total  
648 mileage of the state highway system.

227.030. 1. The construction and maintenance of said highway system and all work  
2 incidental thereto shall be under the general supervision and control of the state ~~[highways and~~  
3 ~~transportation commission]~~ **department of transportation**, which is hereby authorized,  
4 empowered and directed to take whatever steps may be necessary to cause said state highway  
5 system to be constructed at the earliest possible time, consistent with good business management  
6 and funds available, after this chapter takes effect, and also to provide for the proper maintenance  
7 of said state highway system.

8 2. The state ~~[highways and transportation commission]~~ **department of transportation**  
9 shall have power to make all final decisions affecting the work provided for herein and all rules  
10 and regulations it may deem necessary not inconsistent with this chapter for the proper  
11 management and conduct of said work and for carrying out all of the provisions of this chapter  
12 in such manner as shall be to the best interest and advantage of the people of the state.

13 3. The ~~[commission]~~ **department** is hereby given power and authority to purchase, lease,  
14 or otherwise acquire and supply any tools, machinery, supplies, material and labor needed for  
15 said work and to pay for engineering, preparation of plans and specifications, cost of advertising,  
16 engineering supervision and inspection, and all expenses and contingencies in connection with  
17 the construction and maintenance of such state highway system.

227.050. The engineer shall, as soon as practicable, submit to the ~~[commission]~~  
2 **department** in writing his recommendations as to detail plans, width of right-of-way and  
3 surfaced roadway and type and character of construction for each county, and at the same time  
4 furnish a copy thereof to the county clerk for public information. The ~~[commission]~~ **department**  
5 may approve, disapprove, modify or amend the proposals so recommended, and the action of the  
6 ~~[commission]~~ **department** thereon shall be the action of the department on such subject, and  
7 shall not be modified or disturbed except by subsequent action of the ~~[commission]~~ **department**.

227.080. All bridges which have heretofore been constructed or rebuilt or which may  
2 hereafter be constructed or built over navigable streams by or under the order of the state  
3 ~~[highways and transportation commission]~~ **department of transportation** of Missouri, either  
4 entirely with state funds or in part with state funds, and local funds, or with local funds or any  
5 easement over any privately owned bridge now or hereafter constructed or built in good repair  
6 which may be tendered free and without consideration to the state ~~[highways and transportation~~  
7 ~~commission]~~ **department of transportation**, and which bridges are located at points where such  
8 streams intersect the state highways, and all bridges now under contract to be erected by the state  
9 ~~[highways and transportation commission]~~ **department of transportation**, or in whole or in part  
10 from funds of the state ~~[highways and transportation commission]~~ **department of**

11 **transportation**, shall be regarded as part of the state highways, and all such bridges shall be  
12 maintained by the state [~~highways and transportation commission~~] **department of**  
13 **transportation**.

227.090. All laws of this state relating to the construction, maintenance or obstruction  
2 of roads, which do not conflict with the provisions of chapters 226 and 227 and are consistent  
3 with the provisions of said chapters, shall apply to the construction, maintenance and obstruction  
4 of all state highways, and the duties and powers imposed by such laws on certain officials shall  
5 devolve upon the engineer, or other officer of the [~~highways and transportation commission~~]  
6 **department of transportation** designated by the [~~commission~~] **department**.

227.100. 1. All contracts for the construction of said work shall be let to the lowest  
2 responsible bidder or bidders after notice and publication of an advertisement in a newspaper  
3 published in the county where the work is to be done, and in such other publications as the  
4 [~~commission~~] **department** may determine.

5 2. Each bid shall be accompanied by a certified check or a cashier's check or a bid bond,  
6 guaranteed by a surety company authorized by the director of the department of commerce and  
7 insurance to conduct surety business in the state of Missouri, equal to five percent of the bid,  
8 which certified check, cashier's check, or bid bond shall be deposited with the commissioner as  
9 a guaranty and forfeited to the state treasurer to the credit of the state road fund in the event the  
10 successful bidder fails to comply with the terms of the proposal, and return to the successful  
11 bidder on execution and delivery of the performance bond provided for in subsection 4. The  
12 checks of the unsuccessful bidders shall be returned to them in accordance with the terms of the  
13 proposal.

14 3. All notices of the letting of contracts under this section shall state the time and place  
15 when and where bids will be received and opened, and all bids shall be sealed and opened only  
16 at the time and place mentioned in such notice and in the presence of some member of the  
17 [~~commission~~] **department** or some person named by the [~~commission~~] **department** for such  
18 purpose.

19 4. The successful bidders for the construction of said work shall enter into contracts  
20 furnished and prescribed by the [~~commission~~] **department** and shall give good and sufficient  
21 bond, in a sum equal to the contract price, to the state of Missouri, with sureties approved by the  
22 [~~commission~~] **department** and to ensure the proper and prompt completion of said work in  
23 accordance with the provisions of said contracts, and plans and specifications; provided, that if,  
24 in the opinion of the majority of the members of the [~~commission~~] **department**, the lowest bid  
25 or bids for the construction of any of the roads, or parts of roads, herein authorized to be  
26 constructed, shall be excessive, then, and in that event, said [~~commission~~] **department** shall  
27 have the right, and it is hereby empowered and authorized to reject any or all bids, and to

28 construct, under its own direction and supervision, all of such roads and bridges, or any part  
29 thereof.

227.102. 1. Notwithstanding any other provision of law to the contrary, the  
2 ~~[commission]~~ **department** is authorized to receive bids and bid bonds for any contract for  
3 construction, maintenance, repair, or improvement of any bridge or highway on the state highway  
4 system electronically via the internet. Such electronically submitted bids and bid bonds shall  
5 contain digital signatures and seals, and all other required bid information and certifications, in  
6 accordance with ~~[commission]~~ **department** administrative rules, sections 432.200 to 432.295,  
7 and with any applicable federal competitive bidding requirements. At its discretion, the  
8 ~~[commission]~~ **department** may elect to receive both electronic and paper bids, or the  
9 ~~[commission]~~ **department** may specify electronic bidding exclusively for any proposed contract.

10 2. Any electronic bidding program or service implemented by the ~~[commission]~~  
11 **department** and the electronic bid and bid bond vendor shall meet the following criteria, at a  
12 minimum:

13 (1) Each bidder must be able to transmit an electronic bid and bid bond securely and  
14 confidentially through bid encryption or other protection measures;

15 (2) Each bidder must receive prompt confirmation of the timely electronic filing of the  
16 bidder's bid and bid bond;

17 (3) Each bidder must be able to withdraw or replace the bidder's filed electronic bid and  
18 bid bond prior to the time bids are opened;

19 (4) Each bid filed electronically must be inaccessible or unreadable to all others except  
20 for the bidder prior to the time bids are opened;

21 (5) The portal for filing bids must have a mechanism to block any additional bids or  
22 modifications to bids when bids are scheduled to be opened; and

23 (6) ~~[Commission]~~ Representatives and officials of the department of transportation must  
24 have full and immediate access to the bids and bid bonds at the time bids are designated to be  
25 opened, but not prior to that time.

26 3. The ~~[commission]~~ **department** is authorized to promulgate administrative rules to  
27 administer the provisions in this section. Any rule or portion of a rule, as that term is defined  
28 in section 536.010, that is created under the authority delegated in this section shall become  
29 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
30 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
31 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
32 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
33 rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid  
34 and void.



227.103. 1. Notwithstanding any other provision of law to the contrary, the  
2 ~~[commission]~~ **department** is authorized to accept an annual bid bond for its construction and  
3 maintenance projects. The ~~[commission]~~ **department** shall prescribe the form and content of  
4 an annual bid bond under the provisions set forth in the Missouri standard specifications for  
5 highway construction, or its successor.

6 2. The ~~[commission]~~ **department** is authorized to promulgate administrative rules to  
7 administer the provisions of this section. Any rule or portion of a rule, as that term is defined  
8 in section 536.010, that is created under the authority delegated in this section shall become  
9 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
10 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
11 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
12 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
13 rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid  
14 and void.

227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an  
2 alternative to the requirements and procedures specified by sections 227.040 to 227.100, the state  
3 ~~[highways and transportation commission]~~ **department of transportation** is authorized to enter  
4 into highway design-build project contracts. The total number of highway design-build project  
5 contracts awarded by the ~~[commission]~~ **department** in any state fiscal year shall not exceed two  
6 percent of the total number of all state highway system projects awarded to contracts for  
7 construction from projects listed in the ~~[commission's]~~ **department's** approved statewide  
8 transportation improvement project for that state fiscal year.

9 2. Notwithstanding provisions of subsection 1 of this section to the contrary, the state  
10 ~~[highways and transportation commission]~~ **department of transportation** is authorized to enter  
11 into additional design-build contracts for the design, construction, reconstruction, or  
12 improvement of Missouri Route 364 as contained in any county with a charter form of  
13 government and with more than two hundred fifty thousand but fewer than three hundred fifty  
14 thousand inhabitants and in any county with a charter form of government and with more than  
15 one million inhabitants, and the State Highway 169 and 96th Street intersection located within  
16 a home rule city with more than four hundred thousand inhabitants and located in more than one  
17 county. The state ~~[highways and transportation commission]~~ **department of transportation** is  
18 authorized to enter into an additional design-build contract for the design, construction,  
19 reconstruction, or improvement of State Highway 92, contained in a county of the first  
20 classification with more than one hundred eighty-four thousand but fewer than one hundred  
21 eighty-eight thousand inhabitants, from its intersection with State Highway 169, east to its  
22 intersection with State Highway E. The state ~~[highways and transportation commission]~~

23 **department of transportation** is authorized to enter into an additional design-build contract for  
24 the design, construction, reconstruction, or improvement of US 40/61 I-64 Missouri River Bridge  
25 as contained in any county with a charter form of government and with more than one million  
26 inhabitants and any county with a charter form of government and with more than two hundred  
27 fifty thousand but fewer than three hundred fifty thousand inhabitants.

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

31 4. For the purpose of this section, "design-build highway project contract" is defined as  
32 the procurement of all materials and services necessary for the design, construction,  
33 reconstruction or improvement of a state highway project in a single contract with a  
34 design-builder capable of providing the necessary materials and services.

35 5. For the purpose of this section, "highway project" is defined as the design,  
36 construction, reconstruction or improvement of highways or bridges under contract with the state  
37 ~~[highways and transportation commission]~~ **department of transportation**, which is funded by  
38 state, federal or local funds or any combination of such funds.

39 6. In using a design-build highway project contract, the ~~[commission]~~ **department** shall  
40 establish a written procedure by rule for prequalifying design-builders before such  
41 design-builders will be allowed to make a proposal on the project.

42 7. In any design-build highway project contract, whether involving state or federal funds,  
43 the ~~[commission]~~ **department** shall require that each person submitting a request for  
44 qualifications provide a detailed disadvantaged business enterprise participation plan. The plan  
45 shall provide information describing the experience of the person in meeting disadvantaged  
46 business enterprise participation goals, how the person will meet the department of  
47 transportation's disadvantaged business enterprise participation goal and such other qualifications  
48 that the ~~[commission]~~ **department** considers to be in the best interest of the state.

49 8. The ~~[commission]~~ **department** is authorized to issue a request for proposals to a  
50 maximum of five design-builders prequalified in accordance with subsection 6 of this section.

51 9. The ~~[commission]~~ **department** may require approval of any person performing  
52 subcontract work on the design-build highway project.

53 10. Notwithstanding the provisions of sections 107.170, and 227.100, to the contrary,  
54 the ~~[commission]~~ **department** shall require the design-builder to provide to the ~~[commission]~~  
55 **department** directly such bid, performance and payment bonds, or such letters of credit, in such  
56 terms, durations, amounts, and on such forms as the ~~[commission]~~ **department** may determine  
57 to be adequate for its protection and provided by a surety or sureties authorized to conduct surety

58 business in the state of Missouri or a federally insured financial institution or institutions,  
59 satisfactory to the ~~[commission]~~ **department**, including but not limited to:

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

61 (2) A performance bond or bonds for the construction period specified in the  
62 design-build highway project contract equal to a reasonable estimate of the total cost of  
63 construction work under the terms of the design-build highway project contract. If the  
64 ~~[commission]~~ **department** determines in writing supported by specific findings that the  
65 reasonable estimate of the total cost of construction work under the terms of the design-build  
66 highway project contract is expected to exceed two-hundred fifty million dollars and a  
67 performance bond or bonds in such amount is impractical, the ~~[commission]~~ **department** shall  
68 set the performance bond or bonds at the largest amount reasonably available, but not less than  
69 two-hundred fifty million dollars, and may require additional security, including but not limited  
70 to letters of credit, for the balance of the estimate not covered by the performance bond or bonds;

71 (3) A payment bond or bonds that shall be enforceable under section 522.300 for the  
72 protection of persons supplying labor and material in carrying out the construction work provided  
73 for in the design-build highway project contract. The aggregate amount of the payment bond or  
74 bonds shall equal a reasonable estimate of the total amount payable for the cost of construction  
75 work under the terms of the design-build highway project contract unless the ~~[commission]~~  
76 **department** determines in writing supported by specific findings that a payment bond or bonds  
77 in such amount is impractical, in which case the ~~[commission]~~ **department** shall establish the  
78 amount of the payment bond or bonds; except that the amount of the payment bond or bonds  
79 shall not be less than the aggregate amount of the performance bond or bonds and any additional  
80 security to such performance bond or bonds; and

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

84 11. The ~~[commission]~~ **department** is authorized to prescribe the form of the contracts  
85 for the work.

86 12. The ~~[commission]~~ **department** is empowered to make all final decisions concerning  
87 the performance of the work under the design-build highway project contract, including claims  
88 for additional time and compensation.

89 13. The provisions of sections 8.285 to 8.291 shall not apply to the procurement of  
90 architectural, engineering or land surveying services for the design-build highway project, except  
91 that any person providing architectural, engineering or land surveying services for the  
92 design-builder on the design-build highway project must be licensed in Missouri to provide such  
93 services.

94           14. The ~~[commission]~~ **department** shall pay a reasonable stipend to prequalified  
95 responsive design-builders who submit a proposal, but are not awarded the design-build highway  
96 project.

97           15. The ~~[commission]~~ **department** shall comply with the provisions of any act of  
98 congress or any regulations of any federal administrative agency which provides and authorizes  
99 the use of federal funds for highway projects using the design-build process.

100           16. The ~~[commission]~~ **department** shall promulgate administrative rules to implement  
101 this section or to secure federal funds. Such rules shall be published for comment in the  
102 Missouri Register and shall include prequalification criteria, the make-up of the prequalification  
103 review team, specifications for the design criteria package, the method of advertising, receiving  
104 and evaluating proposals from design-builders, the criteria for awarding the design-build  
105 highway project based on the design criteria package and a separate proposal stating the cost of  
106 construction, and other methods, procedures and criteria necessary to administer this section.

107           17. The ~~[commission]~~ **department** shall make a status report to the members of the  
108 general assembly and the governor following the award of the design-build project, as an  
109 individual component of the annual report submitted by the ~~[commission]~~ **department** to the  
110 joint transportation oversight committee in accordance with the provisions of section 21.795.  
111 The annual report prior to advertisement of the design-build highway project contracts shall state  
112 the goals of the project in reducing costs and/or the time of completion for the project in  
113 comparison to the design-bid-build method of construction and objective measurements to be  
114 utilized in determining achievement of such goals. Subsequent annual reports shall include: the  
115 time estimated for design and construction of different phases or segments of the project and the  
116 actual time required to complete such work during the period; the amount of each progress  
117 payment to the design-builder during the period and the percentage and a description of the  
118 portion of the project completed regarding such payment; the number and a description of design  
119 change orders issued during the period and the cost of each such change order; upon substantial  
120 and final completion, the total cost of the design-build highway project with a breakdown of  
121 costs for design and construction; and such other measurements as specified by rule. The annual  
122 report immediately after final completion of the project shall state an assessment of the  
123 advantages and disadvantages of the design-build method of contracting for highway and bridge  
124 projects in comparison to the design-bid-build method of contracting and an assessment of  
125 whether the goals of the project in reducing costs and/or the time of completion of the project  
126 were met.

127           18. The ~~[commission]~~ **department** shall give public notice of a request for qualifications  
128 in at least two public newspapers that are distributed wholly or in part in this state and at least  
129 one construction industry trade publication that is distributed nationally.

130           19. The ~~[commission]~~ **department** shall publish its cost estimates of the design-build  
131 highway project award and the project completion date along with its public notice of a request  
132 for qualifications of the design-build project.

133           20. If the ~~[commission]~~ **department** fails to receive at least two responsive submissions  
134 from design-builders considered qualified, submissions shall not be opened and it shall  
135 readvertise the project.

136           21. For any highway design-build project constructed under this section, the  
137 ~~[commission]~~ **department** shall negotiate and reach agreements with affected railroads. Such  
138 agreements shall include clearance, safety, insurance, and indemnification provisions, but are not  
139 required to include provisions on right-of-way acquisitions.

227.110. The state highway system shall be constructed in accordance with plans,  
2 specifications, estimates of cost, and contracts entered into with the ~~[commission]~~ **department**,  
3 in the name of the state of Missouri. Said roads shall have a right-of-way not less than forty feet  
4 wide, or as much wider as may be necessary. Bridges and culverts over all nonnavigable streams  
5 which are located at points where such streams intersect the state highway system shall be  
6 regarded as part of the state highway.

227.120. 1. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** shall have power to purchase, lease, or condemn, lands in the name of the state  
3 of Missouri for the following purposes when necessary for the proper and economical  
4 construction and maintenance of state highways:

5           (1) Acquiring the right-of-way for the location, construction, reconstruction, widening,  
6 improvement or maintenance of any state highway or any part thereof;

7           (2) Acquiring bridges or sites therefor and ferries, including the rights and franchises for  
8 the maintenance and operation thereof, over navigable streams, at such places as the state  
9 ~~[highways and transportation commission]~~ **department of transportation** shall have authority  
10 to construct, acquire or contribute to the cost of construction of any bridge;

11           (3) Acquiring the right-of-way for the location, construction, reconstruction, widening,  
12 improvement or maintenance of any highway ordered built by the bureau of public roads of the  
13 Department of Agriculture of the United States government;

14           (4) Obtaining road building or road maintenance materials or plants for the manufacture  
15 or production of such materials and acquiring the right-of-way thereto; also acquiring the  
16 right-of-way to such plants as are privately owned when necessary for the proper and economical  
17 construction of the state highway system;

18           (5) Changing gradients in any state highway;

19           (6) Establishing detours in connection with the location, construction, reconstruction,  
20 widening, improvement or maintenance of any state highway or any part thereof;

21 (7) Changing the channels of any stream and providing for drainage ditches when  
22 necessary for the proper construction or maintenance of any state highway;

23 (8) Eliminating grade crossings;

24 (9) Acquiring water supply and water power sites and necessary lands for use in  
25 connection therewith, including rights-of-way to any such sites;

26 (10) Acquiring sites for garages and division offices and for storing materials, machinery  
27 and supplies;

28 (11) Acquiring lands for sight distances along any state highway or any portion thereof  
29 whenever necessary, and also acquiring lands within wyes formed by junctions of state highways,  
30 or junctions of state highways and other public highways;

31 (12) Acquiring lands or interests therein for the purpose of depositing thereon excess  
32 excavated or other materials produced in the construction, reconstruction, widening,  
33 improvement or maintenance of any state highway;

34 (13) Acquiring lands for any other purpose necessary for the proper and economical  
35 construction of the state highway system for which the ~~[commission]~~ **department** may have  
36 authority granted by law. If condemnation becomes necessary, the ~~[commission]~~ **department**  
37 shall have the power to proceed to condemn such lands in the name of the state of Missouri, in  
38 accordance with the provisions of chapter 523, insofar as the same is applicable to the said state  
39 ~~[highways and transportation commission]~~ **department of transportation**, and the court or jury  
40 shall take into consideration the benefits to be derived by the owner, as well as the damage  
41 sustained thereby. The state ~~[highways and transportation commission]~~ **department of**  
42 **transportation** also shall have the same authority to enter upon private lands to survey and  
43 determine the most advantageous route of any state highway as granted, under section 388.210,  
44 to railroad corporations.

45 2. In any case in which the ~~[commission]~~ **department** exercises eminent domain  
46 involving a taking of real estate, the court, ~~[commissioners]~~ **department**, and jury shall consider  
47 the restriction of or loss of access to any adjacent highway as an element in assessing the  
48 damages. As used in this subsection, "restriction of or loss of access" includes, but is not limited  
49 to, the prohibition of making right or left turns into or out of the real estate involved, provided  
50 that such access was present before the proposed improvement or taking.

227.130. The state of Missouri, and all departments, boards, commissions, bureaus,  
2 institutions, public agencies and political subdivisions thereof, holding title to or having an  
3 interest in real estate, or having administrative jurisdiction and control of real estate or other  
4 property, are hereby authorized and empowered to give, grant and convey to or for the use of the  
5 state ~~[highways and transportation commission]~~ **department of transportation** of Missouri such

6 rights-of-way or other easements and appurtenances in said real estate or property as may be  
7 necessary for the proper and economical construction or maintenance of state highways.

227.140. 1. Counties and other political subdivisions of the state, except incorporated  
2 cities and towns, shall be reimbursed for money expended by them in the construction or  
3 acquisition of roads and bridges now or hereafter taken over by the state as permanent parts of  
4 the system of state highways to the extent of the value to the state of such roads and bridges at  
5 the time taken over, due consideration being given to the type of road the state would have  
6 constructed had such road not already been constructed, but not exceeding in any case the  
7 amount expended by such counties and subdivisions in the construction or acquisition of such  
8 roads and bridges, except that the state [~~highways and transportation commission~~] **department**  
9 **of transportation** may, in its discretion, repay, or agree to repay, any cash advanced by a county  
10 or subdivision to expedite state road construction or improvement.

11 2. Any portion or all of such reimbursements shall be made either in the form of  
12 additional roads or in cash at the election of the authorities of the county or political subdivision  
13 to which reimbursement may be due. If said authorities elect to have any reimbursement made  
14 in the form of additional roads, such roads shall be constructed in such county or political  
15 subdivision under the supervision and direction of the [~~commission~~] **department** and shall  
16 connect with the system of state highways; or, all or part of said sum may be used to construct  
17 a state highway of a higher type than that proposed by the [~~commission~~] **department**. Any  
18 reimbursement which the authorities of a county or political subdivision elect to have made in  
19 cash may be used for the purchase of rights-of-way for state highways within such county or  
20 political subdivision.

21 3. When the [~~commission~~] **department** takes over a road, to the construction of which  
22 more than one county or political subdivision has contributed, any reimbursement shall be  
23 divided among said counties or subdivisions in the same proportion as such counties or  
24 subdivisions contributed to said construction.

227.150. Whenever a county, or other political subdivision of the state, except  
2 incorporated cities and towns, shall have, out of public funds, purchased or constructed across  
3 any navigable stream any bridge that forms a segment or part of the state road system or any  
4 easement thereon, then the state [~~highways and transportation commission~~] **department of**  
5 **transportation**, at any such time or times as the road funds will justify without interfering with  
6 other state road construction or maintenance, may construct and build such roads in such county  
7 or other political subdivision as the county commission of such county or in which such political  
8 subdivision is situate may direct; the cost of which roads shall be equal to the value to the state  
9 at the time taken over of the portion of such bridge entirely within the state of Missouri, not  
10 exceeding in any case the amount expended by such county or other political subdivision in the

11 acquisition of such bridge; provided, however, that any county or other political subdivision  
12 except incorporated cities and towns may elect to receive such reimbursement from the state  
13 ~~[highways and transportation commission]~~ **department of transportation** in cash.

227.160. If any county, civil subdivision or persons interested desire a road of a higher  
2 type, more expensive construction, or better in any way than the road proposed by the  
3 department, and shall secure to the state, in the manner and within the time prescribed by the  
4 ~~[commission]~~ **department**, the additional cost of such road, then such road shall be constructed  
5 with the funds of the state and funds so secured; provided, however, that the road shall be  
6 constructed under the supervision and direction of the ~~[commission]~~ **department**, as provided  
7 for in section 227.030, for the construction of roads at the sole cost of the state.

227.170. Any civil subdivision as defined in section 226.010 shall have the power, right  
2 and authority, through its proper officers, to contribute out of funds available for road purposes  
3 all or a part of the funds necessary for the purchase of rights-of-way for state highways, and  
4 convey such rights-of-way or any other land, to the state of Missouri to be placed under the  
5 supervision, management and control of the state ~~[highways and transportation commission]~~  
6 **department of transportation** for the construction and maintenance thereupon of state  
7 highways and bridges. Funds may be raised for the purpose of this section in such manner and  
8 such amounts as may be provided by law for other road purposes in such civil subdivision;  
9 provided, that there shall not at any time be any refund of any kind or amount to said civil  
10 subdivision by the state of Missouri for lands acquired under this section.

227.180. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** of Missouri is authorized to accept and receive as trustee moneys, credits,  
3 property or securities from any county, civil subdivision or interested parties who may contract  
4 to contribute toward the cost of construction of any road or bridge which is now being  
5 constructed or may be hereafter constructed by said state ~~[highways and transportation~~  
6 ~~commission]~~ **department of transportation** as a part of the state highway system as security  
7 for the performance of said contract of said county, civil subdivision or interested parties as  
8 provided by law and said ~~[commission]~~ **department** is authorized and directed to deposit said  
9 moneys, properties and securities in various banks or trust companies throughout the state.

227.190. 1. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** of Missouri is authorized and directed to purchase a surety bond or bonds to  
3 guarantee to the state ~~[highways and transportation commission]~~ **department of transportation**  
4 of Missouri the payment of any funds which have been or may be hereafter advanced or  
5 furnished to the state ~~[highways and transportation commission]~~ **department of transportation**  
6 as trustee by any county, civil subdivision or interested parties for the purpose of making secure  
7 contributions toward the cost of constructing any road or bridge now being constructed or



8 hereafter to be constructed under the supervision and direction of the state ~~[highways and~~  
9 ~~transportation commission]~~ **department of transportation** of Missouri as part of the state  
10 highway system, and which moneys have been or may be deposited in the various banks or trust  
11 companies throughout the state to the credit of the state ~~[highways and transportation~~  
12 ~~commission]~~ **department of transportation** of Missouri as trustee.

13 2. The premium on said bond or bonds shall be paid by the county, civil subdivision or  
14 interested parties or the various banks or trust companies which are depositaries of said funds,  
15 and in the event a blanket bond is secured the amount of the premium which each bank or trust  
16 company having any of said funds on deposit shall be required to pay shall be determined by the  
17 percentage of such trust funds deposited in said bank or trust company; provided, any bank may  
18 deposit bonds as security for said money on deposit, such bonds to be approved by the state  
19 transportation department.

227.200. In the event any bank or trust company and the county, civil subdivision or  
2 interested parties shall fail or refuse to comply with the requirements of sections 227.180 and  
3 227.190, the said bank or trust company shall forthwith surrender said moneys so deposited to  
4 the credit of the state ~~[highways and transportation commission]~~ **department of transportation**  
5 of Missouri as trustee, and the said state ~~[highways and transportation commission]~~ **department**  
6 **of transportation** shall immediately deposit said trust funds in some other Missouri bank or  
7 trust company which shall comply with said sections.

227.210. 1. The state highways as designated in section 227.020 shall be under the  
2 jurisdiction and control of the ~~[commission]~~ **department**; and the ~~[commission]~~ **department**  
3 shall maintain such roads in a state and manner consistent with the present condition of such  
4 roads; provided, that when the roads included in said state highway system have been constructed  
5 by the ~~[commission]~~ **department**, or acquired as provided for in sections 227.120 to 227.150 and  
6 section 227.170, they shall be maintained by the ~~[commission]~~ **department** and kept in a good  
7 state of repair at whatever cost may be required.

8 2. The cost of repairing and maintaining said roads shall be paid out of the state road  
9 fund on the warrant of the state auditor, when such payment shall be ordered by the  
10 ~~[commission]~~ **department**. For the purpose of maintaining and repairing such roads, the  
11 ~~[commission]~~ **department** shall have authority to purchase or otherwise acquire, all necessary  
12 tools, machinery, supplies and materials, and may employ the necessary labor therefor, and the  
13 ~~[commission]~~ **department** may provide for the proper repair and maintenance of such roads, or  
14 any portion thereof, by contract, which shall specify the nature and character of the work to be  
15 done. The ~~[commission]~~ **department** shall also provide for a system of patrol for maintaining  
16 and repairing these state highways, so that such highways may be effectually and economically  
17 preserved and maintained.

227.220. 1. The ~~[commission]~~ **department** is authorized to prescribe uniform marking and guide boards on the state highways, and to cause to be removed all other markings and guide boards and advertising signs, and to remove any other obstruction to the lawful use of a state highway, including the right to remove or trim trees located within or overhanging the right-of-way of a state highway, and to prohibit and regulate the erection of advertising or other signs on the right-of-way of the state highways. The ~~[commission]~~ **department** is authorized to erect, or cause to be erected danger signals or warning signs at railroad crossings, highway intersections or other places along the state highways which the ~~[commission]~~ **department** deem to be dangerous. After plans and specifications and estimates have been made and filed by the engineer and approved by the ~~[commission]~~ **department** it shall be the duty of the ~~[commission]~~ **department** to advertise for bids, as is now provided for letting of contracts for constructing the state highway system as provided in section 227.100, for the erection and maintenance of marking signs, guide boards, danger signals or warning signs, and to authorize the display of such signals, signs or guide boards advertising, which, in the opinion of the ~~[commission]~~ **department**, is not unsightly or does not obstruct the view of such signals, signs or boards, in consideration of such signals, signs or boards being erected and maintained without cost of the state, and the ~~[commission]~~ **department** is authorized to prohibit the display of any other advertising matter within a distance of three hundred feet of such signals, signs or boards so as not to obstruct the view or impair the purpose of the same.

2. Any person who erects or maintains advertising signs, marking or guide boards or signals on the right-of-way of any state highway without the written permission of the ~~[commission]~~ **department**, or any person who willfully damages, removes or obstructs the view of sign boards or signals, erected or maintained on the highways without the written permission of the ~~[commission]~~ **department**, shall be deemed guilty of a misdemeanor; provided, that any person, firm, or corporation who shall damage or destroy any part of the state highway system by the doing of any act in violation of law shall be liable to such ~~[commission]~~ **department** for the amount of such damages; and such damages may be recovered by civil suit in any court of competent jurisdiction, which suit may be brought in the name of the state ~~[highway~~ **commission]** **department of transportation** of Missouri, as plaintiff against the person, firm or corporation so causing such damage or destruction; and in the event such damage or destruction shall be caused by the use of vehicles on such state highway which are forbidden by law, or by the use of vehicles carrying loads in excess of the maximum weight prescribed by law, or by vehicles operated at a rate of speed in excess of that prescribed by law, then the owner of such vehicle shall be personally liable for the amount of such damage or destruction which may be recovered in like manner; and the amount of such damages, when collected, shall be deposited in and become a part of the state road fund; and provided further, that nothing in this section

37 shall be so construed as to relieve any person, firm or corporation or owner of vehicles from the  
38 criminal liability which may be provided by law on account of the doing of such prohibited acts.

227.230. The ~~[commission]~~ **department** is authorized to let the privilege of erecting,  
2 constructing and maintaining (during the period for which such privilege may be let) marking  
3 signs, guide boards and danger or warning signals with advertisements thereon, on and along the  
4 state highway system, at such points and places as may be designated by the ~~[commission]~~  
5 **department**, and all money received for such privilege shall be paid into the state treasury to the  
6 credit of the state road fund and may be used for maintenance purposes on the state highway  
7 system.

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

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

15 3. The department of transportation utility corridor established for the placement of  
16 utility facilities on the right-of-way of highways in the state highway system shall be up to twelve  
17 feet in width when space is reasonably available, with the location of the utility corridor to be  
18 determined by the state ~~[highways and transportation commission]~~ **department of**  
19 **transportation**. The ~~[commission]~~ **department** shall promulgate rules setting forth a  
20 standardized statewide system for requesting and issuing variances to requirements set forth in  
21 this section.

22 4. The ~~[commission]~~ **department** or some officer selected by the ~~[commission]~~  
23 **department** shall serve a written notice upon the entity, person or corporation owning or  
24 maintaining any such lines, poles, wires, conduits, pipelines, or tramways, which notice shall  
25 contain a plan or chart indicating the places on the right-of-way at which such lines, poles, wires,  
26 conduits, pipelines or tramways may be maintained. The notice shall also state the time when  
27 the work of hard surfacing said roads is proposed to commence, and shall further state that a

28 hearing shall be had upon the proposed plan of location and matters incidental thereto, giving  
29 the place and date of such hearing. Immediately after such hearing the said owner shall be given  
30 a notice of the findings and orders of the ~~[commission]~~ **department** and shall be given a  
31 reasonable time thereafter to comply therewith; provided, however, that the effect of any change  
32 ordered by the ~~[commission]~~ **department** shall not be to remove all or any part of such lines,  
33 poles, wires, conduits, pipelines or tramways from the right-of-way of the highway. The removal  
34 of the same shall be made at the cost and expense of the owners thereof unless otherwise  
35 provided by said ~~[commission]~~ **department**, and in the event of the failure of such owners to  
36 remove the same at the time so determined they may be removed by the state ~~[highways and~~  
37 ~~transportation commission]~~ **department of transportation**, or under its direction, and the cost  
38 thereof collected from such owners, and such owners shall not be liable in any way to any person  
39 for the placing and maintaining of such lines, poles, wires, conduits, pipelines and tramways at  
40 the places prescribed by the ~~[commission]~~ **department**.

41 5. The ~~[commission]~~ **department** is authorized in the name of the state of Missouri to  
42 institute and maintain, through the attorney general, such suits and actions as may be necessary  
43 to enforce the provisions of this section. Any corporation, association or the officers or agents  
44 of such corporations or associations, or any other person who shall erect or maintain any such  
45 lines, poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which  
46 are hard-surfaced, which are not in accordance with such orders of the ~~[commission]~~  
47 **department**, shall be deemed guilty of a misdemeanor.

227.250. The ~~[commission]~~ **department** shall have power to close temporarily for the  
2 purpose of construction or repair any portion of a state highway to public use and to issue  
3 regulations controlling the use of state highways and all properties relating thereto.

227.260. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** is hereby authorized to make minor relocations in any state highway or any part  
3 thereof when in its opinion such minor relocations are necessary in the interest of safety to the  
4 traveling public or in the interest of economy and directness of route; provided, that no such  
5 minor relocations shall deviate from any designated point named in any law which may now or  
6 hereafter be in force; provided, however, the terms, powers and authority granted in this section  
7 shall apply only when the conditions exist as enumerated in sections 227.270, 227.280 and  
8 231.100.

227.270. Whenever the construction or operation of any waterpower and/or hydroelectric  
2 project results in the inundation of any portion of a state highway, the state ~~[highways and~~  
3 ~~transportation commission]~~ **department of transportation** is authorized to abandon said portion  
4 of said highway, and, in addition to the relocations mentioned in section 227.260, to relocate,  
5 construct and maintain, as in its opinion may be best from considerations of good engineering,

6 safety to the general public, economy and directness of route and service to the locality, so much  
7 of said highway as in the judgment of said ~~[commission]~~ **department** is necessary on account  
8 of such inundation, and abandon the portion of the highway in lieu of which the relocation is  
9 made, provided that any such relocation shall not deviate from any designated point, if any  
10 named in any law, unless such designated point shall itself be inundated; provided, that when the  
11 seat of county government of any county is inundated by virtue of the construction or operation  
12 of any waterpower, and/or hydroelectric project, rendering necessary the reestablishment and  
13 relocation of such seat of county government, such seat of county government having prior to  
14 such inundation, been a designated point on any state highway, such relocation and reestablished  
15 seat of county government shall be considered for all purposes of state road designation and  
16 construction, as the original seat of county government of such county.

227.280. Whenever the construction or operation by any person, firm, corporation, or  
2 association of any water power and/or hydroelectric project results in the inundation of any land,  
3 highway or part of a highway, under the control and supervision of the state ~~[highways and~~  
4 ~~transportation commission]~~ **department of transportation**, the state ~~[highways and~~  
5 ~~transportation commission]~~ **department of transportation** is hereby empowered to negotiate  
6 and agree to a settlement with such person, firm, corporation, or association, their heirs,  
7 administrators, executors, assigns, successors, receivers, or trustees, of the damages resulting to  
8 any such land, highway or part thereof from any such inundation; provided, that all moneys  
9 received in any such settlement shall be deposited with the state treasurer to the credit of the state  
10 road fund; provided, however, that sections 227.260, 227.270 and 227.280 shall not operate to  
11 deprive any county or other local subdivision of such refund, if any, to which it may otherwise  
12 by law be entitled.

227.290. 1. Whenever in the opinion of the state ~~[highways and transportation~~  
2 ~~commission]~~ **department of transportation** the advantageous use of any interest in land or any  
3 leasehold which has heretofore or may hereafter be acquired by the ~~[commission]~~ **department**  
4 has ceased, or for any other lawful reason the ~~[commission]~~ **department** wishes to dispose of  
5 the property, the ~~[commission]~~ **department** shall have authority to convey or exchange such  
6 interest in land or leasehold for its approximate fair market value pursuant to any administrative  
7 procedure or process as determined by the ~~[commission]~~ **department**, by deed signed by its chair  
8 or vice chair and attested by its secretary. Before any sale shall be consummated under this  
9 section, the original owner of the property which is now offered for sale by the ~~[commission]~~  
10 **department** and if such owner shall at the time of sale be in possession of the adjoining land,  
11 shall be notified by written notice by the department of transportation of such contemplated sale.  
12 All moneys received from the disposal of any such interest in land or leasehold shall be deposited  
13 by the ~~[commission]~~ **department** in the state treasury to the credit of the state road fund. Any

14 land or leasehold herein described that has been donated without charge by the owner to the  
15 purpose of state highway construction or maintenance and such owner is still in possession of  
16 contiguous property, the same shall revert to such original owner without cost to the owner if and  
17 when relinquished by the ~~[commission]~~ **department**.

18 2. The ~~[commission]~~ **department** may also, in its discretion, convey at no cost, or  
19 exchange its interest in any land or leasehold that is no longer necessary to be used for the  
20 construction, maintenance, or operation of the state highway system, or for any other lawful  
21 reason, to any federal, state, or local governmental entity.

227.297. 1. This section establishes a designation program, to be known as the "Heroes  
2 Way Designation Program", to honor the fallen Missouri heroes who have been killed in action  
3 while performing active military duty with the Armed Forces. The signs shall be placed upon  
4 interstate or state-numbered highway interchanges or upon bridges or segments of highway on  
5 the state highway system in accordance with this section, and any applicable federal and state  
6 limitations or conditions on highway signage, including location and spacing.

7 2. Any person who is related by marriage, adoption, or consanguinity within the second  
8 degree to a member of the United States Armed Forces who was killed in action while  
9 performing active military duty with the Armed Forces, and who was a resident of this state at  
10 the time he or she was killed in action, may apply for a designation under the provisions of this  
11 section.

12 3. Any person described under subsection 2 of this section who desires to have an  
13 interstate or state-numbered highway interchange or bridge or segment of highway on the state  
14 highway system designated after his or her family member shall petition the department of  
15 transportation by submitting the following:

16 (1) An application in a form prescribed by the director, describing the interstate or  
17 state-numbered highway interchange or bridge or segment of highway on the state highway  
18 system for which the designation is sought and the proposed name of the interchange, bridge or  
19 relevant segment of highway. The application shall include the name of at least one current  
20 member of the general assembly who will sponsor the designation. The application may contain  
21 written testimony for support of the designation;

22 (2) Proof that the family member killed in action was a member of the United States  
23 Armed Forces and proof that such family member was in fact killed in action while performing  
24 active military duty with the United States Armed Forces. Acceptable proof shall be a statement  
25 from the Missouri veterans commission or the United States Department of Veterans Affairs so  
26 certifying such facts;

27 (3) By signing a form provided by the Missouri transportation department, the applicant  
28 shall certify that the applicant is related by marriage, adoption, or consanguinity within the  
29 second degree to the member of the United States Armed Forces who was killed in action; and

30 (4) A fee to be determined by the ~~[commission]~~ **department** to cover the costs of  
31 constructing and maintaining the proposed interchange, bridge, or highway signs. The fee shall  
32 not exceed the cost of constructing and maintaining each sign.

33 4. All moneys received by the department of transportation for the construction and  
34 maintenance of interchange, bridge, or highway signs shall be deposited in the state treasury to  
35 the credit of the state road fund.

36 5. The documents and fees required under this section shall be submitted to the  
37 department of transportation.

38 6. The department of transportation shall submit for approval or disapproval all  
39 applications for designations to the joint committee on transportation oversight. The joint  
40 committee on transportation oversight may review such applications at any scheduled meeting  
41 convened pursuant to section 21.795. If satisfied with the application and all its contents, the  
42 committee shall approve the application. The committee shall notify the department of  
43 transportation upon the approval or denial of an application for a designation.

44 7. The department of transportation shall give notice of any proposed designation under  
45 this section in a manner reasonably calculated to advise the public of such proposal. Reasonable  
46 notice shall include posting the proposal for the designation on the department's official public  
47 website and making available copies of the sign designation application to any representative of  
48 the news media or public upon request and posting the application on a bulletin board or other  
49 prominent public place which is easily accessible to the public and clearly designated for that  
50 purpose at the principal office.

51 8. If the memorial designation request is not approved by the joint committee on  
52 transportation oversight, ninety-seven percent of the application fee shall be refunded to the  
53 applicant.

54 9. Two signs shall be erected for each interchange, bridge, or highway designation  
55 processed under this section.

56 10. No interchange, bridge, or highway may be named or designated after more than one  
57 member of the United States Armed Forces killed in action. Such person shall only be eligible  
58 for one interchange, bridge, or highway designation under the provisions of this section.

59 11. Any highway signs erected for any designation under the provisions of this section  
60 shall be erected and maintained for a twenty-year period. After such period, the signs shall be  
61 subject to removal by the department of transportation and the interchange, bridge, or highway  
62 may be designated to honor persons other than the current designee. An existing designation

63 processed under the provisions of this section may be retained for additional twenty-year  
64 increments if, at least one year before the designation's expiration, an application to the  
65 department of transportation is made to retain the designation along with the required documents  
66 and all applicable fees required under this section.

227.299. 1. Except as provided in subsection 7 of this section, an organization or person  
2 that seeks a bridge or highway designation on the state highway system to honor an event, place,  
3 organization, or person who has been deceased for more than two years shall petition the  
4 department of transportation by submitting the following:

5 (1) An application in a form prescribed by the director, describing the bridge or segment  
6 of highway for which designation is sought and the proposed name of the bridge or relevant  
7 portion of highway. The application shall include the name of at least one current member of  
8 the general assembly who will sponsor the bridge or highway designation. The application may  
9 contain written testimony for support of the bridge or highway designation;

10 (2) A list of at least one hundred signatures of individuals who support the naming of  
11 the bridge or highway; and

12 (3) A fee to be determined by the ~~[commission]~~ **department** to cover the costs of  
13 constructing and maintaining the proposed signs. The fee shall not exceed the cost of  
14 constructing and maintaining each sign.

15 2. All moneys received by the department of transportation for the construction and  
16 maintenance of bridge or highway signs on the state highway system shall be deposited in the  
17 state treasury to the credit of the state road fund.

18 3. The documents and fees required under this section shall be submitted to the  
19 department of transportation no later than November first prior to the next regular session of the  
20 general assembly to be approved or denied by the joint committee on transportation oversight  
21 during such legislative session.

22 4. The department of transportation shall give notice of any proposed bridge or highway  
23 designation on the state highway system in a manner reasonably calculated to advise the public  
24 of such proposal. Reasonable notice shall include posting the proposal for the designation on  
25 the department's official public website, and making available copies of the sign designation  
26 application to any representative of the news media or public upon request and posting the  
27 application on a bulletin board or other prominent public place which is easily accessible to the  
28 public and clearly designated for that purpose at the principal office.

29 5. If the memorial highway designation requested by the organization is not approved  
30 by the joint committee on transportation oversight, ninety-seven percent of the application fee  
31 shall be refunded to the requesting organization.



32           6. Two highway signs shall be erected for each bridge and highway designation on the  
33 state highway system processed under this section. When a named section of a highway crosses  
34 two or more county lines, consideration shall be given by the department of transportation to  
35 allow additional signage at the county lines or major intersections.

36           7. Highway or bridge designations on the state highway system honoring fallen law  
37 enforcement officers, members of the Armed Forces killed in the line of duty, emergency  
38 personnel killed while performing duties relating to their employment, or state employees killed  
39 while serving the state shall not be subject to the provisions of this section.

40           8. No bridge or portion of a highway on the state highway system may be named or  
41 designated after more than one event, place, organization, or person. Each event, place,  
42 organization, or person shall only be eligible for one bridge or highway designation.

43           9. Any highway signs erected for any bridge or highway designation on the state highway  
44 system under the provisions of this section shall be erected and maintained for a twenty-year  
45 period. After such period, the signs shall be subject to removal by the department of  
46 transportation and the bridge or highway may be designated to honor events, places,  
47 organizations, or persons other than the current designee. An existing highway or bridge  
48 designation processed under the provisions of this section may be retained for additional  
49 twenty-year increments if, at least one year before the designation's expiration, an application to  
50 the department of transportation is made to retain the designation along with the required  
51 documents and all applicable fees required under this section.

52           10. The provisions of this section shall apply to bridge or highway designations sought  
53 after August 28, 2006.

227.551. Sections 227.551 to 227.559 shall be known as the "State Highway Utility  
2 Relocation Act". The ~~[commission]~~ **department** shall not be required to redesign any project  
3 plans or mail additional notices, nor shall the owner of a utility facility be required to submit  
4 additional relocation plans or otherwise comply with requirements of sections 227.551 to  
5 227.559 for any construction project on a state highway for which the letting date was prior to  
6 December 31, 2005.

227.552. As used in sections 227.551 to 227.559, the following terms shall mean:

2           (1) "Act of God", an unanticipated grave natural disaster or other natural phenomenon  
3 of an exceptional, inevitable, and irresistible character, the effects of which could not have been  
4 prevented or avoided by the exercise of due care or foresight;

5           (2) ~~["Commission," the highways and transportation commission created under section  
6 226.020 and Article IV, Section 29 of the Missouri Constitution, the director, or designees of the  
7 director for the purpose of section 227.240 and sections 227.551 to 227.558;~~

8 ———(3) "Construction project", all contracts for construction of state highways let under  
9 section 227.100, except for contracts for maintenance or resurfacing determined by the  
10 ~~[commission]~~ **department** not to conflict with public utilities and routine maintenance and  
11 repairs completed by employees of the ~~[commission]~~ **department**. This term shall also include  
12 state highway construction projects of transportation development districts and corporations  
13 under chapter 238 if such projects are awarded pursuant to section 227.100. The term  
14 "construction project" shall not include projects for road beautification, road irrigation, and  
15 drainage projects, culvert installation or repair, sound wall installation, decorative lighting,  
16 landscaping, or other projects not directly related to improving or routing highway traffic. The  
17 term "construction project" shall also not include any project authorized by the ~~[commission]~~  
18 **department** to accommodate any private development, including a shopping mall, stadium,  
19 office building, or arena;

20 [(4)] (3) "Contractor", any person entering into a contract with the ~~[highways and~~  
21 ~~transportation commission]~~ **department of transportation** for purposes of completing a  
22 construction project on a state highway, including a subcontractor or supplier to such contractor;

23 [(5)] (4) "Customer delays", delays in the relocation work due to delays caused by the  
24 utility's customers, including but not limited to delays in getting written or oral approvals from  
25 customers for permissible utility service cut-over dates;

26 [(6)] (5) "Cut-over date", the date utility owner interrupts utility service to a utility  
27 customer provided through an existing utility facility and switches the service over to a new  
28 utility facility serving the customer;

29 [(7)] (6) "Day" or "days", a business day or a period of consecutive business days  
30 consisting of every workday excluding Saturdays, Sundays, and legal holidays;

31 (7) "**Department**", the **department of transportation**;

32 (8) "Director", the director of the Missouri department of transportation appointed  
33 pursuant to section 226.040;

34 (9) "Extreme weather event", a severe weather occurrence, including but not limited to  
35 fire, flood, earthquake, tornado, wind, hurricane, storm, ice, abnormal rainfall, blizzard, or  
36 extended periods of severe inclement weather;

37 (10) "Letting date", the date established by the ~~[commission]~~ **department** for the  
38 acceptance of bids by contractors under section 227.100;

39 (11) "Mail", a dated written transmittal sent to the addressee by regular or certified mail;

40 (12) "Maintenance", routine work performed on state highways by employees of the  
41 ~~[commission]~~ **department** or contractors to the ~~[commission]~~ **department**, including minor  
42 pavement and shoulder repairs, striping, grading, irrigation ditch clearing, street overlays, and  
43 other work determined by the ~~[commission]~~ **department** not to conflict with public utilities;

- 44 (13) "Notice to proceed", notice by the ~~[commission]~~ **department** to a contractor to  
45 proceed with work on a contract awarded by the ~~[commission]~~ **department**;
- 46 (14) "Owner", the individual, firm, joint venture, partnership, corporation, association,  
47 cooperative, municipality, county, district, political subdivision, department, agency, or any other  
48 institution owning or operating utility facilities;
- 49 (15) "Project plans", any plan for highway construction projects demonstrating the need  
50 to design and conduct utility facility alterations or relocations due to the work;
- 51 (16) "Relocate" or "relocation", the adjustment of utility facilities, as the ~~[commission]~~  
52 **department** or director may determine is necessary in connection with the construction of a state  
53 highway. Relocation includes:
- 54 (a) Removing and reinstalling the utility facility, including necessary temporary  
55 facilities;
- 56 (b) Moving, rearranging, or changing the type of existing utility facilities; and
- 57 (c) Taking any necessary safety and protective measures;
- 58 (17) "Relocation plan," a plan designed by the owner to carry out utility facility  
59 relocation work to accommodate a construction project on a state highway;
- 60 (18) "Resurfacing", work which provides a new roadway surface for existing pavement  
61 on a state highway, including minor base patching, intersection paving, shoulder work, and  
62 guardrail work which is determined by the ~~[commission]~~ **department** not to conflict with public  
63 utilities;
- 64 (19) "State highway", a highway constructed or maintained at the cost of the state or  
65 constructed with the aid of state funds or United States government funds or any highway  
66 included by authority of law in the state highway system or any highway constructed under the  
67 authority of a transportation development district or corporation under chapter 238 where such  
68 contract is awarded under section 227.100;
- 69 (20) "Utility contractor", a person contracting with an owner of a utility facility or a  
70 subcontractor to a person contracting with an owner of a utility facility, for the alteration  
71 relocation or installation of a utility facility in connection with a construction project on a state  
72 highway;
- 73 (21) "Utility facility", any underground facility as defined in section 319.015 and  
74 aboveground facilities, including poles, lines, wires, and appurtenances for the purposes of  
75 electrical power, telephone, telegraph, fiber optic and cable television services, and any other  
76 purpose for which aboveground utility facilities may be located along state highways;
- 77 (22) "Work", construction and services required of the contractor by the contractor's  
78 contract with the ~~[commission]~~ **department**, including excavation as that term is defined in  
79 section 319.015.

227.553. 1. At the earliest possible date in the design of a construction project on a state highway, the ~~[commission]~~ **department** shall attempt to determine what utility facilities are located within the right-of-way of the planned construction project by researching permit files and reviewing map files maintained by the ~~[commission]~~ **department**. The ~~[commission]~~ **department** shall also, as necessary, conduct field investigations and contact local governments to identify any utility facilities within the right-of-way.

2. Within thirty days of completion of the survey conducted under subsection 1 of this section, the ~~[commission]~~ **department** shall notify in writing owners of each known utility facility that a construction project is planned that may conflict with their utility facility. The notification shall include the name or route number of the highway, the geographical limits of the planned construction project, a general description of the work to be done including a preliminary plan, the desired date for completion of a relocation plan, and the anticipated month and year a letting date could be set for the construction project.

3. The owner shall examine the notice and notify the ~~[commission]~~ **department** in writing of any utility facility not correctly described in the ~~[commission's]~~ **department's** notice. Within sixty days of receiving the notice required in subsection 2 of this section, the owner shall provide a written response to the ~~[commission]~~ **department**. The response shall describe and provide the general location of each utility facility of the owner by confirming the location shown in the ~~[commission's]~~ **department's** notice or by providing additions or corrections.

227.554. 1. Upon completion of the initial design of the construction project, the ~~[commission]~~ **department** shall provide at least one set of project plans to each owner of a utility facility identified under section 227.553.

2. The project plans shall show those portions of the construction project upon which the owner's utility facilities are located and where the utility facilities of other owners are located in relation to work required for the project. The ~~[commission]~~ **department** shall also provide with the project plans a description of any right-of-way still to be purchased and the anticipated letting date of the project. The project plan shall be accompanied by a complete set of plans including profile, cross-section, drainage, signal, lighting, signing plans, temporary road plans that may affect utilities, and other pertinent plan sheets. Upon request of the owner, the ~~[commission]~~ **department** shall provide any additional plan information needed by the owner to design and lay out the removal, relocation, or adjustment of existing facilities and the placement of relocated or new utility facilities within the limits of the construction project.

3. Within thirty days of receipt of the project plans, the utility owner shall develop a preliminary plan of adjustment and return the marked-up project plans to the ~~[commission]~~ **department**. The plan of adjustment shall include:

(1) Verification that all utility facilities are shown;

- 18 (2) The proposed location of adjusted utility facilities;  
19 (3) Any additional right-of-way requirements; and  
20 (4) Any other concerns.

21 4. When two or more owners have facilities in the area encompassed by the construction  
22 project, the ~~[commission]~~ **department** shall schedule a utility coordination meeting as soon as  
23 possible but no longer than thirty days from the date the project plans were mailed. The  
24 ~~[commission's]~~ **department's** project manager and all owners are required to attend this meeting.  
25 If there is a conflict between two owners which cannot be satisfactorily resolved by the owners,  
26 the ~~[commission]~~ **department** shall determine the most appropriate method to resolve the  
27 conflict between the two owners, and, in making such determination, shall weigh equally the  
28 length of time necessitated by each owner's proposal, and the relative cost to each owner if the  
29 other's proposal is adopted. The ~~[commission]~~ **department** shall notify all utility owners  
30 involved with the project in writing of the ~~[commission's]~~ **department's** acceptance or revisions  
31 to the utility plan of adjustment.

227.555. 1. Within one hundred twenty days of receiving written notice of approval of  
2 the utility plan of adjustment from the ~~[commission]~~ **department**, the owner shall provide the  
3 ~~[commission]~~ **department** with a relocation plan. The one hundred twenty-day clock stops after  
4 the relocation plan is submitted by the owner. If, after timely submission of the relocation plan  
5 by the owner, revisions or alterations are necessary for any reason, or if the original relocation  
6 plan was incomplete due to information needed from other parties, the one hundred twenty-day  
7 clock begins to run again when the needed information is received back by the owner.

8 2. The relocation plan shall include a narrative description of work that will be done in  
9 relocating the owner's utility facilities and whether the work or a portion of the work must be  
10 coordinated with or is contingent upon work being performed by another utility facility owner  
11 or the contractor to the ~~[commission]~~ **department**. The relocation plan shall list, if applicable,  
12 any anticipated issues or problems related to the acquisition of right-of-way. The relocation plan  
13 shall, if applicable, detail the anticipated number of days to acquire additional easements not  
14 provided within the new highway right-of-way. The relocation plan shall also give estimates as  
15 to the time needed to obtain any necessary customer approvals for cut-over dates, if necessary.  
16 The relocation plan shall state when the work will be started and the length of time in days  
17 estimated to complete the work. It is permissible for an owner to state in a relocation plan that  
18 the owner's work will be completed within a stated number of days from the date that a  
19 contractor or another owner completes certain identified work which interferes with the owner's  
20 work. The relocation plan shall identify any contingencies, if applicable, that may impact the  
21 anticipated start of relocation. The relocation plan shall also describe whether the plan is  
22 incomplete due to:

- 23 (1) Other owners failing to coordinate their plans with the owner submitting the plan;  
24 (2) Other owners failing to provide information necessary to submit a complete  
25 relocation plan;  
26 (3) The ~~[commission]~~ **department** failing to provide any information required by  
27 subsection 2 of section 227.554; or  
28 (4) Any other reason explained in the plan regarding the circumstances and cause of the  
29 plan being incomplete.

30 3. The ~~[commission]~~ **department** shall review the relocation plan to ensure  
31 compatibility with permit requirements, the project plan, and the anticipated letting date and  
32 notice to proceed for the project. If utility relocation is dependent upon or must be coordinated  
33 with work to be completed by the contractor, the relocation plan shall assure timely completion  
34 of the project. If the relocation plan is acceptable to the ~~[commission]~~ **department**, the  
35 ~~[commission]~~ **department** shall notify the owner in writing within thirty days of receiving the  
36 plan. If the relocation plan submitted by the owner is not compatible, reasonable, or does not  
37 allow timely completion of the project, the ~~[commission]~~ **department** shall advise the owner in  
38 writing as soon as practicable, but not later than thirty days after receiving the relocation plan.  
39 The ~~[commission]~~ **department** shall specify in the notice which parts of the relocation plan it  
40 finds objectionable, and the reasons for its conclusions. The owner shall submit a revised  
41 relocation plan within thirty calendar days after receipt of notice by the ~~[commission]~~  
42 **department** that the relocation plan is not acceptable. The ~~[commission]~~ **department** shall  
43 review the revised relocation plan, and if the relocation plan is still not acceptable, the  
44 ~~[commission]~~ **department** shall provide a relocation plan to the owner. The owner shall not be  
45 bound by the terms of the ~~[commission's]~~ **department's** relocation plan if such relocation plan:

46 (1) Requires the payment of overtime to employees to expedite the construction project;  
47 or

48 (2) Requires the owner to comply with a deadline which is not feasible due, in whole or  
49 in part, to one or more factors outside the control of the owner.

50 4. If the owner informs the ~~[commission]~~ **department**, in writing, or the ~~[commission]~~  
51 **department** determines that the owner's relocation work is dependent upon or must be  
52 coordinated with work being performed by the ~~[commission's]~~ **department's** contractor, the  
53 ~~[commission]~~ **department** shall convene a meeting of the contractor and the one or more owners  
54 whose relocation work is dependent upon or must be coordinated with the contractor's work.  
55 Such meeting shall be held after the letting date at which bids were received for the construction  
56 project, but prior to the issuance of a notice to proceed to the ~~[commission's]~~ **department's**  
57 contractor. After such meeting, and before or concurrent with the issuance of a notice to  
58 proceed, the ~~[commission]~~ **department** shall provide a schedule for the relocation of utilities to

59 the owner and the ~~[commission's]~~ **department** contractor. If the approved relocation plan, or  
60 a portion of such plan, is dependent upon or must be coordinated with work to be performed by  
61 the contractor, the contractor shall notify the ~~[commission]~~ **department** of its best estimate of  
62 the date that all construction necessary for the relocation of utilities will be completed, at least  
63 fourteen days prior to such date. If such completion date is delayed due to weather or other  
64 causes, the contractor shall immediately notify the ~~[commission]~~ **department** of the delay and  
65 the revised expected completion date. The contractor shall give a second notice to the  
66 ~~[commission]~~ **department** five days prior to the date work will be completed as necessary for  
67 relocation work to begin. It shall be the responsibility of the ~~[commission]~~ **department** to notify  
68 the owner or owners of the contractor's estimated completion dates. The contractor may also  
69 notify the owner directly of such dates, if the contractor has received information from the owner  
70 under subsection 7 of this section, but such notice shall not relieve the ~~[commission]~~  
71 **department** of its obligation to notify the owner. If the contractor's delay causes additional  
72 delay by the owner, the ~~[commission]~~ **department** and the owner shall negotiate in good faith  
73 to determine the new completion date.

74         5. (1) The ~~[commission]~~ **department** shall notify the owner in writing not less than  
75 thirty days before the owner is required to begin relocation provided for in the approved  
76 relocation plan. Unless the owner has encountered excusable delay as set forth in subsection 4  
77 of section 227.558, the owner shall complete its work within the time frame described in the  
78 relocation plan, and shall complete all work that can be done prior to construction before the  
79 issuance of the notice to proceed, including work that may need to be coordinated with other  
80 utility owners but is not dependent on the work of the contractor.

81         (2) The notice required by subdivision (1) of this subsection shall include the name,  
82 address, telephone number, facsimile number, and electronic mail address of the ~~[commission's]~~  
83 **department's** contractor and any subcontractors performing work on the construction project.  
84 Such information shall also include the name and title of an individual employed by the  
85 contractor or subcontractor having primary responsibility for the construction project. Within  
86 fifteen days of receiving notice, the owner shall provide to the ~~[commission]~~ **department** and  
87 the ~~[commission's]~~ **department's** contractor the name, address, telephone number, facsimile  
88 number, and electronic mail address of the employee of the owner who is responsible for  
89 implementation of the owner's relocation plan and the same information for any utility contractor  
90 to the owner for purposes of carrying out the relocation plan.

91         6. The owner shall notify the ~~[commission]~~ **department** when relocation work has  
92 started. During the course of the relocation work, the ~~[commission]~~ **department** may require  
93 owners to provide progress reports until its relocation is completed. The owner shall notify the  
94 ~~[commission]~~ **department** when all relocation work is complete. All notices of either starting

95 or completion of relocation work and all monthly progress reports shall be provided within five  
96 days after such dates.

227.556. 1. If, prior to the letting date of the construction project, the ~~[commission's]~~  
2 **department's** project plan is changed so that additional or different utility relocation work is  
3 found necessary, the ~~[commission]~~ **department** shall furnish a revised project plan under section  
4 227.554, and the owner shall provide the ~~[commission]~~ **department** with a revised relocation  
5 plan under section 227.555, except that the time allowed for the owner to submit the revised  
6 relocation plan after receipt of the revised project plan shall not exceed sixty days.

7 2. If, after the letting date of the highway construction project, additional utility  
8 relocation work is found necessary which was not indicated on the original project plan, the  
9 ~~[commission]~~ **department** shall provide the owner with a revised project plan within fifteen days  
10 and the ~~[commission]~~ **department** and the owner shall agree on a reasonable schedule for  
11 completion of the additional utility location.

227.557. 1. The ~~[commission]~~ **department** shall have authority to require that any  
2 required notice, response, or plan be submitted by mail or certified mail. Otherwise notices,  
3 plans, and other statements in writing may be provided by mail, facsimile, or electronic mail.  
4 The ~~[commission]~~ **department** may require that some form of proof of receipt be provided in  
5 regard to any notice, plan, or other statement in writing. Upon mutual agreement between the  
6 ~~[commission]~~ **department** and an owner, additional time may be granted for the completion of  
7 any act required by sections 227.551 to 227.559.

8 2. Nothing in sections 227.551 to 227.559 shall be construed to relieve a contractor from  
9 making notice of excavation as required by sections 319.010 to 319.050 of the underground  
10 facility safety and damage prevention act, or complying with the requirements of sections  
11 319.075 to 319.090 of the overhead power line safety act, except to the extent that any provisions  
12 of sections 227.551 to 227.559 require additional obligations beyond those set forth in sections  
13 319.011 to 319.050 or sections 319.075 to 319.090, in which case the requirements of sections  
14 227.551 to 227.559 shall prevail.

227.558. 1. If the owner of a utility facility fails to provide the responses or corrections  
2 to project plans required by sections 227.553 to 227.556, the ~~[commission]~~ **department** may  
3 recover from the owner damages in the amount of up to one hundred dollars per day for each day  
4 the required act is not completed.

5 2. If the owner fails to provide a relocation plan or fails to timely relocate utility facilities  
6 in accordance with the relocation plan as required by section 227.555, the ~~[commission]~~  
7 **department** may recover from the owner damages in the amount of up to one thousand dollars  
8 per day for each day the required act is not completed.



9           3. The damages authorized by subsections 1 and 2 of this section may be recovered  
10 through actions brought by the chief counsel to the ~~[commission]~~ **department**, or may be  
11 referred to the attorney general for appropriate action. An action to collect the damages  
12 authorized by this section shall be brought in a court of appropriate jurisdiction. All damages  
13 collected under this section shall be deposited in the state road fund.

14           4. No damages or fines of any kind shall be assessed for delays that result, in whole or  
15 in part, directly or indirectly, from any of the following:

16           (1) Customer delays;

17           (2) Labor strikes or shortages;

18           (3) Terrorist attacks, riots, civil unrest, or criminal sabotage;

19           (4) Acts of God, or extreme weather events;

20           (5) Delays caused by staffing shortages in the geographic area near the ~~[commission's]~~  
21 **department's** construction project due to the owner's need to reassign an unusual number of  
22 workers to any other area to respond to an act of God or extreme weather event;

23           (6) The failure of another owner to sufficiently complete its required relocation of utility  
24 facilities that interfere with an owner's relocation plan;

25           (7) The failure of another owner or delay by another owner in submitting relocation plans  
26 that interfere with an owner's relocation plan;

27           (8) Delays by the ~~[commission]~~ **department** in acquiring necessary right-of-way or  
28 necessary easements;

29           (9) Delays caused by facility damages or cable cuts caused by the ~~[commission's]~~  
30 **department's** contractor, other owners, or third parties;

31           (10) Unusual material shortages; and

32           (11) Any other event or action beyond the reasonable control of the owner.

33

34 The occurrence of any of the unusual events listed in this section shall constitute an affirmative  
35 defense to the assessment of damages under the provisions of this section.

36           5. The removal and relocation of utility facilities shall be made at the expense of the  
37 owners unless otherwise provided by the ~~[commission]~~ **department**. If the owner fails to  
38 relocate the utility facilities in accordance with the relocation plan as required by section  
39 227.555, the utility facilities may be removed and relocated by the state ~~[highways and~~  
40 ~~transportation commission]~~ **department of transportation**, or under its direction, and the cost  
41 of relocating the utility facilities shall be collected from such owner. If the state ~~[highways and~~  
42 ~~transportation commission]~~ **department of transportation** or its designee removes and relocates  
43 the utility facilities, the utility owner shall not be liable to any party for any damages caused by

44 the ~~[commission's]~~ **department's** or the ~~[commission's]~~ **department's** designee's removal and  
45 relocation of such facilities.

227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited as the  
2 "Missouri Public-Private Partnerships Transportation Act".

3 2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise,  
4 the following terms mean:

5 ~~(1) ["Commission", the Missouri highways and transportation commission;~~

6 ~~——(2)~~ (2) "Comprehensive agreement", the final binding written comprehensive project  
7 agreement between a private partner and the ~~[commission]~~ **department** required in section  
8 227.621 to finance, develop, and/or operate the project;

9 ~~[(3)]~~ (2) "Department", the Missouri department of transportation;

10 ~~[(4)]~~ (3) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease,  
11 design, or construct;

12 ~~[(5)]~~ (4) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other  
13 charges incurred to finance, develop, and/or operate the project;

14 ~~[(6)]~~ (5) "Interim agreement", a preliminary binding written agreement between a private  
15 partner and the ~~[commission]~~ **department** that provides for completion of studies and any other  
16 activities to advance the financing, development, and/or operation of the project required by  
17 section 227.618;

18 ~~[(7)]~~ (6) "Material default", any uncured default by a private partner in the performance  
19 of its duties that jeopardizes adequate service to the public from the project as determined by the  
20 ~~[commission]~~ **department**;

21 ~~[(8)]~~ (7) "Operate" or "operation", to improve, maintain, equip, modify, repair,  
22 administer, or collect user fees;

23 ~~[(9)]~~ (8) "Private partner", any natural person, corporation, partnership, limited liability  
24 company, joint venture, business trust, nonprofit entity, other business entity, or any combination  
25 thereof;

26 ~~[(10)]~~ (9) "Project", exclusively includes any pipeline, ferry, port facility, water facility,  
27 water way, water supply facility or pipeline, stormwater facility or system, wastewater system  
28 or treatment facility, public building, airport, railroad, light rail, vehicle parking facility, mass  
29 transit facility, or other similar facility currently available or to be made available to a  
30 government entity for public use, including any structure, parking area, appurtenance and other  
31 property required to operate the structure or facility to be financed, developed, and/or operated  
32 under agreement between the ~~[commission]~~ **department** and a private partner. The  
33 ~~[commission]~~ **department** or private partner shall not have the authority to collect user fees in  
34 connection with the project from motor carriers as defined in section 227.630. Project shall not

35 include any highway, interstate or bridge construction, or any rest area, rest stop, or truck parking  
 36 facility connected to an interstate or other highway under the authority of the ~~[commission]~~  
 37 **department**. Any project not specifically included in this subdivision shall not be financed,  
 38 developed, or operated by a private partner until such project is approved by a vote of the people;

39 ~~[(11)]~~ **(10)** "Public use", a finding by the ~~[commission]~~ **department** that the project to  
 40 be financed, developed, and/or operated by a private partner under sections 227.600 to 227.669  
 41 will improve or is needed as a necessary addition to the state transportation system;

42 ~~[(12)]~~ **(11)** "Revenues", include but are not limited to the following which arise out of  
 43 or in connection with the financing, development, and/or operation of the project:

- 44 (a) Income;
- 45 (b) Earnings;
- 46 (c) Proceeds;
- 47 (d) User fees;
- 48 (e) Lease payments;
- 49 (f) Allocations;
- 50 (g) Federal, state, and local moneys; or
- 51 (h) Private sector moneys, grants, bond proceeds, and/or equity investments;

52 ~~[(13)]~~ **(12)** "State", the state of Missouri;

53 ~~[(14)]~~ **(13)** "State highway system", the state system of highways and bridges planned,  
 54 located, relocated, established, acquired, constructed, and maintained by the ~~[commission]~~  
 55 **department** under Section 30(b), Article IV, Constitution of Missouri;

56 ~~[(15)]~~ **(14)** "State transportation system", the state system of nonhighway transportation  
 57 programs, including but not limited to aviation, transit and mass transportation, railroads, ports,  
 58 waterborne commerce, freight and intermodal connections;

59 ~~[(16)]~~ **(15)** "User fees", tolls, fees, or other charges authorized to be imposed by the  
 60 ~~[commission]~~ **department** and collected by the private partner for the use of all or a portion of  
 61 a project under a comprehensive agreement.

227.601. 1. Notwithstanding any provision of sections 227.600 to 227.669 to the  
 2 contrary, the process and approval for concession agreements to build, maintain, operate, or  
 3 finance projects owned by a political subdivision shall be approved by the governing body of  
 4 such political subdivision and shall not be subject to approval by the ~~[commission]~~ **department**.  
 5 Notwithstanding the provisions of subsection 5 of this section, the sale or conveyance of any  
 6 project owned by a political subdivision shall be subject to voter approval if required by law.

7 2. As used in this section, the following terms shall mean:

8 (1) "Competitive bidding process", a request for proposal for the financing, development,  
9 or operation of the project, including any deadline for submission of such proposals, and notice  
10 of the request, which shall be published once a week for two consecutive weeks in:

11 (a) A newspaper of general circulation in the city where the proposed project is located;

12 (b) At least one construction industry trade publication that is nationally distributed; and

13 (c) Such other publications or manner as the governing body of the political subdivision  
14 may determine;

15 (2) "Concession agreement", a license or lease between a private partner and a political  
16 subdivision for the development, finance, operation, or maintenance of a project, as such term  
17 is defined in section 227.600.

18 3. Notwithstanding any provision of law to the contrary, political subdivisions may enter  
19 into concession agreements, provided that:

20 (1) The term of the concession agreement shall be for a term not exceeding thirty years;

21 (2) The political subdivision shall retain oversight of operations of any such project;

22 (3) The political subdivision shall retain oversight of rate-setting methodology;

23 (4) The political subdivision shall have the right to terminate the agreement if the private  
24 partner does not comply with the concession agreement; and

25 (5) The concession agreement is supported by a preliminary engineering and financial  
26 feasibility study, including an estimate of the costs of the project and the rate impact on  
27 customers during the life of the agreement.

28 4. The ~~[commission]~~ **department** shall not be required to oversee, or issue an annual  
29 report under section 227.669 for, projects approved by political subdivisions, provided that any  
30 political subdivision entering into a concession agreement shall use a public-private partnership  
31 framework that shall include a competitive bidding process.

32 5. Except as provided in subsection 1 of this section, the provisions of sections 71.530,  
33 71.550, 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not  
34 apply to concession agreements that are approved as provided in this section.

35 6. Nothing in this section or chapter shall be construed to authorize or implement the  
36 design or construction of toll roads or bridges.

227.606. 1. Any potential private partner may submit a request for approval to the  
2 ~~[commission]~~ **department** to finance, develop, and/or operate a project. The ~~[commission]~~  
3 **department** may request such additional information and material in a form and manner  
4 determined by the ~~[commission]~~ **department**.

5 2. The ~~[commission]~~ **department** may charge a reasonable fee to cover the costs of  
6 processing, reviewing, and evaluating a request for approval submitted by a potential private  
7 partner.

227.609. 1. The ~~[commission]~~ **department** shall use a competitive procurement process to form a public-private partnership under sections 227.600 to 227.669 and may proceed with a project under sections 227.600 to 227.669 only if the ~~[commission]~~ **department** issues a request for proposals for the financing, development, and/or operation of the project on the ~~[commission's]~~ **department's** own initiative or in response to a request for approval submitted by a potential private partner under section 227.606.

2. The ~~[commission]~~ **department** shall publish a public notice of the ~~[commission's]~~ **department's** request for proposals, including any deadline for submission of such proposals. The notice shall be published once a week for two consecutive weeks in:

- (1) A newspaper of general circulation in the city where the proposed project is located;
- (2) At least one construction industry trade publication that is nationally distributed; and
- (3) Such other publications or manner as the ~~[commission]~~ **department** may determine.

3. The material and information required for submission by a potential private partner to be responsive to the ~~[commission's]~~ **department's** request for proposal shall be set forth in the proposal. Notwithstanding the provisions of subsection 2 of section 227.606, the ~~[commission]~~ **department** shall not charge a processing and review fee.

227.612. 1. The ~~[commission]~~ **department** shall establish a process for the receipt and review of a request for approval or request for proposal. Such process shall, at a minimum, establish a specific schedule for review by the ~~[commission]~~ **department** of the request for approval and competing proposals, a process for alteration of such schedule by the ~~[commission]~~ **department** as the ~~[commission]~~ **department** deems such changes are necessary due to the scope or complexity of proposals received and the type and amount of information necessary for adequate review of proposals in each stage of review.

2. To promote and support the objectives of the United States of America's foreign policy regarding terrorism, the ~~[commission]~~ **department** shall establish, prior to the receipt and review of any request for approval or response to a request for proposal, a policy that prohibits a private partner from being eligible to enter into an interim or comprehensive agreement with the ~~[commission]~~ **department** to finance, develop and/or operate the project if such private partner, its subsidiaries or affiliated entities are known to sponsor terrorism or aid the government of countries that are known to sponsor terrorism.

227.615. 1. The ~~[commission]~~ **department** may by ~~[commission]~~ **department** minute preliminarily approve the project if the ~~[commission]~~ **department** determines the project will improve and is a needed addition to the state transportation system.

2. After a project has been preliminarily approved by the ~~[commission]~~ **department** pursuant to subsection 1 of this section, the ~~[commission]~~ **department** shall submit the proposed

6 project to the joint committee on transportation oversight, as established in section 21.795, for  
7 final approval. The joint committee shall approve such project submission by a majority vote.

8 3. Any private partner who has had a project request disapproved by the joint committee  
9 on transportation oversight may, within fifteen days of the committee's disapproval, request a  
10 hearing before the committee to review the committee's determination. Such request shall be  
11 made in writing. Within thirty days after receipt of the written request, the joint committee shall  
12 grant a hearing and set a date therefor.

227.618. 1. The ~~[commission]~~ **department** may by ~~[commission]~~ **department** minute  
2 grant tentative approval of the potential private partner whose request for approval or response  
3 to a request for proposal provides the best value to the state for financing, developing, and/or  
4 operating the project. The ~~[commission]~~ **department** shall establish criteria for making a  
5 determination including:

- 6 (1) The general reputation, qualifications, industry experience, and financial capacity of  
7 the potential private partner;
- 8 (2) The proposed plans for developing and/or operating the project; and
- 9 (3) Other criteria that the ~~[commission]~~ **department** deems appropriate.

10 2. Prior to the granting of tentative approval by the ~~[commission]~~ **department** for a  
11 potential private partner to finance, develop, and/or operate a project, the ~~[commission]~~  
12 **department** may review and approve by ~~[commission]~~ **department** minute an interim  
13 agreement with the private partner. Such interim agreement shall be in a form prescribed by the  
14 ~~[commission]~~ **department** and:

- 15 (1) May authorize the potential private partner to commence activities for which it may  
16 be compensated relating to the proposed project;
- 17 (2) Shall establish the process and timing of the negotiation of the comprehensive  
18 agreement between the ~~[commission]~~ **department** and the private partner; and
- 19 (3) Shall contain any other provisions that the ~~[commission]~~ **department** and the  
20 potential partner deem appropriate.

227.621. Prior to granting its final approval of a private partner to finance, develop,  
2 and/or operate the project, the ~~[commission]~~ **department** shall review and approve by  
3 ~~[commission]~~ **department** minute a comprehensive agreement in a form and manner prescribed  
4 by the ~~[commission]~~ **department** that shall, at a minimum, provide for:

- 5 (1) The start date for construction of the project and any other dates the ~~[commission]~~  
6 **department** deems necessary to develop and/or operate the project;
- 7 (2) Review and approval by the ~~[commission]~~ **department** of the final plans and  
8 specifications for the development and/or operation of the project to ensure that such plans and  
9 specifications conform to the standards acceptable to the ~~[commission]~~ **department**;

10 (3) A detailed financing plan, contingent upon review and approval by the [~~commission~~]  
11 **department**; and

12 (4) Any other provisions the [~~commission~~] **department** and private partner deem  
13 appropriate.

227.624. If the [~~commission~~] **department** is not satisfied with the results of negotiations  
2 with a potential private partner for an agreement, the [~~commission~~] **department** may terminate  
3 negotiations with the potential private partner. The [~~commission~~] **department** may reject any  
4 and all requests for approval and responses to a request for proposals.

227.627. All information of any kind submitted by a potential private partner to the  
2 [~~commission~~] **department** under a request for approval as provided in section 227.606 or under  
3 a response to a request for proposal as provided in section 227.609 shall be a closed record under  
4 chapter 610; provided that, after the private partner and the [~~commission~~] **department** execute  
5 the comprehensive agreement information provided by the private partner, the interim agreement  
6 and the comprehensive agreement shall be an open record under chapter 610.

227.630. The private partner shall have the following powers:

2 (1) To contract with a federal agency, a state or its agencies and political subdivisions,  
3 the [~~commission~~] **department**, a local or regional transportation authority, a corporation, a  
4 partnership, or any person to finance, develop, and/or operate the project;

5 (2) To lease or acquire any right to use or finance, develop, and/or operate the project  
6 with the length of any term to be established in the comprehensive agreement;

7 (3) Upon completion of the project, to collect user fees in connection with the use of the  
8 project by the traveling public or the direct beneficiaries of the project. The private partner,  
9 however, shall not have the authority to collect user fees in connection with the use of the project  
10 from motor carriers. As used in this subdivision, the term "motor carrier" shall mean any person  
11 engaged in the transportation of property, passengers, or both, for compensation or hire, over the  
12 public roads of this state by motor vehicle. The term motor carrier shall include common  
13 carriers, private carriers, interstate carriers, and intrastate carriers. The collection and  
14 enforcement of such user fees shall be consistent with sections 227.660 and 227.666;

15 (4) To borrow money for project purposes at such rates or interest as the private partner  
16 may determine; and

17 (5) Any other powers delegated to such private partner in the comprehensive agreement  
18 with the [~~commission~~] **department**.

227.633. 1. The private partner shall, in connection with the financing, development,  
2 and/or operation of the project, provide the following:

3 (1) Security and warranties in the forms and amounts satisfactory to the [~~commission~~]  
4 **department**;

5 (2) An annual financial statement audited by an independent certified public accountant  
6 approved by the ~~[commission]~~ **department** and such other financial reports and information as  
7 required by the ~~[commission]~~ **department** and in a form acceptable to the ~~[commission]~~  
8 **department**;

9 (3) A summary of any and all compensation from all sources for the project to the private  
10 partner;

11 (4) Evidence satisfactory to the ~~[commission]~~ **department** of procurement and  
12 maintenance at the private partner's expense of commercial insurance for such purposes and in  
13 an amount required by the ~~[commission]~~ **department**, including but not limited to:

14 (a) Commercial general liability insurance for all damages and losses imposed by law  
15 and assumed under the comprehensive agreement. Commercial general liability insurance shall  
16 be in coverage and amount consistent with section 227.663 and shall name the state of Missouri  
17 for the benefit of the state legal expense fund, and the ~~[commission]~~ **department** and the  
18 ~~[commission's]~~ **department's** members, agents, and employee's as additional insureds. Each  
19 commercial general liability insurance policy and commercial automobile liability insurance  
20 policy shall also contain a separation of insureds conditions; and

21 (b) Workers' compensation insurance or evidence provided by the private partner that  
22 the private partner is qualified by the division of workers' compensation as self-insured and  
23 carries insurance for employer's liability sufficient to comply with all obligations under state law  
24 relating to workers' compensation and employer's liability.

25 2. Notwithstanding the provisions of section 107.170 and section 227.100 to the  
26 contrary, a bid bond shall not be required for the project; except that, the ~~[commission]~~  
27 **department** may require the private partner to provide such other bonds in such amounts  
28 determined by the ~~[commission]~~ **department** to be adequate for the protection of the  
29 ~~[commission]~~ **department** and provided by a surety or sureties satisfactory to the ~~[commission]~~  
30 **department**, including but not limited to:

31 (1) A performance bond;

32 (2) A payment bond for the protection of all persons supplying labor and material in  
33 carrying out the work provided for in the comprehensive agreement for the project. The amount  
34 of the payment bond shall equal the total amount payable under the terms of the comprehensive  
35 agreement unless the ~~[commission]~~ **department** determines in writing supported by specific  
36 findings that a payment bond in such amount is impractical, in which case the ~~[commission]~~  
37 **department** shall establish the amount of the payment bond; except that, the amount of the  
38 payment bond shall not be less than the amount of the performance bond.

227.636. The ~~[commission]~~ **department** may:



2 (1) ~~Delegate any of the commission's powers under sections 227.600 to 227.669 to the~~  
3 ~~department to carry out the purposes of sections 227.600 to 227.669;~~

4 ~~———(2)~~ Promulgate rules to implement the provisions of sections 227.600 to 227.669. Any  
5 rule or portion of a rule, as that term is defined in section 536.010, that is created under the  
6 authority delegated in this section shall become effective only if it complies with and is subject  
7 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
8 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant  
9 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
10 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
11 or adopted after August 28, 2006, shall be invalid and void; and

12 ~~(3)~~ (2) Make all final decisions concerning the performance and the acceptance of the  
13 project work, including claims for additional time and compensation.

227.639. The ~~[commission]~~ **department** may impose user fees for the project. The  
2 comprehensive agreement shall provide the rate of such user fees as may be established by  
3 agreement of the ~~[commission]~~ **department** and the private partner. Such user fees shall be set  
4 in an amount that takes into account any lease payments, reasonable costs of financing,  
5 development, and/or operation. A rate schedule of the current user fees imposed and collected  
6 for use of the project shall be made available by the private partner or the ~~[commission]~~  
7 **department** to any member of the public upon request. Such fees shall be the same for persons  
8 using the project under similar conditions, except as required by agreement between the  
9 ~~[commission]~~ **department** and the private partner to preserve capacity and prevent congestion  
10 on the project. The collection and enforcement of such user fees shall be consistent with sections  
11 227.660 and 227.666. The ~~[commission]~~ **department** may authorize the private partner by the  
12 comprehensive agreement to collect and enforce user fees for the project.

227.642. 1. The ~~[commission]~~ **department** may take any action to obtain federal, state,  
2 or local government or private sector assistance for the project and may enter into any contracts  
3 required for such assistance.

2. In the comprehensive agreement, the ~~[commission]~~ **department** may agree to loan  
4 moneys received from any federal, state, or local government or the private sector to the private  
5 partner for the development and/or operation of the project from time to time; provided that the  
6 ~~[commission]~~ **department** shall obtain from the private partner such security for any loan made  
7 to the private partner in any type or amount as the ~~[commission]~~ **department** deems necessary.

227.645. 1. Any financing of the project may be in such amounts and upon such terms  
2 and conditions as may be determined by the ~~[commission]~~ **department** and the private partner  
3 in the interim or comprehensive agreement. The ~~[commission]~~ **department** and the private

4 partner may use any and all revenues that may be available to them and may, to the fullest extent  
5 permitted by applicable law, issue debt, equity, or other securities or obligations.

6 2. The private partner may issue corporate bonds, private activity bonds, refunding  
7 bonds, notes, and other obligations, and may secure any of such obligations by mortgage, pledge,  
8 or deed of trust of any or all of the property and income of the private partner. The ~~[commission]~~  
9 **department** may contract with the private partner to assist in issuing bonds, notes, and other  
10 obligations under this subsection. The private partner shall not mortgage, pledge, or give a deed  
11 of trust on any real property or interests obtained by eminent domain acquired from the state of  
12 Missouri or any agency or political subdivision of the state. Bonds, notes, and other obligations  
13 issued under this subsection shall exclusively be the responsibility of the private partner payable  
14 solely out of private partner moneys and property and shall not constitute debt or liability of the  
15 ~~[commission]~~ **department**, the state of Missouri, or any other agency or political subdivision of  
16 the state. The private partner and the ~~[commission]~~ **department** shall not be obligated to pay  
17 such bonds, notes, or other obligations with any moneys other than those specifically pledged  
18 to repayment. Any such bonds, notes, or other obligations issued by the private partner or the  
19 ~~[commission]~~ **department** shall state on the face that they are not obligations of the state of  
20 Missouri or any agency or political subdivision of the state. Any private partner bonds issued  
21 under this subsection, the interest thereon, and any proceeds from such bonds shall be exempt  
22 from taxation by the state of Missouri for all purposes except the state estate tax.

23 3. The private partner may also contract with the ~~[commission]~~ **department** for the  
24 ~~[commission]~~ **department** to issue state road bonds for the project and to loan the proceeds  
25 thereof to the private partner.

227.648. The ~~[commission]~~ **department** may by agreement authorize or require a private  
2 partner to exercise any of the following provisions regarding procurement for the financing,  
3 development, and/or operation of the project:

4 (1) Use any project delivery method for the efficient development and/or operation of  
5 the project. Such project delivery methods shall include but are not limited to project delivery  
6 methods established in section 8.285 or sections 227.100 and 227.107. In addition, the limitation  
7 in subsection 1 of section 227.107 on the number of design-build contracts authorized to be let  
8 by the ~~[commission]~~ **department** shall not apply to the project;

9 (2) Make available to the ~~[commission]~~ **department**, upon request, all procurement  
10 records for financing, development, and/or operation of the project;

11 (3) Exempt the project from the general procurement laws in chapter 34.

227.651. The private partner shall provide the ~~[commission]~~ **department** a detailed  
2 disadvantaged business enterprise participation plan that conforms to ~~[commission]~~ **department**  
3 reporting requirements for the federal disadvantaged business enterprise program under federal

4 law and regulations on federal-aid highway projects. The plan shall also provide information  
5 describing the experience of the private partner in meeting disadvantaged business enterprise  
6 participation goals, how the private partner will meet the department's disadvantaged business  
7 participation goals, and such other qualifications the ~~[commission]~~ **department** considers to be  
8 in the best interest of the state.

227.654. The ~~[commission]~~ **department** may lease to or for the use of a private partner  
2 the project or such right-of-way or other easement in such real estate as the ~~[commission]~~  
3 **department** deems necessary for the development and/or operation of the project. Such lease  
4 by the ~~[commission]~~ **department** shall be for such value as determined by the ~~[commission]~~  
5 **department**. No such lease of any real property interest by the ~~[commission]~~ **department** under  
6 this section shall be deemed to amend or modify the public use restrictions acquired by the  
7 ~~[commission]~~ **department** in such real property.

227.657. 1. The ~~[commission]~~ **department** may condemn lands for the project in the  
2 name of the state of Missouri.

3 2. If condemnation becomes necessary, the ~~[commission]~~ **department** shall act under  
4 chapter 523, and may condemn a fee simple or other interest in land. Any amounts to be paid  
5 in such condemnation proceeding shall be paid by the private partner under the comprehensive  
6 agreement.

7 3. The private partner may, after prior notice to the owner to enter upon the private  
8 property subject to the taking, survey and determine the most advantageous route and design.  
9 The private partner shall be liable for all damages to the property resulting from such inspection.

227.666. 1. Prior to exercising any of the remedies under this section, the ~~[commission]~~  
2 **department** shall provide notice of a material default and the opportunity to cure the default for  
3 the benefit of the private partner and any persons specified under the comprehensive agreement  
4 as providing financing for the project.

5 2. Upon the occurrence of and during the continuation of any material default, the  
6 ~~[commission]~~ **department** may exercise any or all of the following remedies:

7 (1) Make or cause to be made any appropriate claims under the bonds required in section  
8 227.633;

9 (2) By notice to the private partner by certified mail, terminate the comprehensive  
10 agreement and exercise any other rights and remedies which may be available to the  
11 ~~[commission]~~ **department** at law or in equity;

12 (3) Condemn under chapter 523 any real property interest of the private partner in the  
13 project. Any person who provides financing for the project, to the extent of such person's capital  
14 investment, may participate in the condemnation proceedings with standing of a property owner;

15 (4) Collect and enforce user fees for the use of the project under section 227.660.

227.669. The ~~[commission]~~ **department** shall submit an annual status report to the  
2 governor and general assembly following execution of the comprehensive agreement as an  
3 individual component of the annual report submitted by the ~~[commission]~~ **department** to the  
4 joint transportation oversight committee in accordance with section 21.795. The annual report  
5 shall assess the advantages and disadvantages of the public-private partnership method of  
6 financing, developing, and/or operating the project.

230.040. Before construction of any county highway located, laid out, and designated  
2 as in this chapter authorized and provided, or any money, in excess of the cost of such location  
3 and designation shall be expended thereon, it shall be the duty of county highway commission  
4 to submit such location to the state ~~[highways and transportation commission]~~ **department of**  
5 **transportation** for its approval, and, upon approval of such location by the state ~~[highways and~~  
6 ~~transportation commission]~~ **department of transportation**, the county highway commission  
7 shall proceed to procure the right-of-way for said county highways, said right-of-way to be of the  
8 standard width required by the state ~~[highways and transportation commission]~~ **department of**  
9 **transportation** for secondary highways, not less, however, than sixty feet wide, and secure title  
10 in fee to such right-of-way by deed of conveyance, or by judgment of a court of competent  
11 jurisdiction through condemnation. In all cases where condemnation is necessary, the  
12 proceedings shall be in the name of the county highway commission, and otherwise the same as  
13 now, or hereafter, provided by law for condemnation of land by the state ~~[highways and~~  
14 ~~transportation commission]~~ **department of transportation** for right-of-way for state highways.

230.100. It shall be the duty of the county highway commission annually to make a  
2 complete detailed report to county commission by whom appointed, and to the state ~~[highways~~  
3 ~~and transportation commission]~~ **department of transportation**, showing in detail the amount  
4 of money received, and how applied, and if any such county highway commission fails to make  
5 the report herein required, the members thereof shall thereby forfeit their office as such  
6 commission.

230.110. If, and when, the state ~~[highways and transportation commission]~~ **department**  
2 **of transportation** is authorized by law so to do, and may so desire it may take over all or any  
3 part of the highways of the county highway system and make refund therefor in such manner as  
4 may now or hereafter be provided by law for making refund to the several counties of this state,  
5 and road districts thereof, for highways heretofore designated and taken over by said state  
6 transportation department, whereupon it shall be the duty of the county highway commission,  
7 by proper deed of conveyance, to transfer to state transportation department that part of county  
8 highway system so taken over.

230.235. Every county adopting sections 230.200 to 230.260 shall formulate a  
2 comprehensive road plan establishing a systematic program for the development and

3 improvement of county roads. The plan shall be prepared by a qualified civil engineer or  
4 engineering firm familiar with road and highway engineering, and shall be approved by the state  
5 ~~[highways and transportation commission]~~ **department of transportation**.

230.250. Any county adopting sections 230.200 to 230.260 may, through their county  
2 highway commission, designate not less than twenty-five miles nor more than fifty miles of roads  
3 within the county which are connecting roads between present supplementary farm to market  
4 state highways. Upon designation and approval by the state ~~[highways and transportation~~  
5 ~~commission]~~ **department of transportation**, these roads shall become a part of the permanent  
6 supplementary state highway system.

231.441. 1. All moneys received by a county from the county aid road trust fund shall  
2 be used within the county solely for the construction, reconstruction, maintenance and repairs  
3 of roads, bridges and highways as the county commission shall direct. The county commission  
4 shall formulate by written regulations, rules and policies for the use of such funds which shall  
5 be kept on file by the county recorder for public inspection. The state ~~[highways and~~  
6 ~~transportation commission]~~ **department of transportation** shall have no authority to promulgate  
7 rules and regulations concerning the expenditure of such funds and all such rules and regulations  
8 heretofore promulgated shall be null and void.

9 2. The state treasurer by the tenth day of each month shall remit to the county treasurer  
10 of each county its allocated share of the county aid road trust fund.

231.460. 1. Of the total amount appropriated each year, five percent shall be paid to the  
2 city of St. Louis, and the city of St. Louis shall not otherwise participate in any distribution from  
3 the appropriation as either a city or county.

4 2. Of the remainder, two-thirds shall be paid to the various counties of the state on the  
5 same basis as county aid road trust funds are distributed as provided in Article IV, Section  
6 30(a)(1) of the Missouri Constitution, and shall be expended as provided in section 231.441.

7 3. The remainder shall be distributed to the various cities of the state in the same manner  
8 as road funds are distributed to the incorporated cities, towns and villages within the state as  
9 provided in Article IV, section 30(a)(2), Constitution of Missouri, and for the same purposes  
10 enumerated therein, but the distribution shall not take into account whether or not a city, town,  
11 or village once levied a motor fuel tax. The state ~~[highways and transportation commission]~~  
12 **department of transportation** shall not have any authority to promulgate rules and regulations  
13 concerning the expenditure of such funds.

233.070. 1. The board shall:

2 (1) Except as provided in subsection 2 of this section, have sole, exclusive and entire  
3 control and jurisdiction over all public highways within its district outside the corporate limits  
4 of any city or village therein, other than those controlled by the ~~[highways and transportation~~

5 ~~commission]~~ **department of transportation**, to construct, improve and repair such highways,  
6 and shall remove all obstructions from such highways, and for the discharge of these duties shall  
7 have all the power, rights and authority conferred by general statutes upon road overseers;

8 (2) At all times keep the public roads under its charge in as good repair as the means at  
9 its command will permit, and for this purpose may employ competent people at such  
10 compensation as they shall agree upon, and may rent, lease or buy road equipment, implements,  
11 tools and machinery, all kinds of motor power, and all things needful to carry on such road work,  
12 or the board may have such road work or any part of such work done by contract, under such  
13 regulations as the board may prescribe; and

14 (3) Have authority to enter into contracts with any city, town or village within its district  
15 relating to the improvement of the streets, roads or highways, or any bridge thereon, located in  
16 the city, town or village.

17 2. Any special road subdistrict established under the provisions of sections 233.500 to  
18 233.520 shall have concurrent control and jurisdiction over all public highways, bridges and  
19 culverts, other than those controlled by the ~~[highways and transportation commission]~~  
20 **department of transportation**, within the boundaries of the special road subdistrict with any  
21 special road district containing land within the boundaries of the special road subdistrict. The  
22 special road subdistrict may contract with the special road district to use the tools and machinery  
23 described in subsection 1 of this section.

233.130. In all cases in which the state ~~[highways and transportation commission]~~  
2 **department of transportation** may have refunded, or shall refund any moneys to any special  
3 road district organized and existing under the laws of this state, the commissioners of such  
4 special road district are hereby authorized and empowered to use and apply the moneys so  
5 refunded, or such part thereof as may be necessary, to pay and retire any outstanding bonds of  
6 such special road district or to pay any interest that has accrued or may accrue on such bonds.

233.150. 1. The said board shall make an annual settlement with the county commission  
2 during the month of August in each year, which settlement shall contain a full and correct  
3 itemized statement of all moneys received and from what sources received and for what purpose  
4 the same has been expended, giving each particular item, and shall be subscribed and sworn to  
5 by at least two members of said board before some officer authorized by the laws of this state  
6 to administer oaths, a copy of which settlement shall be filed with the county clerk, and may be  
7 published in some newspaper published in said road district in the discretion of the city council,  
8 the expenses of which shall be paid out of the city treasury.

9 2. Should any such board fail to make the annual settlement required herein during the  
10 month of August in each year, then the county, or its treasurer, shall not be authorized until such  
11 report be filed to pay out any sum, or sums, of money which may be due to said road district, or

12 which may be set aside and placed to the credit of said road district. The board shall send a copy  
13 of such annual settlement to the state [~~highways and transportation commission~~] **department**  
14 **of transportation** at Jefferson City at the time of the filing.

233.190. 1. The county commission shall, upon the organization by such commissioners  
2 of the special road district, cause all tools and machinery used for working roads belonging to  
3 the districts formerly existing and composed of territory embraced within the incorporated  
4 district to be delivered to the special road district commissioners, for which such commissioners  
5 shall give a receipt, and such commissioners shall keep and use such tools and machinery for  
6 constructing and improving public roads and bridges.

7 2. Except as provided in subsection 3 of this section, the commissioners shall have sole,  
8 exclusive and entire control and jurisdiction over all public highways, bridges and culverts, other  
9 than roads controlled by the [~~highways and transportation commission~~] **department of**  
10 **transportation**, within the district, to construct, improve and repair such highways, bridges and  
11 culverts, and shall have all the power, rights and authority conferred by law upon road overseers,  
12 and shall at all times keep such roads, bridges and culverts in as good condition as the means at  
13 their command will permit, and for such purpose may employ competent people and road  
14 equipment at such compensation as they shall agree upon; rent, lease or buy road equipment,  
15 implements, tools and machinery; all kinds of motor power, and all things needed to carry on  
16 such work, except that the commissioners may have such road work, or bridge or culvert work,  
17 or any part thereof, done by contract, under such regulations as the commissioners may prescribe.

18 3. Any special road subdistrict established under the provisions of sections 233.500 to  
19 233.520 shall have concurrent control and jurisdiction over all public highways, bridges and  
20 culverts, other than those controlled by the [~~highways and transportation commission~~]  
21 **department of transportation**, within the boundaries of the special road subdistrict with any  
22 special road district containing land within the boundaries of the special road subdistrict. The  
23 special road subdistrict may contract with the special road district to use the tools and machinery  
24 described in subsection 1 of this section.

233.340. 1. The township board of trustees shall, upon the organization of such special  
2 road district commissioners, cause all tools and machinery used for working roads belonging to  
3 the districts and parts of districts formerly existing and composed of territory embraced within  
4 the incorporated district to be delivered to the special road district commissioners, for which  
5 such commissioners shall give receipt, and such commissioners shall keep and use such tools and  
6 machinery for constructing and improving public roads and bridges.

7 2. The township boards shall also cause the township treasurer to pay over to the  
8 treasurer of the special road district all moneys in his hands belonging to the district or districts

9 that have been merged into the special road district whenever the board of special road district  
10 commissioners of such special road district shall make demand therefor.

11 3. Except as provided in subsection 4 of this section, the special road district  
12 commissioners shall have sole, exclusive and entire control and jurisdiction over all public  
13 highways, bridges and culverts, other than those controlled by the ~~[highways and transportation~~  
14 ~~commission]~~ **department of transportation**, within the district, to construct, improve and repair  
15 such highways, bridges and culverts, and shall have all the power, rights and authority conferred  
16 by law upon road overseers, and shall at all times keep such roads, bridges and culverts in as  
17 good condition as the means at their command will permit, and for such purpose may employ  
18 competent people and road equipment at such compensation as they shall agree upon; rent, lease  
19 or buy road equipment, implements, tools and machinery; all kinds of motor power, and all  
20 things needed to carry on such work, except that the special road district commissioners may  
21 have such road work, or bridge or culvert work, or any part thereof, done by contract, under such  
22 regulations as the special road district commissioners may prescribe.

23 4. Any special road subdistrict established under the provisions of sections 233.500 to  
24 233.520 shall have concurrent control and jurisdiction over all public highways, bridges and  
25 culverts, other than those controlled by the ~~[highways and transportation commission]~~  
26 **department of transportation**, within the boundaries of the special road subdistrict with any  
27 special road district containing land within the boundaries of the special road subdistrict. The  
28 special road subdistrict may contract with the special road district to use the tools and machinery  
29 described in subsection 1 of this section.

234.180. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** of the state of Missouri is hereby authorized and directed to include as a part of  
3 the state highway system the whole of any toll bridge across any river forming a common  
4 boundary to this state and any other state or states, now or hereafter constructed, maintained,  
5 operated or owned by any person, firm or corporation, and to construct, maintain and operate,  
6 as a part of said state highway system, an approach within the boundaries of the state of Missouri  
7 to such bridge and highways connecting the same with established highways.

234.190. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** of Missouri is hereby vested with authority to join with the state ~~[highways and~~  
3 ~~transportation commission]~~ **department of transportation** or a suitable public body of any such  
4 other state in the execution of contracts with the owner of any toll bridge which may now or  
5 hereafter be constructed across any such river, from a point in Missouri to a point in any such  
6 other state, and with the holder of any bonds issued in connection with the construction of such  
7 bridge, and with anyone else, by the terms of which contracts the state ~~[highways and~~  
8 ~~transportation commission]~~ **department of transportation** of Missouri and such ~~[state highway~~



9 ~~commission]~~ **department** or suitable public body of any such other state, shall maintain, operate,  
10 and insure such bridge, and fix and collect and apply tolls thereon, and shall construct and  
11 maintain and operate as free state highways, approaches thereto and shall make and treat as part  
12 of the highway system of their respective states, such entire bridge and any part of such  
13 approaches lying within their respective states; provided, that as between such ~~[commissions]~~  
14 **department** or other public bodies of the respective states, their obligations under such contracts  
15 shall be at their joint expense, but that as between them and the holders of bonds above referred  
16 to or other third parties, the obligations of such commissions or other public bodies may be joint  
17 and several; provided further, that such holders of bonds or other third parties may enforce all  
18 obligations of such highway ~~[commissions]~~ **department** or public bodies under such contracts  
19 by mandamus or other suit in law or equity to require such ~~[commissions]~~ **department**, or public  
20 bodies to account as if they were trustees of an express trust for such holders of bonds or other  
21 third parties; and provided further, that the state of Missouri pledges that the powers of the state  
22 ~~[highways and transportation commission]~~ **department of transportation** of Missouri will not,  
23 while any bonds of the kind above referred to are outstanding, be altered in such a way that the  
24 rights and remedies of the holders of such bonds in any way be impaired; and provided further,  
25 that the authority hereby vested to enter into such contracts or agreements shall exist only in  
26 cases where the tolls received from the operation of such bridge, after the execution of such  
27 contract or agreements, shall be used solely for the retirement of the costs of construction of such  
28 bridge, with interest thereon, including bonds issued for that purpose, if any, and where the  
29 owner of such bridge by proper legal action has agreed to transfer or has transferred the title to  
30 and ownership of such bridge, free of cost, to the state of Missouri and such other state, subject  
31 to, but not in assumption of, any incumbrance, or any part thereof, then existing against any such  
32 bridge; provided further, that the owner of such bridge shall furnish to the said state ~~[highways~~  
33 ~~and transportation commission]~~ **department of transportation** or other proper authorities so  
34 entering into such contract or agreement a verified statement of the cost of the construction of  
35 such bridge, together with a verified statement of the sums remaining unpaid at the time of the  
36 execution of such contracts or agreements, including a statement of the terms upon which the  
37 balance of the cost of the construction remaining unpaid, with interest, including bonds issued  
38 for that purpose, if any, is to be paid; and provided further, that tolls shall be charged for the use  
39 of such bridge only until such time as the cost of the construction thereof, with interest, including  
40 bonds issued for that purpose, if any, shall have been fully paid, after which such bridge shall  
41 become a free bridge.

234.200. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** is hereby authorized to take and accept conveyance of title to and ownership of  
3 any such bridge, or part thereof, situated within the state of Missouri, subject to any incumbrance

4 against any such bridge and pledge of its tolls previously executed, but not in assumption of any  
 5 such incumbrance or part thereof existing upon or against any such bridge at the time of such  
 6 conveyance. And such acceptance of title to and ownership of the same shall not in any manner  
 7 create any liability, present or future, upon or against the state of Missouri or the state ~~[highways~~  
 8 ~~and transportation commission]~~ **department of transportation** thereof, for the payment or  
 9 assumption of any such incumbrance or any part thereof.

234.230. The state ~~[highways and transportation commission]~~ **department of**  
 2 **transportation** may, when in its opinion the best interests of the state require, contribute not to  
 3 exceed thirty percent of the cost of construction of such bridge or bridges when constructed  
 4 under the provisions of sections 234.210 and 234.220 and when such bridges form a part of or  
 5 a continuation of the state highway system, and may incorporate any such toll bridge into the  
 6 state highway system and maintain such bridge as a part of the state highway system; provided,  
 7 however, that such law shall create no obligation or responsibility on the part of the state  
 8 ~~[highways and transportation commission]~~ **department of transportation** to make any refund  
 9 for any moneys expended in the acquisition, construction, maintenance or operation of such  
 10 bridge.

238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

2 (1) "Board", the board of directors of a district;

3 (2) ~~["Commission", the Missouri highways and transportation commission;]~~  
 4 **"Department", the department of transportation;**

5 (3) "District", a transportation development district organized under sections 238.200  
 6 to 238.275;

7 (4) "Local transportation authority", a county, city, town, village, county highway  
 8 commission, special road district, interstate compact agency, or any local public authority or  
 9 political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake  
 10 or river port, airport, railroad, light rail or other transit improvement or service;

11 (5) "Project" includes any bridge, street, road, highway, access road, interchange,  
 12 intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar,  
 13 shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or public mass  
 14 transportation system and any similar or related improvement or infrastructure. In the case of  
 15 a district located in a home rule city with more than four hundred thousand inhabitants and  
 16 located in more than one county, whose district boundaries are contained solely within that  
 17 portion of such a home rule city that is contained within a county with a charter form of  
 18 government and with more than six hundred thousand but fewer than seven hundred thousand  
 19 inhabitants, the term project shall also include the operation of a street car or other rail-based or  
 20 fixed guideway public mass transportation system, and the revenue of such district may be used

21 to pay for the design, construction, ownership and operation of such a street car or other  
22 rail-based or fixed guideway public mass transportation system, but not the operation of a bus  
23 system located within such district, by such district or such municipality, or by a local  
24 transportation authority having jurisdiction within such municipality;

25 (6) "Public mass transportation system", a transportation system owned or operated by  
26 a governmental or quasi-governmental entity, employing motor buses, rails, or any other means  
27 of conveyance, by whatsoever type of power, operated for public use in the conveyance of  
28 persons, mainly providing local transportation service within a municipality or a single  
29 metropolitan statistical area.

30 2. For the purposes of Sections 11(c), 16 and 22 of Article X of the Constitution of  
31 Missouri, section 137.073, and as used in sections 238.200 to 238.275, the following terms shall  
32 have the meanings given:

33 (1) "Approval of the required majority" or "direct voter approval", a simple majority;

34 (2) "Qualified electors", "qualified voters" or "voters":

35 (a) Within a proposed or established district, except for a district proposed under  
36 subsection 1 of section 238.207, any persons residing therein who have registered to vote  
37 pursuant to chapter 115; or

38 (b) Within a district proposed or established under subsection 1 or 5 of section 238.207  
39 which has no persons residing therein who have registered to vote pursuant to chapter 115, the  
40 owners of record of all real property located in the district, who shall receive one vote per acre,  
41 provided that if a registered voter subsequent to the creation of the district becomes a resident  
42 within the district and obtains ownership of property within the district, such registered voter  
43 must elect whether to vote as an owner of real property or as a registered voter, which election  
44 once made cannot thereafter be changed;

45 (3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115.

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered  
2 voters from each county partially or totally within the proposed district may file a petition  
3 requesting the creation of a district. However, if no persons eligible to be registered voters reside  
4 within the district, the owners of record of all of the real property, except public streets, located  
5 within the proposed district may file a petition requesting the creation of a district. The petition  
6 shall be filed in the circuit court of any county partially or totally within the proposed district.

7 2. Alternatively, the governing body of any local transportation authority within any  
8 county in which a proposed project may be located may file a petition in the circuit court of that  
9 county, requesting the creation of a district.

10 3. The proposed district area shall be contiguous and may contain all or any portion of  
11 one or more municipalities and counties; provided:

12 (1) Property separated only by public streets, easements or rights-of-way shall be  
13 considered contiguous;

14 (2) In the case of a district formed pursuant to a petition filed by the owners of record  
15 of all of the real property located within the proposed district, the proposed district area need not  
16 contain contiguous properties if:

17 (a) The petition provides that the only funding method for project costs will be a sales  
18 tax;

19 (b) The court finds that all of the real property located within the proposed district will  
20 benefit by the projects to be undertaken by the district; and

21 (c) Each parcel within the district is within five miles of every other parcel; and

22 (3) In the case of a district created pursuant to subsection 5 of this section, property  
23 separated only by public streets, easements, or rights-of-way or connected by a single public  
24 street, easement, or right-of-way shall be considered contiguous.

25 4. The petition shall set forth:

26 (1) The name, voting residence and county of residence of each individual petitioner, or,  
27 if no persons eligible to be registered voters reside within the proposed district, the name and  
28 address of each owner of record of real property located within the proposed district, or shall  
29 recite that the petitioner is the governing body of a local transportation authority acting in its  
30 official capacity;

31 (2) The name and address of each respondent. Respondents must include the  
32 ~~[commission]~~ **department** and each affected local transportation authority within the proposed  
33 district, except a petitioning local transportation authority;

34 (3) A specific description of the proposed district boundaries including a map illustrating  
35 such boundaries;

36 (4) A general description of each project proposed to be undertaken by that district,  
37 including a description of the approximate location of each project;

38 (5) The estimated project costs and the anticipated revenues to be collected from the  
39 project;

40 (6) The name of the proposed district;

41 (7) The number of members of the board of directors of the proposed district, which shall  
42 be not less than five or more than fifteen;

43 (8) A statement that the terms of office of initial board members shall be staggered in  
44 approximately equal numbers to expire in one, two or three years;

45 (9) If the petition was filed by registered voters or by a governing body, a request that  
46 the question be submitted to the qualified voters within the limits of the proposed district

47 whether they will establish a transportation development district to develop a specified project  
48 or projects;

49 (10) A proposal for funding the district initially, pursuant to the authority granted in  
50 sections 238.200 to 238.275, together with a request that the funding proposal be submitted to  
51 the qualified voters within the limits of the proposed district; provided, however, the funding  
52 method of special assessments may also be approved as provided in subsection 1 of section  
53 238.230;

54 (11) A statement that the proposed district shall not be an undue burden on any owner  
55 of property within the district and is not unjust or unreasonable; and

56 (12) Details of the budgeted expenditures, including estimated expenditures for real  
57 physical improvements, estimated land acquisition expenses, estimated expenses for professional  
58 services and estimated interest charges.

59 5. (1) As an alternative to the methods described in subsections 1 and 2 of this section,  
60 if two or more local transportation authorities have adopted resolutions calling for the joint  
61 establishment of a district, the governing body of any one such local transportation authority may  
62 file a petition in the circuit court of any county in which the proposed project is located  
63 requesting the creation of a district; or, if not less than fifty registered voters from each of two  
64 or more counties sign a petition calling for the joint establishment of a district for the purpose  
65 of developing a project that lies in whole or in part within those same counties, the petition may  
66 be filed in the circuit court of any of those counties in which not less than fifty registered voters  
67 have signed the petition.

68 (2) The proposed district area shall be contiguous and may contain all or any portion of  
69 one or more municipalities and counties. Property separated only by public streets, easements,  
70 or rights-of-way or connected by a single public street, easement, or right-of-way shall be  
71 considered contiguous.

72 (3) The petition shall set forth:

73 (a) That the petitioner is the governing body of a local transportation authority acting in  
74 its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty  
75 registered voters in each of two or more counties, it shall set forth the name, voting residence,  
76 and county of residence of each individual petitioner;

77 (b) The name of each local transportation authority within the proposed district. The  
78 resolution of the governing body of each local transportation authority calling for the joint  
79 establishment of the district shall be attached to the petition;

80 (c) The name and address of each respondent. Respondents must include the  
81 ~~commission~~ **department** and each affected local transportation authority within the proposed  
82 district, except a petitioning local transportation authority;

83 (d) A specific description of the proposed district boundaries including a map illustrating  
84 such boundaries;

85 (e) A general description of each project proposed to be undertaken by the district,  
86 including a description of the approximate location of each project;

87 (f) The name of the proposed district;

88 (g) The number of members of the board of directors of the proposed district;

89 (h) A request that the question be submitted to the qualified voters within the limits of  
90 the proposed district whether they will establish a transportation development district to develop  
91 the projects described in the petition;

92 (i) A proposal for funding the district initially, pursuant to the authority granted in  
93 sections 238.200 to 238.275, together with a request that the imposition of the funding proposal  
94 be submitted to the qualified voters residing within the limits of the proposed district; provided,  
95 however, the funding method of special assessments may also be approved as provided in  
96 subsection 1 of section 238.230; and

97 (j) A statement that the proposed district shall not be an undue burden on any owner of  
98 property within the district and is not unjust or unreasonable.

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if  
2 any persons eligible to be registered voters reside within the district the following procedures  
3 shall be followed:

4 (1) After the district has been declared organized, the court shall upon petition of any  
5 interested person order the county clerk to cause an election to be held in all areas of the district  
6 within one hundred twenty days after the order establishing the district, to elect the district board  
7 of directors which shall be not less than five nor more than fifteen;

8 (2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and  
9 shall file with the election authority of such county a statement under oath that he or she  
10 possesses all of the qualifications set out in this section for a director. Thereafter, such candidate  
11 shall have his or her name placed on the ballot as a candidate for director;

12 (3) The director or directors to be elected shall be elected at large. The candidate  
13 receiving the most votes from qualified voters shall be elected to the position having the longest  
14 term, the second highest total votes elected to the position having the next longest term, and so  
15 forth. Each initial director shall serve the one-, two- or three-year term to which he or she was  
16 elected, and until a successor is duly elected and qualified. Each successor director shall serve  
17 a three-year term. The directors shall nominate and elect an interim director to complete any  
18 unexpired term of a director caused by resignation or disqualification; and

19 (4) Each director shall be a resident of the district. Directors shall be registered voters  
20 at least twenty-one years of age.

21           2. Notwithstanding anything to the contrary contained in section 238.216, if no persons  
22 eligible to be registered voters reside within the district, the following procedures shall apply:

23           (1) Within thirty days after the district has been declared organized, the circuit clerk of  
24 the county in which the petition was filed shall, upon giving notice by causing publication to be  
25 made once a week for two consecutive weeks in a newspaper of general circulation in the county,  
26 the last publication of which shall be at least ten days before the day of the meeting required by  
27 this section, call a meeting of the owners of real property within the district at a day and hour  
28 specified in a public place in the county in which the petition was filed for the purpose of  
29 electing a board of not less than five and not more than fifteen directors, to be composed of  
30 owners or representatives of owners of real property in the district; provided that, if all the  
31 owners of property in the district joined in the petition for formation of the district, such meeting  
32 may be called by order of the court without further publication. For the purposes of determining  
33 board membership, the owner or owners of real property within the district and their legally  
34 authorized representative or representatives shall be deemed to be residents of the district; for  
35 business organizations and other entities owning real property within the district, the individual  
36 or individuals legally authorized to represent the business organizations or entities in regard to  
37 the district shall be deemed to be a resident of the district;

38           (2) The property owners, when assembled, shall organize by the election of a chairman  
39 and secretary of the meeting who shall conduct the election. At the election, each acre of real  
40 property within the district shall represent one share, and each owner may have one vote in  
41 person or by proxy for every acre of real property owned by such person within the district;

42           (3) The one-third of the initial board members receiving the most votes shall be elected  
43 to positions having a term of three years. The one-third of initial board members receiving the  
44 next highest number of votes shall be elected to positions having a term of two years. The lowest  
45 one-third of initial board members receiving sufficient votes shall be elected to positions having  
46 a term of one year. Each initial director shall serve the term to which he or she was elected, and  
47 until a successor is duly elected and qualified. Successor directors shall be elected in the same  
48 manner as the initial directors at a meeting of the real property owners called by the board. Each  
49 successor director shall serve a three-year term. The directors shall nominate and elect an  
50 interim director to complete any unexpired term of a director caused by resignation or  
51 disqualification;

52           (4) Directors shall be at least twenty-one years of age.

53           3. Notwithstanding any provision of section 238.216 and this section to the contrary, if  
54 the petition for formation of the district was filed pursuant to subsection 5 of section 238.207,  
55 the following procedures shall be followed:

56 (1) If the district is comprised of four or more local transportation authorities, the board  
57 of directors shall consist of the presiding officer of each local transportation authority within the  
58 district. If the district is comprised of two or three local transportation authorities, the board of  
59 directors shall consist of the presiding officer of each local transportation authority within the  
60 district and one person designated by the governing body of each local transportation authority  
61 within the district;

62 (2) Each director shall be at least twenty-one years of age and a resident or property  
63 owner of the local transportation authority the director represents. A director designated by the  
64 governing body of a local transportation authority may be removed by such governing body at  
65 any time with or without cause; and

66 (3) Upon the assumption of office of a new presiding officer of a local transportation  
67 authority, such individual shall automatically succeed his predecessor as a member of the board  
68 of directors. Upon the removal, resignation or disqualification of a director designated by the  
69 governing body of a local transportation authority, such governing body shall designate a  
70 successor director.

71 4. The ~~[commission]~~ **department** shall appoint one or more advisors to the board, who  
72 shall have no vote but shall have the authority to participate in all board meetings and  
73 discussions, whether open or closed, and shall have access to all records of the district and its  
74 board of directors.

75 5. If the proposed project is not intended to be merged into the state highways and  
76 transportation system under the ~~[commission's]~~ **department's** jurisdiction, the local  
77 transportation authority that will assume maintenance of the project shall appoint one or more  
78 advisors to the board of directors who shall have the same rights as advisors appointed by the  
79 ~~[commission]~~ **department**.

80 6. Any county or counties located wholly or partially within the district which is not a  
81 local transportation authority pursuant to subdivision (4) of subsection 1 of section 238.202 may  
82 appoint one or more advisors to the board who shall have the same rights as advisors appointed  
83 by the ~~[commission]~~ **department**.

238.225. 1. Before construction or funding of any project the district shall submit the  
2 proposed project to the ~~[commission]~~ **department** for its prior approval. If the ~~[commission]~~  
3 **department** by minute finds that the project will improve or is a necessary or desirable extension  
4 of the state highways and transportation system, the ~~[commission]~~ **department** may  
5 preliminarily approve the project subject to the district providing plans and specifications for the  
6 proposed project and making any revisions in the plans and specifications required by the  
7 ~~[commission]~~ **department** and the district and ~~[commission]~~ **department** entering into a  
8 mutually satisfactory agreement regarding development and future maintenance of the project.



9 After such preliminary approval, the district may impose and collect such taxes and assessments  
10 as may be included in the ~~[commission's]~~ **department's** preliminary approval. After the  
11 ~~[commission]~~ **department** approves the final construction plans and specifications, the district  
12 shall obtain prior ~~[commission]~~ **department** approval of any modification of such plans or  
13 specifications.

14 2. If the proposed project is not intended to be merged into the state highways and  
15 transportation system under the ~~[commission's]~~ **department's** jurisdiction, the district shall also  
16 submit the proposed project and proposed plans and specifications to the local transportation  
17 authority that will become the owner of the project for its prior approval.

18 3. In those instances where a local transportation authority is required to approve a  
19 project and the ~~[commission]~~ **department** determines that it has no direct interest in that project,  
20 the ~~[commission]~~ **department** may decline to consider the project. Approval of the project shall  
21 then vest exclusively with the local transportation authority subject to the district making any  
22 revisions in the plans and specifications required by the local transportation authority and the  
23 district and the local transportation authority entering into a mutually satisfactory agreement  
24 regarding development and future maintenance of the project. After the local transportation  
25 authority approves the final construction plans and specifications, the district shall obtain prior  
26 approval of the local transportation authority before modifying such plans or specifications.

27 4. Notwithstanding any provision of this section to the contrary, this section shall not  
28 apply to any district whose project is a public mass transportation system.

238.227. 1. A district may use any one or more of the taxes or other funding methods  
2 specifically authorized by sections 238.200 to 238.275 to fund a project.

3 2. At any time during the existence of the district the board may submit or resubmit a  
4 proposed funding method authorized by sections 238.200 to 238.275 for a project to the qualified  
5 voters for approval.

6 3. The ~~[commission]~~ **department** may by contract with a district receive any revenue  
7 received by the district from any funding method authorized by sections 238.200 to 238.275.  
8 Such revenue shall be deposited by the ~~[commission]~~ **department** pursuant to section 227.180  
9 and applied by the ~~[commission]~~ **department** to project costs including debt service on revenue  
10 bonds or refunding bonds issued by the district or the ~~[commission]~~ **department** under sections  
11 238.200 to 238.275.

12 4. If the proposed project is not intended to be merged into the state highways and  
13 transportation system under the ~~[commission's]~~ **department's** jurisdiction, the local  
14 transportation authority that will assume maintenance of the project may by contract with a  
15 district receive any revenue received by the district and deposit such revenue in a special trust  
16 account. Such revenue and interest therefrom shall be applied by the local transportation

17 authority to project costs or debt service on revenue bonds issued by the district or the local  
18 transportation authority pursuant to sections 238.200 to 238.275.

238.230. 1. If approved by:

2 (1) A majority of the qualified voters voting on the question in the district; or

3 (2) The owners of record of all of the real property located within the district who shall  
4 indicate their approval by signing a special assessment petition;

5

6 the district may make one or more special assessments for those project improvements which  
7 specially benefit the properties within the district. Improvements which may confer special  
8 benefits within a district include but are not limited to improvements which are intended  
9 primarily to serve traffic originating or ending within the district, to reduce local traffic  
10 congestion or circuitry of travel, or to improve the safety of motorists or pedestrians within the  
11 district.

12 2. The ballot question shall be substantially in the following form:

13

14 Shall the \_\_\_\_\_ Transportation Development District be authorized to levy special assessments  
15 against property benefitted within the district for the purpose of providing revenue for the  
16 development of a project (or projects) in the district (insert general description of the project or  
17 projects, if necessary), said special assessments to be levied ratably against each tract, lot or  
18 parcel of property within the district which is benefitted by such project in proportion to the  
19 (insert method of allocating special assessments), in an amount not to exceed \$ \_\_\_\_\_ per  
20 annum per (insert unit of measurement)?

21 3. The special assessment petition shall be substantially in the following form:

22

23 The \_\_\_\_\_ Transportation Development District shall be authorized to levy special assessments  
24 against property benefitted within the district for the purpose of providing revenue for the  
25 development of a project (or projects) in the district (insert general description of the project or  
26 projects, if necessary), said special assessments to be levied pro rata against each tract, lot or  
27 parcel or property within the district which is benefitted by such project in proportion to the  
28 (insert method of allocating special assessments), in an amount not to exceed \$ \_\_\_\_\_ per  
29 annum per (insert unit of measurement).

30 4. If a proposal for making a special assessment fails, the district board of directors may,  
31 with the prior approval of the ~~[commission]~~ **department** or the local transportation authority  
32 which will assume ownership of the completed project, delete from the project any portion which  
33 was to be funded by special assessment and which is not otherwise required for project integrity.

34           5. A district may establish different classes or subclasses of real property within the  
 35 district for purposes of levying differing rates of special assessments. The levy rate for special  
 36 assessments may vary for each class or subclass of real property based on the level of benefit  
 37 derived by each class or subclass from projects funded by the district.

238.235. 1. (1) Any transportation development district may by resolution impose a  
 2 transportation development district sales tax on all retail sales made in such transportation  
 3 development district which are subject to taxation pursuant to the provisions of sections 144.010  
 4 to 144.525, except such transportation development district sales tax shall not apply to the sale  
 5 or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or  
 6 electrical current, water and gas, natural or artificial, nor to sales of service to telephone  
 7 subscribers, either local or long distance. Such transportation development district sales tax may  
 8 be imposed for any transportation development purpose designated by the transportation  
 9 development district in its ballot of submission to its qualified voters, except that no resolution  
 10 enacted pursuant to the authority granted by this section shall be effective unless:

11           (a) The board of directors of the transportation development district submits to the  
 12 qualified voters of the transportation development district a proposal to authorize the board of  
 13 directors of the transportation development district to impose or increase the levy of an existing  
 14 tax pursuant to the provisions of this section; or

15           (b) The voters approved the question certified by the petition filed pursuant to subsection  
 16 5 of section 238.207.

17           (2) If the transportation district submits to the qualified voters of the transportation  
 18 development district a proposal to authorize the board of directors of the transportation  
 19 development district to impose or increase the levy of an existing tax pursuant to the provisions  
 20 of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but  
 21 need not be limited to, the following language:

22

23 Shall the transportation development district of \_\_\_\_\_ (transportation development district's  
 24 name) impose a transportation development district-wide sales tax at the rate of \_\_\_\_\_ (insert  
 25 amount) for a period of \_\_\_\_\_ (insert number) years from the date on which such tax is first  
 26 imposed for the purpose of \_\_\_\_\_ (insert transportation development purpose)?

27 ? YES ? NO

28 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed  
 29 to the question, place an "X" in the box opposite "NO".

30

31 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
 32 of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority

33 of the votes cast by the qualified voters voting are opposed to the proposal, then the board of  
34 directors of the transportation development district shall have no power to impose the sales tax  
35 authorized by this section unless and until the board of directors of the transportation  
36 development district shall again have submitted another proposal to authorize it to impose the  
37 sales tax pursuant to the provisions of this section and such proposal is approved by a majority  
38 of the qualified voters voting thereon.

39 (3) The sales tax authorized by this section shall become effective on the first day of the  
40 second calendar quarter after the department of revenue receives notification of the tax.

41 (4) In each transportation development district in which a sales tax has been imposed in  
42 the manner provided by this section, every retailer shall add the tax imposed by the transportation  
43 development district pursuant to this section to the retailer's sale price, and when so added such  
44 tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid,  
45 and shall be recoverable at law in the same manner as the purchase price.

46 (5) In order to permit sellers required to collect and report the sales tax authorized by this  
47 section to collect the amount required to be reported and remitted, but not to change the  
48 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid  
49 fractions of pennies, the transportation development district may establish appropriate brackets  
50 which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets  
51 provided in section 144.285.

52 (6) All revenue received by a transportation development district from the tax authorized  
53 by this section which has been designated for a certain transportation development purpose shall  
54 be deposited in a special trust fund and shall be used solely for such designated purpose. Upon  
55 the expiration of the period of years approved by the qualified voters pursuant to subdivision (2)  
56 of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of  
57 this section, all funds remaining in the special trust fund shall continue to be used solely for such  
58 designated transportation development purpose. Any funds in such special trust fund which are  
59 not needed for current expenditures may be invested by the board of directors in accordance with  
60 applicable laws relating to the investment of other transportation development district funds.

61 (7) The sales tax may be imposed in increments of one-eighth of one percent, up to a  
62 maximum of one percent on the receipts from the sale at retail of all tangible personal property  
63 or taxable services at retail within the transportation development district adopting such tax, if  
64 such property and services are subject to taxation by the state of Missouri pursuant to the  
65 provisions of sections 144.010 to 144.525, except such transportation development district sales  
66 tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to  
67 public utilities. Any transportation development district sales tax imposed pursuant to this  
68 section shall be imposed at a rate that shall be uniform throughout the district.

69           2. The resolution imposing the sales tax pursuant to this section shall impose upon all  
70 sellers a tax for the privilege of engaging in the business of selling tangible personal property or  
71 rendering taxable services at retail to the extent and in the manner provided in sections 144.010  
72 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto;  
73 except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the  
74 tax shall be reported and returned to and collected by the transportation development district.

75           3. On and after the effective date of any tax imposed pursuant to this section, the director  
76 of revenue shall perform all functions incident to the administration, collection, enforcement, and  
77 operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes  
78 imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant  
79 to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be  
80 collected together and reported upon such forms and pursuant to such administrative rules and  
81 regulations as may be prescribed by the director of revenue.

82           4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the  
83 state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality  
84 provision, shall apply to the collection of the tax imposed by this section, except as modified in  
85 this section.

86           (2) All exemptions granted to agencies of government, organizations, persons and to the  
87 sale of certain articles and items of tangible personal property and taxable services pursuant to  
88 the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and  
89 collection of the tax imposed by this section.

90           (3) The same sales tax permit, exemption certificate and retail certificate required by  
91 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall  
92 satisfy the requirements of this section, and no additional permit or exemption certificate or retail  
93 certificate shall be required; except that the transportation development district may prescribe  
94 a form of exemption certificate for an exemption from the tax imposed by this section.

95           (4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws  
96 for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made  
97 applicable to any taxes collected pursuant to the provisions of this section.

98           (5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for  
99 violation of those sections are hereby made applicable to violations of this section.

100           (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all  
101 retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place  
102 of business of the retailer unless the tangible personal property sold is delivered by the retailer  
103 or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an  
104 out-of-state destination. In the event a retailer has more than one place of business in this state

105 which participates in the sale, the sale shall be deemed to be consummated at the place of  
106 business of the retailer where the initial order for the tangible personal property is taken, even  
107 though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or  
108 billing. A sale by a retailer's employee shall be deemed to be consummated at the place of  
109 business from which the employee works.

110 5. All sales taxes received by the transportation development district shall be deposited  
111 by the director of revenue in a special fund to be expended for the purposes authorized in this  
112 section. The director of revenue shall keep accurate records of the amount of money which was  
113 collected pursuant to this section, and the records shall be open to the inspection of officers of  
114 each transportation development district and the general public.

115 6. (1) No transportation development district imposing a sales tax pursuant to this  
116 section may repeal or amend such sales tax unless such repeal or amendment will not impair the  
117 district's ability to repay any liabilities which it has incurred, money which it has borrowed or  
118 revenue bonds, notes or other obligations which it has issued or which have been issued by the  
119 ~~commission~~ **department** or any local transportation authority to finance any project or projects.

120 (2) Whenever the board of directors of any transportation development district in which  
121 a transportation development sales tax has been imposed in the manner provided by this section  
122 receives a petition, signed by ten percent of the qualified voters calling for an election to repeal  
123 such transportation development sales tax, the board of directors shall, if such repeal will not  
124 impair the district's ability to repay any liabilities which it has incurred, money which it has  
125 borrowed or revenue bonds, notes or other obligations which it has issued or which have been  
126 issued by the ~~commission~~ **department** or any local transportation authority to finance any  
127 project or projects, submit to the qualified voters of such transportation development district a  
128 proposal to repeal the transportation development sales tax imposed pursuant to the provisions  
129 of this section. If a majority of the votes cast on the proposal by the qualified voters voting  
130 thereon are in favor of the proposal to repeal the transportation development sales tax, then the  
131 resolution imposing the transportation development sales tax, along with any amendments  
132 thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are  
133 opposed to the proposal to repeal the transportation development sales tax, then the ordinance  
134 or resolution imposing the transportation development sales tax, along with any amendments  
135 thereto, shall remain in effect.

136 7. Notwithstanding any provision of sections 99.800 to 99.865 and this section to the  
137 contrary, the sales tax imposed by a district whose project is a public mass transportation system  
138 shall not be considered economic activity taxes as such term is defined under sections 99.805 and  
139 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section  
140 99.845, or subsection 4 of section 99.957.

238.236. 1. This section shall not apply to any tax levied pursuant to section 238.235,  
2 and no tax shall be imposed pursuant to the provisions of this section if a tax has been imposed  
3 by a transportation development district pursuant to section 238.235.

4 2. In lieu of the taxes allowed pursuant to section 238.235, any transportation  
5 development district which consists of all of one or more entire counties, all of one or more  
6 entire cities, or all of one or more entire counties and one or more entire cities which are totally  
7 outside the boundaries of those counties may by resolution impose a transportation development  
8 district sales tax on all retail sales made in such transportation development district which are  
9 subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for any  
10 transportation development purpose designated by the transportation development district in its  
11 ballot of submission to its qualified voters. No resolution enacted pursuant to the authority  
12 granted by this section shall be effective unless:

13 (1) The board of directors of the transportation development district submits to the  
14 qualified voters of the transportation development district, at a state general, primary, or special  
15 election, a proposal to authorize the board of directors of the transportation development district  
16 to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

17 (2) The voters approved the question certified by the petition filed pursuant to subsection  
18 5 of section 238.207.

19 3. If the transportation development district submits to the qualified voters of the  
20 transportation development district a proposal to authorize the board of directors of the  
21 transportation development district to impose or increase the levy of an existing tax pursuant to  
22 the provisions of subdivision (1) of subsection 2 of this section, the ballot of submission shall  
23 contain, but need not be limited to, the following language:

24

25 Shall the transportation development district of \_\_\_\_\_ (transportation development district's  
26 name) impose a transportation development district-wide sales tax at the rate of \_\_\_\_\_ (insert  
27 amount) for a period of \_\_\_\_\_ (insert number) years from the date on which such tax is first  
28 imposed for the purpose of \_\_\_\_\_ (insert transportation development purpose)?

29 ? YES ? NO

30 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed  
31 to the question, place an "X" in the box opposite "NO".

32

33 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
34 of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority  
35 of the votes cast by the qualified voters voting are opposed to the proposal, then the board of  
36 directors of the transportation development district shall have no power to impose the sales tax

37 authorized by this section unless and until the board of directors of the transportation  
38 development district shall again have submitted another proposal to authorize it to impose the  
39 sales tax pursuant to the provisions of this section and such proposal is approved by a majority  
40 of the qualified voters voting thereon.

41         4. Within ten days after the adoption of any resolution in favor of the adoption of a  
42 transportation development district sales tax which has been approved by the qualified voters of  
43 such transportation development district, the transportation development district shall forward  
44 to the director of revenue, by United States registered mail or certified mail, a certified copy of  
45 the resolution of its board of directors. The resolution shall reflect the effective date thereof.  
46 The sales tax authorized by this section shall become effective on the first day of the second  
47 calendar quarter after the director of revenue receives notice of adoption of such tax.

48         5. All revenue received by a transportation development district from the tax authorized  
49 by this section which has been designated for a certain transportation development purpose shall  
50 be deposited in a special trust fund and shall be used solely for such designated purpose. Upon  
51 the expiration of the period of years approved by the qualified voters pursuant to subsection 3  
52 of this section or if the tax authorized by this section is repealed pursuant to subsection 12 of this  
53 section, all funds remaining in the special trust fund shall continue to be used solely for such  
54 designated transportation development purpose. Any funds in such special trust fund which are  
55 not needed for current expenditures may be invested by the board of directors in accordance with  
56 applicable laws relating to the investment of other transportation development district funds.

57         6. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one  
58 percent, three-eighths of one percent, one-half of one percent or one percent on the receipts from  
59 the sale at retail of all tangible personal property or taxable services at retail within the  
60 transportation development district adopting such tax, if such property and services are subject  
61 to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525.  
62 Any transportation development district sales tax imposed pursuant to this section shall be  
63 imposed at a rate that shall be uniform throughout the district.

64         7. The resolution imposing the sales tax pursuant to this section shall impose upon all  
65 sellers a tax for the privilege of engaging in the business of selling tangible personal property or  
66 rendering taxable services at retail to the extent and in the manner provided in sections 144.010  
67 to 144.525 and the rules and regulations of the director of revenue issued pursuant thereto;  
68 except that the rate of the tax shall be the rate imposed by the resolution as the sales tax. The  
69 amount reported and returned to the director of revenue by the seller shall be computed on the  
70 basis of the combined rate of the tax imposed by sections 144.010 to 144.525 and the tax  
71 imposed by the resolution as authorized by this section, plus any amounts imposed pursuant to  
72 other provisions of law.



73           8. On and after the effective date of any tax imposed pursuant to this section, the director  
74 of revenue shall perform all functions incident to the administration, collection, enforcement, and  
75 operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes  
76 imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant  
77 to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be  
78 collected together and reported upon such forms and pursuant to such administrative rules and  
79 regulations as may be prescribed by the director of revenue.

80           9. All applicable provisions contained in sections 144.010 to 144.525 governing the state  
81 sales tax, sections 32.085 and 32.087 governing local sales taxes, and section 32.057, the  
82 uniform confidentiality provision, shall apply to the collection of the tax imposed by this section,  
83 except as modified in this section.

84           10. All sales taxes collected by the director of revenue pursuant to this section on behalf  
85 of any transportation development district, less one percent for the cost of collection, which shall  
86 be deposited in the state's general revenue fund after payment of premiums for surety bonds as  
87 provided in section 32.087, shall be deposited in the state treasury to the credit of the  
88 "Transportation Development District Sales Tax Fund", which is hereby created. Moneys in the  
89 transportation development district sales tax fund shall not be deemed to be state funds and shall  
90 not be commingled with any funds of the state. All interest earned upon the balance in the  
91 transportation development district sales tax fund shall be deposited to the credit of the same  
92 fund. Any balance in the fund at the end of an appropriation period shall not be transferred to  
93 the general revenue fund and the provisions of section 33.080 shall not apply to the fund. The  
94 director of revenue shall keep accurate records of the amount of money which was collected in  
95 each transportation development district imposing a sales tax pursuant to this section, and the  
96 records shall be open to the inspection of officers of each transportation development district and  
97 the general public. Not later than the tenth day of each month, the director of revenue shall  
98 distribute all moneys deposited in such fund during the preceding month to the proper  
99 transportation development district.

100           11. The director of revenue may authorize the state treasurer to make refunds from the  
101 amounts credited to any transportation development district for erroneous payments and  
102 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of  
103 such districts. If any transportation development district repeals the tax authorized by this  
104 section, the transportation development district shall notify the director of revenue of the action  
105 at least ninety days prior to the effective date of the repeal and the director of revenue may order  
106 retention, for a period of one year, of two percent of the amount collected after receipt of such  
107 notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks  
108 and drafts deposited to the credit of such accounts. After one year has elapsed after the effective

109 date of repeal of the tax authorized by this section in such transportation development district,  
110 the director of revenue shall remit the balance in the account to the transportation development  
111 district and close the account of that transportation development district. The director of revenue  
112 shall notify each transportation development district of each instance of any amount refunded  
113 or any check redeemed from receipts due the transportation development district.

114 12. (1) No transportation development district imposing a sales tax pursuant to this  
115 section may repeal or amend such sales tax unless such repeal or amendment will not impair the  
116 district's ability to repay any liabilities which it has incurred, money which it has borrowed or  
117 revenue bonds, notes or other obligations which it has issued or which have been issued by the  
118 ~~commission~~ **department** or any local transportation authority to finance any project or projects.

119 (2) Whenever the board of directors of any transportation development district in which  
120 a transportation development sales tax has been imposed in the manner provided by this section  
121 receives a petition, signed by ten percent of the qualified voters of such transportation  
122 development district calling for an election to repeal such transportation development sales tax,  
123 the board of directors shall, if such repeal will not impair the district's ability to repay any  
124 liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other  
125 obligations which it has issued or which have been issued by the ~~commission~~ **department** or  
126 any local transportation authority to finance any project or projects, submit to the voters of such  
127 transportation development district a proposal to repeal the transportation development sales tax  
128 imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal  
129 by the qualified voters voting thereon are in favor of the proposal to repeal the transportation  
130 development sales tax, then the resolution imposing the transportation development sales tax,  
131 along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified  
132 voters voting thereon are opposed to the proposal to repeal the transportation development sales  
133 tax, then the resolution imposing the transportation development sales tax, along with any  
134 amendments thereto, shall remain in effect.

238.237. 1. If approved by a majority of the qualified voters voting on the question in  
2 the district, the district may charge and collect tolls or fees for the use of a project. The board  
3 may charge a lower toll rate or fee than that amount approved by the district voters, and may  
4 increase that lower toll rate or fee to a level not exceeding the toll or fee rate ceiling without  
5 voter approval. Toll rates or fees for the use of the same project may vary at the election of the  
6 board, depending upon the type or nature of the user, or the type or nature of the use.

7 2. The ballot of submission shall be substantially in the following form:

8

9 Shall the \_\_\_\_\_ Transportation Development District be authorized to charge tolls or fees in  
10 amounts not to exceed those given below:

11 Maximum Toll or Fee	Toll or Fee Description
12 (Insert amount)	13 (Insert a brief description of the toll or fee, distinguishing it from other 14 tolls or fees to be charged on the same project)
15 (Insert amount)	16 (Describe the next toll or fee charged)
17 (Etc.) (Etc.)	

18 for the purpose of providing revenue for the development of a project (or projects) in the district  
19 (insert general description of the project or projects, if necessary)?

20 ? YES ? NO

21 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed  
22 to the question, place an "X" in the box opposite "NO".

23 3. To construct a toll facility, a district may relocate an existing state highway, subject  
24 to approval by the ~~commission~~ **department**, or an existing local public street or road, subject  
25 to approval by the local transportation authority having control and jurisdiction over such street  
26 or road. A district shall not incorporate an existing free public street, road, or highway into a  
district project that will be subject to tolls.

238.242. 1. A district may at any time authorize or issue revenue bonds for the purpose  
2 of paying all or any part of the cost of any project. Every issue of such bonds shall be payable  
3 out of the revenues of the district and may be further secured by other property of the district  
4 which may be pledged, assigned, mortgaged, or a security interest granted for such payment,  
5 without preference or priority of the first bonds issued, subject to any agreement with the holders  
6 of any other bonds pledging any specified property or revenues. Such bonds shall be authorized  
7 by resolution of the district, and if issued by the district, shall bear such date or dates, and shall  
8 mature at such time or times, but not in excess of forty years, as the resolution shall specify.  
9 Such bonds shall be in such denomination, bear interest at such rate or rates, be in such form,  
10 either coupon or registered, be issued as current interest bonds, compound interest bonds,  
11 variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be  
12 payable in such place or places and subject to redemption as such resolution may provide  
13 notwithstanding the provisions of section 108.170. The bonds may be sold at either public or  
14 private sale, at such interest rates, and at such price or prices as the district shall determine.

15 2. Any issue of district bonds outstanding may be refunded at any time by the district by  
16 issuing its refunding bonds in such amount as the district may deem necessary. Such bonds may  
17 not exceed the amount sufficient to refund the principal of the bonds so to be refunded together  
18 with any unpaid interest thereon and any premiums, commissions, service fees, and other  
19 expenses necessary to be paid in connection with the refunding. Any such refunding may be  
20 effected whether the bonds to be refunded then shall have matured or thereafter shall mature,

21 either by sale of the refunding bonds and the application of the proceeds thereof to the payment  
22 of the bonds being refunded or by the exchange of the refunding bonds for the bonds being  
23 refunded with the consent of the holder or holders of the bonds being refunded. Refunding  
24 bonds may be issued regardless of whether the bonds being refunded were issued in connection  
25 with the same project or a separate project and regardless of whether the bonds proposed to be  
26 refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

27 3. If the proposed project is intended to be merged into the state highways and  
28 transportation system for future maintenance under the ~~[commission's]~~ **department's**  
29 jurisdiction, the district may contract with the ~~[commission]~~ **department** to assist it in issuing  
30 district revenue bonds and refunding bonds. The district may also contract with the  
31 ~~[commission]~~ **department** to issue ~~[commission]~~ **department** revenue bonds and refunding  
32 bonds and to loan the proceeds thereof to the district. Such bonds shall be authorized by  
33 ~~[commission]~~ **department** minute and shall be issued subject to conditions applicable to bonds  
34 issued by the district but as determined by the ~~[commission]~~ **department** rather than the district.

35 4. If the proposed project is intended to be merged into a local transportation system for  
36 future maintenance under the local transportation authority's jurisdiction, the district may  
37 contract with the local transportation authority to assist it in issuing district revenue bonds and  
38 refunding bonds. The district may also contract with the local transportation authority to issue  
39 the local transportation authority's revenue bonds and refunding bonds and to loan the proceeds  
40 thereof to the district. Such bonds shall be authorized by the local transportation authority's  
41 ordinance or order and shall be issued subject to conditions applicable to bonds issued by the  
42 district but as determined by the local transportation authority rather than the district.

43 5. Bonds issued under this section shall exclusively be the responsibility of the district  
44 payable solely out of district funds and property provided in sections 238.200 to 238.275 and  
45 shall not constitute a debt or liability of the state of Missouri or any agency or political  
46 subdivision of the state. Neither the district, local transportation authority, nor the ~~[commission]~~  
47 **department** shall be obligated to pay such bonds with any funds other than those specifically  
48 pledged to repayment of the bonds. Any bonds issued by a district, a local transportation  
49 authority, or the ~~[commission]~~ **department** shall state on their face that they are not obligations  
50 of the state of Missouri or any agency or political subdivision thereof other than the district.

51 6. Bonds issued under this section, the interest thereon, or any proceeds from such bonds  
52 shall be exempt from taxation in the state of Missouri for all purposes except the state estate tax.

238.245. The district may, subject to ~~[commission]~~ **department** or local transportation  
2 authority approval, as appropriate:

- 3 (1) Purchase land or receive contributions of land and cash for project right-of-way;
- 4 (2) Limit and control access from adjacent property to a district project; and

5 (3) Sell and convey excess right-of-way for fair market value to any person or entity.

238.247. 1. The district may condemn lands for a project in the name of the state of  
2 Missouri, upon prior approval by the ~~[commission]~~ **department**, or the local transportation  
3 authority and by ordinance of the local governing body as appropriate, as to the necessity for the  
4 taking of the description of the parcel and the interest taken in that parcel.

5 2. If condemnation becomes necessary the district shall act under chapter 523 and may  
6 condemn a fee simple or other interest in land.

7 3. The district may, after prior notice to the owner to enter upon private property, survey  
8 and determine the most advantageous route and design. The district shall be liable for all  
9 damages done to the property by such inspection.

10 4. Any person who involuntarily transfers any interest in land to a district which becomes  
11 insolvent and comes under the jurisdiction of a court may reacquire that property by paying to  
12 the district the total amount of the condemnation award for that parcel, plus statutory interest at  
13 the statutory rate from the date of taking on the amount of that award, if the project will not be  
14 completed by either the district, the ~~[commission]~~ **department** or a local transportation authority.

15 5. Whenever a district undertakes any project which results in the acquisition of real  
16 property or in any person or persons being displaced from their homes, businesses, or farms, the  
17 district shall provide relocation assistance and make relocation payments to such displaced  
18 person and do such other acts and follow such procedures as would be necessary to comply with  
19 the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970,  
20 as amended.

238.250. The district may contract with:

2 (1) A federal agency, a state or its agencies and political subdivisions, the ~~[commission]~~  
3 **department**, a local transportation authority, a corporation, partnership or individual regarding  
4 funding, promotion, planning, designing, constructing, improving, maintaining, or operating a  
5 project or to assist in such activity; and

6 (2) The ~~[commission]~~ **department** or a local transportation authority to transfer the  
7 project to the ~~[commission]~~ **department** or the local transportation authority free of cost or  
8 encumbrance on such terms set forth by contract.

238.257. 1. At any time during the existence of a district, the board may submit to the  
2 voters of the district a proposition to increase or decrease the number of projects which it is  
3 authorized to complete.

4 2. If the board proposes to add one or more additional projects, the question shall be  
5 submitted in substantially the following form:

6

7 Shall the \_\_\_\_\_ Transportation Development District fund or develop the following additional  
 8 transportation project (or projects): (summarize the proposed project or projects), and have the  
 9 power to fund the proposed project upon separate voter approval by any or all of the following  
 10 methods: (here specifically describe the proposed funding methods and require each voter to  
 11 approve or disapprove of each proposed funding method)?

12 3. If the board proposes to discontinue a project, it shall first obtain approval from the  
 13 ~~[commission]~~ **department** if the proposed project is intended to be merged into the state  
 14 highways and transportation system under the ~~[commission's]~~ **department's** jurisdiction or  
 15 approval from the local transportation authority if the proposed project is intended to be merged  
 16 into a local transportation system under the local authority's jurisdiction. If such approval is  
 17 obtained, then the question shall be submitted to the district's voters in substantially the  
 18 following form:

19

20 Shall the \_\_\_\_\_ Transportation Development District discontinue development of the following  
 21 transportation project: (summarize the transportation project), for the reason that (describe the  
 22 reason why the transportation project cannot be completed as approved)?

23 4. The board may modify the project previously approved by the district voters, if the  
 24 modification is approved by the ~~[commission]~~ **department** and, where appropriate, a local  
 25 transportation authority.

238.260. The ~~[commission]~~ **department** and local transportation authorities may  
 2 contract with a district to provide it assistance in project funding, promotion, planning, design,  
 3 right-of-way acquisition, relocation assistance services, construction, maintenance, and  
 4 operation. The ~~[commission]~~ **department** or any local transportation authority may charge the  
 5 district a reasonable fee, not exceeding the actual cost of providing the service.

238.262. The ~~[commission]~~ **department** is authorized to adopt reasonable administrative  
 2 rules relating to transportation development districts under chapter 536.

238.265. The state of Missouri, upon approval by an appropriate act of the general  
 2 assembly, the ~~[commission]~~ **department**, or a local transportation authority holding title to real  
 3 estate, may give, grant and convey to or for the use of a district such right-of-way or other  
 4 easement in such real estate as may be necessary for the development of a project.

238.267. 1. For the purpose of law enforcement, all district projects to be transferred to  
 2 the ~~[commission]~~ **department** shall be treated as ~~[commission]~~ **department** highways under  
 3 chapter 43 and all projects to be transferred to a local transportation authority shall be treated as  
 4 streets or roads of that entity.

5 2. All laws of this state relating to the maintaining, signing, damaging and obstructing  
 6 roads shall apply to district projects. The duties and powers imposed by such laws on certain

7 officials shall devolve upon the district's engineer or other employee designated by the board.  
8 Nothing in this subsection shall be deemed to interfere with, restrict or limit the authority of the  
9 ~~[commission]~~ **department** to govern and control highway marking, signalization and signing to  
10 the extent the ~~[commission]~~ **department** is authorized by law.

11 3. For outdoor advertising and junkyard control purposes, a district project may be  
12 designated by the ~~[commission]~~ **department** as a part of the state primary highway system and  
13 by a local transportation authority as a part of its street or road system.

238.275. 1. Within six months after development and initial maintenance costs of its  
2 completed project have been paid, the district shall pursuant to contract transfer ownership and  
3 control of the project to the ~~[commission]~~ **department** or a local transportation authority which  
4 shall be responsible for all future maintenance costs pursuant to contract. Such transfer may be  
5 made sooner with the consent of the recipient.

6 2. At such time as a district has completed its project and has transferred ownership of  
7 the project to the ~~[commission]~~ **department** or other local transportation authority for  
8 maintenance, or at such time as the board determines that it is unable to complete its project due  
9 to lack of funding or for any other reason, the board shall submit for a vote in an election held  
10 throughout the district the question of whether the district should be abolished. The question  
11 shall be submitted in substantially the following form:

12

13 Shall the \_\_\_\_\_ Transportation Development District be abolished?

14 3. The district board shall not propose the question to abolish the district while there are  
15 outstanding claims or causes of action pending against the district, while the district liabilities  
16 exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the  
17 bankruptcy court. Prior to submitting the question to abolish the district to a vote, the state  
18 auditor shall audit the district to determine the financial status of the district, and whether the  
19 district may be abolished pursuant to law.

20 4. While the district still exists, it shall continue to accrue all revenues to which it is  
21 entitled at law.

22 5. Upon receipt of certification by the appropriate election authorities that the majority  
23 of those voting within the district have voted to abolish the district, and if the state auditor has  
24 determined that the district's financial condition is such that it may be abolished pursuant to law,  
25 then the board shall:

26 (1) Sell any remaining district real or personal property it wishes, and then transfer the  
27 proceeds and any other real or personal property owned by the district, including revenues due  
28 and owing the district, to the ~~[commission]~~ **department** or any appropriate local transportation  
29 authority assuming maintenance and control of the project, for its further use and disposition;

30 (2) Terminate the employment of any remaining district employees, and otherwise  
31 conclude its affairs;

32 (3) At a public meeting of the district, declare by a majority vote that the district has been  
33 abolished effective that date; and

34 (4) Cause copies of that resolution under seal to be filed with the secretary of state, the  
35 director of revenue, the ~~commission~~ **department**, and with each local transportation authority  
36 affected by the district. Upon the completion of the final act specified in this subsection, the  
37 legal existence of the district shall cease.

238.302. Wherever used in sections 238.300 to 238.367, the following terms mean:

2 (1) "Board", the board of directors of the corporation;

3 (2) ~~"Commission", the Missouri highways and transportation commission;~~

4 ~~——(3)]~~ "Corporation" or "transportation corporation", any transportation corporation  
5 organized under sections 238.300 to 238.367;

6 **(3) "Department", the department of transportation;**

7 (4) "Local transportation authority", a county, city, town, village, county highway  
8 commission, special road district, interstate compact agency, or any local public authority or  
9 political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake  
10 or river port, airport, railroad, light rail or other transit improvement or service;

11 (5) "Pay", paying a toll by cash, by permitting a charge against a valid account with the  
12 authority or by another means of payment approved by the corporation at the time;

13 (6) "Photo monitoring system", a vehicle sensor installed to work in conjunction with  
14 a toll collection facility which automatically produces one or more photographs, one or more  
15 microphotographs, a videotape or other recorded images of each vehicle at the time it is used or  
16 operated in violation of toll collection regulations;

17 (7) "Project" includes any bridge, street, road, highway, access road, interchange,  
18 intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar,  
19 shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit  
20 and any similar or related improvement or infrastructure;

21 (8) "Toll" or "tolls", charges prescribed by the corporation for the use of its property;

22 (9) "Toll collection regulations", those rules and regulations of a corporation providing  
23 for and requiring the payment of tolls for the use of bridges under its jurisdiction or those rules  
24 and regulations of a corporation making it unlawful to refuse to pay or to evade or to attempt to  
25 evade the payment of all or part of any toll for the use of bridges under the jurisdiction of the  
26 corporation;



27 (10) "Vehicle" or "motor vehicle", every device in, upon or by which a person or  
28 property is or may be transported or drawn upon a highway except devices used exclusively upon  
29 stationary rails or tracks.

238.305. 1. The general assembly declares that:

2 (1) The present and prospective traffic congestion and limited roadways in many areas  
3 of this state, and the limited availability of state funds, require as a public purpose the promotion  
4 and development of public transportation facilities and systems by new and alternative means;

5 (2) The creation of transportation corporations by private parties in cooperation with the  
6 ~~[commission]~~ **department** is essential to the continued economic growth of this state, is in the  
7 public interest, and will promote the health, safety and general welfare of the citizens of this state  
8 by securing for them expanded and improved transportation facilities and systems;

9 (3) The transportation corporations created under sections 238.300 to 238.360 will  
10 perform an essential function by acting to secure and obtain rights-of-way for urgently needed  
11 transportation systems and to assist in the planning and design of such systems;

12 (4) The transportation corporations created under sections 238.300 to 238.360 will  
13 perform many functions normally undertaken by the ~~[commission]~~ **department** and its staff, and  
14 thus will reduce the burdens and demands on limited funds available to the ~~[commission]~~  
15 **department**, thereby increasing the effectiveness and impact of those funds available to the  
16 ~~[commission]~~ **department**;

17 (5) The transportation corporations created under sections 238.300 to 238.360 will act  
18 in promoting and developing public transportation facilities and systems and in promoting  
19 economic development in this state, and will not act as the agent or instrumentality of any private  
20 interests even though many private interests may be benefitted by the transportation corporations,  
21 as will the general public. The transportation corporations created under sections 238.300 to  
22 238.360 shall periodically make a showing to the state transportation department of a good faith  
23 effort of development and implementation of a women and minority employment and business  
24 plan. Only after such a showing of a good faith effort may the transportation corporations  
25 created under sections 238.300 to 238.360 waive the general policy of women and minority  
26 employment and business plan and involvement. If such policy is waived, the transportation  
27 corporations created under sections 238.300 to 238.360 shall make a showing of a good faith  
28 effort of development and implementation of a women and minority employment and business  
29 plan every three months until such policy is again in effect.

30 2. Sections 238.300 to 238.360 shall be liberally construed in conformance with the  
31 legislative findings and purposes set forth in this section.

238.310. 1. Any number of natural persons, not less than three, each of whom is at least  
2 twenty-one years of age and a registered voter within this state, may file with the ~~[commission]~~

3 **department** a written application with preliminary plans and specifications for a project  
4 requesting that the ~~[commission]~~ **department** authorize the creation of a transportation  
5 corporation to act within a designated area. The application shall also provide a proposed plan  
6 for financing the project. The ~~[commission]~~ **department** may charge a filing fee for the  
7 application.

8         2. The ~~[commission]~~ **department** shall order a local public hearing and shall cause to  
9 be published notice that the ~~[commission]~~ **department** is considering authorizing a project and  
10 the incorporation of a transportation corporation. The notice shall specify the time, date, and  
11 place of the hearing and shall be given by publication in a newspaper published in the county or  
12 counties in which all or part of the project is to be located which has a general circulation once  
13 a week for four consecutive weeks. The last publication shall be at least fifteen days prior to the  
14 date of the hearing. The ~~[commission]~~ **department** shall also give at least fifteen days written  
15 notice of such hearing to the owners of all fee interests of record in all tracts of real property  
16 located within the area proposed to be included within the limits of the project.

17         3. The ~~[commission]~~ **department** shall also serve written notice on each county, city,  
18 town and village in which all or part of a project is to be located that the ~~[commission]~~  
19 **department** is considering authorizing a project and the incorporation of the transportation  
20 corporation. Each such county, city, town and village shall be entitled to review the written  
21 application with preliminary plans and specifications. Approval of the project by the governing  
22 body of each such county, city, town and village is a condition precedent to approval of the  
23 project and the corporation by the ~~[commission]~~ **department**.

24         4. After the hearing, the ~~[commission]~~ **department** shall consider the matter of  
25 authorizing the project and the incorporation of the transportation corporation at a regular  
26 ~~[commission]~~ **department** meeting. If the ~~[commission]~~ **department** by minute finds that the  
27 project will improve or is a necessary or desirable extension of the state highways and  
28 transportation system and that the proposed corporation will have adequate funds to finance the  
29 proposed project, the ~~[commission]~~ **department** may approve the articles of incorporation for  
30 the corporation and the project subject to the corporation making any revisions in the plans and  
31 specifications required by the ~~[commission]~~ **department** and the corporation entering into a  
32 mutually satisfactory agreement regarding development and future maintenance of the project.

33         5. The ~~[commission]~~ **department** shall designate the area of the state in which the  
34 corporation may act, and such area may include territory within one or more counties,  
35 municipalities or other political subdivisions of the state. The ~~[commission]~~ **department** may  
36 authorize creation of one or more corporations to act within the same designated area, provided  
37 that the ~~[commission]~~ **department** minute approving the creation of each corporation shall  
38 specify the public purposes which each corporation will further.

39           6. No corporation may be formed unless the ~~[commission]~~ **department** has duly adopted  
40 a ~~[commission]~~ **department** minute which shall be conclusive evidence of the ~~[commission's]~~  
41 **department's** approval of the project and the articles of incorporation.

238.312. 1. In addition to the information required under chapter 355, the articles of  
2 incorporation shall set forth:

3           (1) The purposes for which the corporation is organized including the project  
4 description, scope, area, and proposed sources of funding;

5           (2) That the corporation has no members and is a nonstock corporation; and

6           (3) A recital that the ~~[commission]~~ **department** has specifically authorized the  
7 corporation to act, has approved the articles of incorporation, and the date of such authorization.

8           2. The articles of incorporation may be amended if the board files with the ~~[commission]~~  
9 **department** a written application specifying the proposed amendments and the ~~[commission]~~  
10 **department** approves the application by ~~[commission]~~ **department** minute.

11           3. The articles of amendment shall be executed in duplicate for the corporation by its  
12 president and verified by its secretary. In addition to the information required under chapter 355,  
13 the articles of amendment shall set forth the fact that such amendment was approved by the  
14 ~~[commission]~~ **department** and the date of such approval.

15           4. The articles of incorporation, and any amendments thereto, shall be duly authenticated  
16 and filed by the corporation with the secretary of state and with the ~~[commission]~~ **department**  
17 to be effective.

238.315. 1. The corporation shall have a board of directors. All powers of the  
2 corporation shall be vested in the board which shall consist of any number of directors, not less  
3 than six, each of whom shall be appointed by the ~~[commission]~~ **department** for a term of no  
4 more than six years. Each director may be removed by the ~~[commission]~~ **department** for cause.  
5 The terms shall be staggered in length, so that not more than one-third of the terms of the board  
6 of directors shall expire in a given year. The directors shall serve as such without compensation  
7 except that they shall be reimbursed by the corporation for their actual expenses incurred in the  
8 performance of their duties.

9           2. No person shall be appointed or continue to serve on the board who owns land on  
10 which or adjacent to which a project to be developed by the corporation shall be located.

11           3. The ~~[commission]~~ **department** shall appoint one or more advisors to the board, who  
12 shall have no vote but shall have authority to participate in all board meetings and discussions,  
13 whether open or closed, and shall have access to all records of the corporation and its board of  
14 directors.

15           4. At the first meeting of the board, it shall elect a chairman from its members. The  
16 board shall appoint an executive director, corporation secretary, treasurer and such other officers  
17 or employees as it deems necessary.

18           5. The board may appoint any number of advisory directors to advise and assist the  
19 directors in the development of a project. The advisory directors shall serve at the will of the  
20 directors, but advisory directors shall have no vote in the affairs of the corporation, shall not  
21 receive any compensation for their services, and shall not receive any reimbursement for  
22 expenses incurred by them.

233.317. The board shall adopt corporation bylaws which shall be approved by a minute  
2 of the ~~[commission]~~ **department**. The bylaws of a corporation shall not be amended without  
3 approval by a minute of the ~~[commission]~~ **department**.

238.320. Before construction of any project, the corporation shall submit the final  
2 financing plan and final construction plans and specifications to the ~~[commission]~~ **department**  
3 for its approval. The corporation shall make any revisions in the plans and specifications  
4 required by the ~~[commission]~~ **department**. After the ~~[commission]~~ **department** approves the  
5 final financing plan, construction plans and specifications, the corporation shall obtain prior  
6 ~~[commission]~~ **department** approval of any modification of such plans or specifications.

238.322. 1. A corporation may use any one or more of the funding methods specifically  
2 authorized by sections 238.300 to 238.360 and any other lawful funding the corporation may  
3 obtain for the project.

4           2. The ~~[commission]~~ **department** may by contract with a corporation receive any  
5 revenue received by a corporation from any funding method authorized by sections 238.300 to  
6 238.360. Such revenue shall be deposited by the ~~[commission]~~ **department** pursuant to section  
7 227.180 and applied by the ~~[commission]~~ **department** to project costs including debt service on  
8 revenue bonds or refunding bonds issued by the corporation or the ~~[commission]~~ **department**  
9 under sections 238.300 to 238.360.

238.325. 1. The corporation may, subject to ~~[commission]~~ **department** approval:

2           (1) Establish and impose fees for services provided by the corporation; and

3           (2) Charge and collect tolls, fees and rents for use of a project to pay project costs or  
4 operation and anticipated future maintenance costs of a project; and

5           (3) Enforce collection of tolls in conjunction with the Missouri department of  
6 transportation, Missouri highway patrol or any other law enforcement official in the state of  
7 Missouri.

8           2. To construct a toll facility, a corporation may relocate an existing state highway  
9 subject to approval by the ~~[commission]~~ **department** or an existing local public street or road  
10 subject to approval by the local transportation authority having control and jurisdiction over such

11 street or road. A corporation shall not incorporate an existing free public street, road, or highway  
12 into a corporation project that will be subject to tolls.

238.330. 1. A corporation may at any time authorize or issue revenue bonds for the  
2 purpose of paying all or any part of the cost of any project. Every issue of such bonds shall be  
3 payable out of the property and revenues of the corporation and may be further secured by other  
4 property of the district which may be pledged, assigned, mortgaged, or a security interest granted  
5 for such payment, without preference or priority of the first bonds issued, subject to any  
6 agreement with the holders of any other bonds pledging any specified property or revenues.  
7 Such bonds shall be authorized by resolution of the corporation board, and if issued by the  
8 corporation, shall bear such date or dates, and shall mature at such time or times, but not in  
9 excess of forty years, as the resolution shall specify. Such bonds shall be in such denomination,  
10 bear interest at such rate or rates, be in such form, either coupon or registered, be issued as  
11 current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero  
12 coupon bonds, be issued in such manner, be payable in such place or places and be subject to  
13 redemption as such resolution may provide notwithstanding the provisions of section 108.170.  
14 The bonds may be sold at either public or private sale, at such interest rates, and at such price or  
15 prices as the corporation shall determine.

16 2. Any issue of corporation bonds outstanding may be refunded at any time by the  
17 corporation by issuing its refunding bonds in such amount as the district may deem necessary.  
18 Such bonds may not exceed the amount sufficient to refund the principal of the bonds so to be  
19 refunded together with any unpaid interest thereon and any premiums, commissions, service fees,  
20 and other expenses necessary to be paid in connection with the refunding. Any such refunding  
21 may be effected whether the bonds to be refunded then shall have matured or thereafter shall  
22 mature, either by sale of the refunding bonds and the application of the proceeds thereof to the  
23 payment of the bonds being refunded or by the exchange of the refunding bonds for the bonds  
24 being refunded with the consent of the holder or holders of the bonds being refunded. Refunding  
25 bonds may be issued regardless of whether the bonds being refunded were issued in connection  
26 with the same project or a separate project and regardless of whether or not the bonds proposed  
27 to be refunded shall be payable on the same date or different dates or shall be serially or  
28 otherwise.

29 3. The corporation may contract with the ~~[commission]~~ **department** to assist it in issuing  
30 corporation revenue bonds and refunding bonds. The corporation may also contract with the  
31 ~~[commission]~~ **department** to issue ~~[commission]~~ **department** revenue bonds and refunding  
32 bonds and to loan the proceeds thereof to the corporation. Such bonds shall be authorized by  
33 ~~[commission]~~ **department** minute and shall be issued subject to conditions applicable to bonds

34 issued by the corporation but as determined by the ~~[commission]~~ **department** rather than the  
35 corporation.

36 4. Bonds issued under this section shall exclusively be the responsibility of the  
37 corporation payable solely out of corporation funds and property provided in sections 238.300  
38 to 238.360 and shall not constitute debt or liability of the state of Missouri or any agency or  
39 political subdivision of the state. Neither the corporation nor the ~~[commission]~~ **department**  
40 shall be obligated to pay such bonds with any funds other than those specifically pledged to  
41 repayment of the bonds. Any such bonds issued by a corporation or the ~~[commission]~~  
42 **department** shall state on their face that they are not obligations of the state of Missouri or any  
43 agency or political subdivision thereof.

44 5. Bonds issued under this section, the interest thereon, or any proceeds from such bonds,  
45 are exempt from taxation in the state of Missouri for all purposes except the state estate tax.

238.332. The corporation may, subject to ~~[commission]~~ **department** approval:

- 2 (1) Purchase land or receive contributions of land and cash for project right-of-way;
- 3 (2) Limit and control access from adjacent property to a corporation project; and
- 4 (3) Sell and convey excess right-of-way for fair market value to any person or entity.

238.335. 1. The ~~[commission]~~ **department** is authorized to condemn lands for the  
2 corporation in the name of the state of Missouri, upon prior approval by the ~~[commission]~~  
3 **department** as to the necessity for the taking, the description of the parcel, and the interest taken  
4 in that parcel.

5 2. If condemnation becomes necessary, the ~~[commission]~~ **department** shall act for the  
6 corporation under chapter 523 and may condemn a fee simple or other interest in land.

7 3. Whenever a corporation undertakes any project which results in the acquisition of real  
8 property or in any person or persons being displaced from their homes, businesses, or farms, the  
9 ~~[commission]~~ **department** shall act for the corporation to provide relocation assistance and to  
10 make relocation payments to such displaced persons and to do such other acts and follow such  
11 procedures as would be necessary to comply with the federal Uniform Relocation Assistance and  
12 Real Property Acquisition Policies Act of 1970, as amended.

13 4. The corporation after prior notice to the owner may enter upon private property to  
14 survey and determine the most advantageous route and design. The corporation shall be liable  
15 for all damages done to the property by such inspection.

16 5. Any person who involuntarily transfers any interest in land to a corporation which  
17 becomes insolvent and comes under the jurisdiction of a court may reacquire that property by  
18 paying to the corporation the total amount of the condemnation award for that parcel, plus simple  
19 interest at the statutory rate from the date of taking on the amount of that award, if the project  
20 will not be completed by either the corporation or the ~~[commission]~~ **department**.

238.337. The corporation may contract with:

2 (1) A federal agency, a state or its agencies and political subdivisions, the ~~[commission]~~  
3 **department**, a local transportation authority, a corporation, partnership or individual regarding  
4 funding, promotion, planning, designing, constructing, improving, maintaining or operating a  
5 project or to assist in such activity;

6 (2) The ~~[commission]~~ **department** to transfer the project to the ~~[commission]~~  
7 **department** free of cost or encumbrance on such terms set forth by contract; and

8 (3) A person, a corporation, a local transportation authority, the ~~[commission]~~  
9 **department**, the state, or a federal agency for the purpose of jointly paying the cost of a project.

238.345. The ~~[commission]~~ **department** may contract with a corporation to provide it  
2 assistance in project funding, promotion, planning, design, right-of-way acquisition, relocation  
3 assistance services, construction, maintenance, and operation. The ~~[commission]~~ **department**  
4 may charge the corporation a reasonable fee, not exceeding the actual cost of providing the  
5 service.

238.347. The ~~[commission]~~ **department** is authorized to adopt reasonable administrative  
2 rules regarding transportation corporations under chapter 536.

238.350. 1. For the purpose of law enforcement, a corporation project shall be treated  
2 as a ~~[commission]~~ **department** highway under chapter 43.

3 2. All laws of this state relating to maintaining, signing, damaging, and obstructing roads  
4 shall apply to corporation projects. The duties and powers imposed by such laws on certain  
5 officials shall devolve upon the corporation engineer or other employee designated by the board.

6 3. For outdoor advertising and junkyard control purposes, a corporation project may be  
7 designated by the ~~[commission]~~ **department** as a part of the state primary highway system.

238.352. 1. When a project is completed and all outstanding bonds, notes, obligations,  
2 liabilities or other debts of the corporation have been paid and retired or the corporation has  
3 provided for payment or retirement as determined by the ~~[commission]~~ **department**, title to the  
4 project shall be transferred to the ~~[commission]~~ **department** pursuant to contract. The  
5 ~~[commission]~~ **department** shall then be responsible for all future maintenance costs of the  
6 project pursuant to contract. At such time, the corporation shall be dissolved unless the board  
7 amends the articles of incorporation as provided by sections 238.300 to 238.360 to allow the  
8 corporation to commence work on another project.

9 2. If a corporation is dissolved or liquidated and after all of its outstanding debts have  
10 been paid in full, all other income or assets of the corporation shall be liquidated and deposited  
11 in the state road fund and shall become the property of the ~~[commission]~~ **department**.

12           3. If a corporation must be dissolved or liquidated before all of its outstanding debts and  
13 obligations have been paid in full, such liquidation shall be through a receivership action  
14 instituted in the appropriate circuit court of this state or as otherwise provided by law.

15           4. If the corporation or the ~~[commission]~~ **department** does not elect to complete a  
16 project, any real property obtained for the project from the state of Missouri or any agency or  
17 political subdivision shall be returned. The state, its agency or political subdivision shall repay  
18 or return to the corporation all moneys or property it received from the corporation as  
19 consideration for the original transaction.

20           5. Bonds, notes, obligations, liabilities or other debts of the corporation shall exclusively  
21 be the responsibility of the corporation payable solely out of corporation funds and property  
22 provided herein and shall not constitute debt or liability of the state of Missouri or any agency  
23 or political subdivision of the state.

          238.355. 1. The ~~[commission]~~ **department** may alter the organization, project or  
2 activities of the corporation by written directions to the board.

3           2. The ~~[commission]~~ **department** may dissolve the corporation. The ~~[commission]~~  
4 **department** shall not dissolve the corporation until all outstanding debts and obligations of the  
5 corporation have been paid in full, or until any receivership or other appropriate action to  
6 conclude the affairs of an insolvent corporation has been completed. The ~~[commission]~~  
7 **department** shall only dissolve a corporation by judicial proceedings as specified in chapter 355.

          238.357. 1. Whenever the board by resolution shall determine that the purposes for  
2 which the corporation was formed have been complied with and that all obligations of the  
3 corporation have been fully paid or that appropriate judicial action to conclude the affairs of an  
4 insolvent corporation has been completed, the board shall, with the ~~[commission's]~~  
5 **department's** prior written approval, dissolve the corporation.

6           2. It is unnecessary for the board of an insolvent corporation or the ~~[commission]~~  
7 **department** to take any action to dissolve that corporation if a receivership or other appropriate  
8 judicial action has already concluded the affairs of that corporation. A copy of the appropriate  
9 order or decree in the judicial proceeding shall be filed with the secretary of state, who shall issue  
10 a certificate of dissolution of that insolvent corporation without charge.

          238.360. 1. Articles of dissolution shall be executed in triplicate by the corporation by  
2 its president and attested to by its secretary. Triplicate originals of such articles of dissolution  
3 shall be delivered to the secretary of state. If the secretary of state finds that such articles of  
4 dissolution conform to the requirements of sections 238.300 to 238.360 and chapter 355, he  
5 shall, without charge:

6           (1) Endorse on each of such originals the word "filed" and the month, day, and year of  
7 the filing thereof;



8 (2) File one of such originals in his office; and

9 (3) Issue two certificates of dissolution to each of which he shall affix an original.

10 2. A certificate of dissolution together with an original of the articles of dissolution  
11 affixed thereto by the secretary of state shall be returned to the representative of the dissolved  
12 corporation and to the ~~[commission]~~ **department**. Upon the issuance of such certificate of  
13 dissolution the existence of the corporation shall cease, except for the purpose of suits, other  
14 proceedings, and appropriate corporate action by members, directors and officers as provided in  
15 chapter 355.

238.362. 1. The ~~[commission]~~ **department** may authorize transportation corporations  
2 which operate a toll facility to enforce the payment of tolls against the operator of a vehicle for  
3 the failure of an operator of such vehicle to comply with the toll collection regulations in  
4 accordance with the provisions of sections 238.365 and 238.367. Such authorizations shall be  
5 made in accordance with rules promulgated pursuant to chapter 536.

6 2. An authorized corporation may use any method for assessing and collecting tolls,  
7 including but not limited to toll tickets, barrier toll facilities, billing accounts, commuter passes  
8 and electronic recording or identification devices. The display of a recording or identification  
9 device issued or authorized by a corporation for these purposes on or near the windshield of a  
10 motor vehicle shall not be a violation of any law or rule in the state of Missouri, unless the  
11 device is attached in a way that obstructs the driver's clear view of the highway or an intersecting  
12 highway.

13 3. A corporation operating a toll facility shall post notice on or around a toll facility in  
14 the plain view of drivers of vehicles which reads as follows:

15

16 NOTICE

17

18 FAILURE TO PAY THE REQUIRED TOLL IS A TRAFFIC VIOLATION. TOLL BOOTH  
19 OPERATORS WILL REPORT ANY FAILURE TO PAY REQUIRED TOLLS TO LAW  
20 ENFORCEMENT OFFICIALS WHO WILL ISSUE A TRAFFIC CITATION.

253.040. 1. The department of natural resources is hereby authorized to accept or  
2 acquire by purchase, lease, donation, agreement or eminent domain, any lands, or rights in lands,  
3 sites, objects or facilities which in its opinion should be held, preserved, improved and  
4 maintained for park or parkway purposes. The department of natural resources is authorized to  
5 improve, maintain, operate and regulate any such lands, sites, objects or facilities when such  
6 action would promote the park program and the general welfare. The department of natural  
7 resources is further authorized to accept gifts, bequests or contributions of money or other real  
8 or personal property to be expended for any of the purposes of sections 253.010 to 253.100;

9 except that any contributions of money to the department of natural resources shall be deposited  
10 with the state treasurer to the credit of the state park earnings fund and expended upon  
11 authorization of the department of natural resources for the purposes of sections 253.010 to  
12 253.100 and for no other purposes.

13 2. In the event the right of eminent domain be exercised, it shall be exercised in the same  
14 manner as now or hereafter provided for the exercise of eminent domain by the state [~~highways  
15 and transportation commission~~] **department of transportation**.

263.190. 1. As used in sections 263.190 to 263.474, "noxious weed" means any weed  
2 designated as noxious by rules promulgated by the director of the department of agriculture. The  
3 department shall maintain a list of such noxious weeds and shall make such list available to the  
4 public. The department of agriculture shall promulgate rules necessary to implement the  
5 provisions of this subsection. Any rule or portion of a rule, as that term is defined in section  
6 536.010, that is created under the authority delegated in this subsection shall become effective  
7 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
8 section 536.028. This subsection and chapter 536 are nonseverable and if any of the powers  
9 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date,  
10 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
11 rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid  
12 and void.

13 2. It shall be the duty of every owner of lands in this state, including but not limited to  
14 any person, association of persons, corporation, partnership, state [~~highways and transportation  
15 commission~~] **department of transportation**, state department, state agency, county commission,  
16 township board, school board, drainage board, governing body of an incorporated city, railroad  
17 company or other transportation company and such company's authorized agent, and any person  
18 supervising state-owned lands to control all noxious weeds growing thereon so often in each and  
19 every year as shall be sufficient to prevent such noxious weeds from going to seed. If any owner  
20 of such land shall knowingly allow any noxious weeds to grow thereon, such owner shall forfeit  
21 and pay the sum of one hundred dollars to the county commission for every such offense, and  
22 such sum forfeited plus court costs may be recovered by civil action instituted by the prosecuting  
23 attorney in the name of the county commission before any associate circuit judge of the county  
24 in which the offense is committed. All sums recovered by virtue of this section shall be paid to  
25 the use of the county control fund.

26 3. Before initiating any civil action under this section, the prosecuting attorney of the  
27 county in which the land, or the greater part thereof, is located shall notify the owner of the land  
28 of the requirements of this law, by certified mail, return receipt requested, from a list supplied  
29 by the officer who prepares the tax list, and shall allow the owner of the land fifteen days from

30 acknowledgment date of return receipt, or date of refusal of acceptance, as the case may be, to  
31 initiate control of all such plants growing upon the owner's land. Failure of the owner to initiate  
32 control of such plants within the fifteen-day period shall be prima facie evidence of the owner's  
33 knowledge that the owner is in violation of this law, and each fifteen days the violation continues  
34 after the initial fifteen-day period shall, for the purpose of forfeiture and penalty herein, be  
35 considered a separate offense.

36 4. All sales of noxious weed species are prohibited.

290.260. 1. The department, as it deems necessary, shall from time to time investigate  
2 and determine the prevailing hourly rate of wages for heavy and highway construction work in  
3 the localities. In doing so, the department shall accept and consider information regarding local  
4 wage rates that is submitted in either paper or electronic formats. A determination applicable  
5 to every locality to be contained in a general wage order shall be made annually on or before July  
6 first of each year for the Missouri state ~~[highways and transportation commission]~~ **department**  
7 **of transportation** and shall remain in effect until superseded by a new general wage order. In  
8 determining prevailing rates, the department shall ascertain and consider the applicable wage  
9 rates established by collective bargaining agreements, if any, and the rates that are paid generally  
10 within the locality.

11 2. A certified copy of the determination so made shall be filed immediately with the  
12 secretary of state and with the department in Jefferson City. Copies shall be supplied by the  
13 department to all persons requesting them within ten days after the filing.

14 3. At any time within thirty days after the certified copies of the determinations have  
15 been filed with the secretary of state and the department, any person who is affected thereby may  
16 object in writing to the determination or the part thereof that he deems objectionable by filing  
17 a written notice with the department, stating the specific grounds of the objection.

18 4. Within thirty days of the receipt of the objection, the department shall set a date for  
19 a hearing on the objection. The date for the hearing shall be within sixty days of the receipt of  
20 the objection. Written notice of the time and place of the hearing shall be given to the objectors  
21 at least ten days prior to the date set for the hearing.

22 5. The department at its discretion may hear each written objection separately or  
23 consolidate for hearing any two or more written objections. At the hearing the department shall  
24 first introduce in evidence the investigation it instituted and the other facts which were  
25 considered at the time of the original determination which formed the basis for its determination.  
26 The department, or the objector, or any interested party, thereafter may introduce any evidence  
27 that is material to the issues.

28 6. Within twenty days of the conclusion of the hearing, the department must rule on the  
29 written objection and make the final determination that it believes the evidence warrants.

30 Immediately, the department shall file a certified copy of its final determination with the  
31 secretary of state and with the department and shall serve a copy of the final determination on  
32 all parties to the proceedings by personal service or by registered mail.

33 7. This final decision of the department of the prevailing wages in the locality is subject  
34 to review in accordance with the provisions of chapter 536. Any person affected, whether or not  
35 the person participated in the proceedings resulting in the final determination, may have the  
36 decision of the department reviewed. The filing of the final determination with the secretary of  
37 state shall be considered a service of the final determination on persons not participating in the  
38 administrative proceedings resulting in the final determination.

39 8. At any time before trial any person affected by the final determination of the  
40 department may intervene in the proceedings to review under chapter 536 and be made a party  
41 to the proceedings.

42 9. All proceedings in any court affecting a determination of the department under the  
43 provisions of sections 290.210 to 290.340 shall have priority in hearing and determination over  
44 all other civil proceedings pending in the court, except election contests.

300.135. All traffic control signs, signals and devices shall conform to the manual and  
2 specifications approved by the state [~~highways and transportation commission~~] **department of**  
3 **transportation** or resolution adopted by the legislative body of the city. All signs or signals  
4 required hereunder for a particular purpose shall so far as practicable be uniform as to type and  
5 location throughout the city. All traffic control devices so erected and not inconsistent with the  
6 provisions of this ordinance shall be official traffic control devices.

300.155. Whenever traffic is controlled by traffic control signals exhibiting different  
2 colored lights, or colored lighted arrows, successively one at a time or in combination, only the  
3 colors green, red and yellow shall be used, except for special pedestrian signals carrying a word  
4 legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

5 (1) Green indication

6 (a) Vehicular traffic facing a circular green signal may proceed straight through or turn  
7 right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including  
8 vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians  
9 lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

10 (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with  
11 another indication, may cautiously enter the intersection only to make the movement indicated  
12 by such arrow, or such other movement as is permitted by other indications shown at the same  
13 time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an  
14 adjacent crosswalk and to other traffic lawfully using the intersection;

15 (c) Unless otherwise directed by a pedestrian control signal as provided in section  
16 300.160, pedestrians facing any green signal, except when the sole green signal is a turn arrow,  
17 may proceed across the roadway within any marked or unmarked crosswalk.

18 (2) Steady yellow indication

19 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green  
20 movement is being terminated or that a red indication will be exhibited immediately thereafter  
21 when vehicular traffic shall not enter the intersection;

22 (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian  
23 control signal as provided in section 300.160, are thereby advised that there is insufficient time  
24 to cross the roadway before a red indication is shown and no pedestrian shall then start to cross  
25 the roadway.

26 (3) Steady red indication

27 (a) Vehicular traffic facing a steady red signal alone shall stop before entering the  
28 crosswalk on the near side of the intersection or, if none, then before entering the intersection  
29 and shall remain standing until a green indication is shown except as provided in paragraph (b)  
30 of this subdivision;

31 (b) The driver of a vehicle which is stopped as close as practicable at the entrance to the  
32 crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection  
33 in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall  
34 yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the  
35 intersection, except that the state [~~highways and transportation commission~~] **department of**  
36 **transportation** with reference to an intersection involving a state highway, and local authorities  
37 with reference to an intersection involving other highways under their jurisdiction, may prohibit  
38 any such right turn against a red signal at any intersection where safety conditions so require, said  
39 prohibition shall be effective when a sign is erected at such intersection giving notice thereof;

40 (c) Unless otherwise directed by a pedestrian control signal as provided in section  
41 300.160, pedestrians facing a steady red signal alone shall not enter the roadway.

42 (4) In the event an official traffic control signal is erected and maintained at a place other  
43 than an intersection, the provisions of this section shall be applicable except as to those  
44 provisions which by their nature can have no application. Any stop required shall be made at a  
45 sign or marking on the pavement indicating where the stop shall be made, but in the absence of  
46 any such sign or marking the stop shall be made at the signal.

300.420. 1. The city traffic engineer shall determine upon what streets angle parking  
2 shall be permitted and shall mark or sign such streets but such angle parking shall not be  
3 indicated upon any federal-aid or state highway within the city unless the state [~~highways and~~  
4 ~~transportation commission~~] **department of transportation** has determined by resolution or

5 order entered in its minutes that the roadway is of sufficient width to permit angle parking  
6 without interfering with the free movement of traffic.

7 2. Angle parking shall not be indicated or permitted at any place where passing traffic  
8 would thereby be caused or required to drive upon the left side of the street or upon any streetcar  
9 tracks.

301.041. 1. All commercial motor vehicles and trailers registered pursuant to this  
2 section or to be operated under reciprocity agreements shall be registered annually, or in the  
3 discretion of the state ~~[highways and transportation commission]~~ **department of transportation**,  
4 staggered in such manner as to be registered for a one-year period beginning on the first day of  
5 a quarter during such year and in such manner as the ~~[commission]~~ **department** may determine  
6 by regulation. To facilitate the transition from an annual registration to a staggered registration,  
7 the ~~[commission]~~ **department** shall inquire of all registrants and registrations as to which  
8 calendar quarter the registrant wishes to use as the beginning date of the registration once the  
9 transition to staggered registration is complete. If the registrant does not respond by the date  
10 selected by the ~~[commission]~~ **department**, or if no quarter is selected, the registrant shall remain  
11 on a calendar year registration. The ~~[commission]~~ **department** may issue prorated registrations  
12 pursuant to this section for periods of greater than or less than one year during the transition to  
13 a nonannual year registration, but no registration shall exceed eighteen months nor be less than  
14 six months. The ~~[commission]~~ **department** may issue a prorated, by quarter, partial year  
15 registration at any time for additions to a fleet made after an initial registration of such fleet, or  
16 such other reasons as approved by the ~~[commission]~~ **department** or its designee upon the request  
17 of the registrant.

18 2. An application for renewal registration pursuant to this section shall be made with all  
19 required documents on or before the first day of the month that is three calendar months  
20 immediately prior to the beginning date of the registration. Renewal applications received after  
21 the first day of the third calendar month immediately prior to the registration shall be assessed  
22 a penalty of one hundred dollars. The ~~[commission's]~~ **department's** designee may waive the  
23 penalty pursuant to this subsection for good cause.

24 3. Fees for commercial motor vehicles and trailers renewed pursuant to this section shall  
25 be paid no later than the first day of the month that is one calendar month immediately prior to  
26 the beginning date of the registration except for payments made on an installment basis as  
27 provided in subsection 4 of this section. Renewal application fees not paid by the first day of the  
28 month immediately prior to the registration shall be assessed a penalty of fifty dollars per vehicle,  
29 but in no case shall such penalty exceed one hundred fifty dollars per application. The  
30 ~~[commission's]~~ **department's** designee may, for good cause, waive or reduce any penalties  
31 assessed pursuant to this subsection.

32           4. Any owner of a commercial motor vehicle or trailer operated pursuant to this section  
33 or reciprocity agreements may elect to pay the Missouri portion of the annual registration fee in  
34 two equal installments, except that no such installment shall be less than one hundred dollars.  
35 The first installment shall be payable on or before the first day of the month immediately prior  
36 to the beginning date of the registration, and the second installment shall be payable on or before  
37 the first day of the sixth month of that registration one-year period. Every owner electing to pay  
38 on an installment basis shall file on or before the first day of the month immediately prior to the  
39 beginning date of the registration, a surety bond, certificate of deposit or irrevocable letter of  
40 credit as defined in section 400.5-103 to guarantee the payment of the second installment. The  
41 bond or certificate or letter of credit shall be in an amount equal to the payment guaranteed. The  
42 ~~[commission]~~ **department** may require such installments to be filed at other times of the year  
43 if a nonannual registration is issued pursuant to subsection 1 of this section.

44           5. Any applicant who fails to timely renew his or her registration with all required  
45 documents pursuant to this section or who fails to timely pay any fees and penalties owed  
46 pursuant to this section shall not be issued a temporary registration for a motor vehicle or a trailer  
47 issued pursuant to this section or under reciprocity agreements. Nothing in this section shall  
48 prohibit the issuance of temporary registration credentials for additions to the registrant's fleet  
49 subsequent to renewal.

50           6. The applicant for registration pursuant to this section shall affix the registration plate  
51 issued to the front of the vehicle in accordance with the provisions of section 301.130. Any  
52 vehicle required to be registered pursuant to this section shall display the plate issued to that  
53 vehicle no later than December thirty-first of each year or the last day of the quarter preceding  
54 the quarter in which the registration begins, as applicable. Failure to display the registration plate  
55 required by this section shall constitute a class A misdemeanor.

56           7. The ~~[commission]~~ **department** may prescribe rules and regulations for the effective  
57 administration of this section.

58           8. Any current registration or plate for which all fees have been paid for a commercial  
59 trailer previously issued pursuant to reciprocity agreements shall remain valid even if such  
60 agreements no longer require apportionment of such trailers under such agreements, and such  
61 trailers may continue to be registered pursuant to this section.

62           9. Notwithstanding any other law to the contrary, the ~~[commission]~~ **department** shall  
63 have the authority pursuant to this chapter to issue permanent and temporary registrations on  
64 commercial trailers whether or not the registration is issued pursuant to reciprocity agreements.  
65 The provisions of subsection 1 of section 301.190 shall not apply to registrations issued pursuant  
66 to this subsection, provided the carrier or person to whom the registration is issued has at least

67 one tractor as defined in section 301.010 registered with the state of Missouri pursuant to this  
68 section.

69 10. Commercial trailer plates issued pursuant to this section shall in all other respects  
70 conform to and have the same requirements as those issued pursuant to subsection 3 of section  
71 301.067. Such plates may contain the legend "COMM TRL" in preference to the words  
72 "SHOW-ME STATE".

301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of seven  
2 dollars and fifty cents, and in addition thereto such permit fee authorized by law against trailers  
3 used in combination with tractors operated under the supervision of the [~~highways and~~  
4 ~~transportation commission of the~~] department of transportation. The fees for tractors used in any  
5 combination with trailers or semitrailers or both trailers and semitrailers (other than on  
6 passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the  
7 vehicles in the combination with load.

8 2. Any trailer or semitrailer may at the option of the registrant be registered for a period  
9 of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

10 3. Any trailer as defined in section 301.010 or semitrailer may, at the option of the  
11 registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars  
12 and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the  
13 registration fee paid is nontransferable and nonrefundable, except those covered under the  
14 provisions of section 301.442.

15 4. Beginning August 28, 2019, the annual registration fees imposed under this section  
16 or section 301.030 for recreational trailers, as defined under section 301.010, shall be payable  
17 in the month of May each year. Any fee that would have been due in December 2019, shall be  
18 deferred until May 2020.

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



12 the words "SHOW-ME STATE" and special plates for members of the National Guard will have  
13 the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

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

17 3. All property-carrying commercial motor vehicles to be registered at a gross weight in  
18 excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local  
19 transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, autocycles,  
20 motorscooters, and driveaway vehicles shall be registered with the director of revenue as  
21 provided for in subsection 3 of section 301.030, or with the state ~~[highways and transportation~~  
22 ~~commission]~~ **department of transportation** as otherwise provided in this chapter, but only one  
23 license plate shall be issued for each such vehicle, except as provided in this subsection. The  
24 applicant for registration of any property-carrying commercial vehicle registered at a gross  
25 weight in excess of twelve thousand pounds may request and be issued two license plates for  
26 such vehicle, and if such plates are issued, the director of revenue shall provide for distinguishing  
27 marks on the plates indicating one plate is for the front and the other is for the rear of such  
28 vehicle. The director may assess and collect an additional charge from the applicant in an  
29 amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section  
30 301.144.

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

34 5. No motor vehicle or trailer shall be operated on any highway of this state unless it  
35 shall have displayed thereon the license plate or set of license plates issued by the director of  
36 revenue or the state ~~[highways and transportation commission]~~ **department of transportation**  
37 and authorized by section 301.140. Each such plate shall be securely fastened to the motor  
38 vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean  
39 so that the reflective qualities thereof are not impaired. Each such plate may be encased in a  
40 transparent cover so long as the plate is plainly visible and its reflective qualities are not  
41 impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck  
42 tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of  
43 such vehicles not less than eight nor more than forty-eight inches above the ground, with the  
44 letters and numbers thereon right side up. The license plates on trailers, motorcycles,  
45 motortricycles, autocycles, and motorscooters shall be displayed on the rear of such vehicles  
46 either horizontally or vertically, with the letters and numbers plainly visible. The license plate  
47 on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed

48 in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than  
49 eight nor more than forty-eight inches above the ground, with the letters and numbers thereon  
50 right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section,  
51 displayed in the same manner on the front and rear of such vehicles. The license plate or plates  
52 authorized by section 301.140, when properly attached, shall be prima facie evidence that the  
53 required fees have been paid.

54 6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as  
55 provided by law as evidence of the annual payment of registration fees and the current  
56 registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may  
57 prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs  
58 positively correlate with the license plate or plates issued by the department of revenue for such  
59 vehicle. Such tabs shall be produced in each license bureau office.

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

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

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

67 (5) For those commercial motor vehicles and trailers registered pursuant to section  
68 301.041, the plate issued by the ~~[highways and transportation commission]~~ **department of**  
69 **transportation** shall be a permanent nonexpiring license plate for which no tabs shall be issued.  
70 Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant  
71 to this section from the obligation to pay the annual registration fee due for the vehicle. The  
72 permanent nonexpiring license plate shall be returned to the ~~[highways and transportation~~  
73 ~~commission]~~ **department of transportation** upon the sale or disposal of the vehicle by the  
74 owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred  
75 to a replacement commercial motor vehicle when the owner files a supplemental application with  
76 the Missouri ~~[highways and transportation commission]~~ **department of transportation** for the  
77 registration of such replacement commercial motor vehicle. Upon payment of the annual  
78 registration fee, the ~~[highways and transportation commission]~~ **department of transportation**  
79 shall issue a certificate of registration or other suitable evidence of payment of the annual fee,  
80 and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

81 (6) Upon the sale or disposal of any vehicle permanently registered under this section,  
82 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued  
83 for such vehicle shall be returned to the ~~[highways and transportation commission]~~ **department**

84 **of transportation** and shall not be valid for operation of such vehicle, or the plate may be  
85 transferred to a replacement vehicle when the owner files a supplemental application with the  
86 Missouri [~~highways and transportation commission~~] **department of transportation** for the  
87 registration of such replacement vehicle. If a vehicle which is permanently registered under this  
88 section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be  
89 given credit for any unused portion of the annual registration fee when the vehicle is replaced  
90 by the purchase or lease of another vehicle during the registration year.

91 7. The director of revenue and the [~~highways and transportation commission~~]  
92 **department of transportation** may prescribe rules and regulations for the effective  
93 administration of this section. No rule or portion of a rule promulgated under the authority of  
94 this section shall become effective unless it has been promulgated pursuant to the provisions of  
95 section 536.024.

96 8. Notwithstanding the provisions of any other law to the contrary, owners of motor  
97 vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess  
98 of twenty-four thousand pounds gross weight may apply for special personalized license plates.  
99 Vehicles licensed for twenty-four thousand pounds that display special personalized license  
100 plates shall be subject to the provisions of subsections 1 and 2 of section 301.030. On and after  
101 August 28, 2016, owners of motor vehicles, other than apportioned motor vehicles or  
102 commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight, may  
103 apply for any preexisting or hereafter statutorily created special personalized license plates.

104 9. No later than January 1, 2019, the director of revenue shall commence the reissuance  
105 of new license plates of such design as approved by the advisory committee under section  
106 301.125 consistent with the terms, conditions, and provisions of section 301.125 and this  
107 chapter. Except as otherwise provided in this section, in addition to all other fees required by  
108 law, applicants for registration of vehicles with license plates that expire during the period of  
109 reissuance, applicants for registration of trailers or semitrailers with license plates that expire  
110 during the period of reissuance and applicants for registration of vehicles that are to be issued  
111 new license plates during the period of reissuance shall pay the cost of the plates required by this  
112 subsection. The additional cost prescribed in this subsection shall not be charged to persons  
113 receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle  
114 license plates registered pursuant to section 301.131 and specialized license plates are exempt  
115 from the provisions of this subsection. Except for new, replacement, and transfer applications,  
116 permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered  
117 under section 301.041 are exempt from the provisions of this subsection.

302.133. As used in sections 302.133 to 302.138, the following terms mean:

2 (1) [~~"Commission", the state highways and transportation commission,~~

- 3 ———~~(2)~~ "Department", the department of transportation;
- 4 ~~[(3)]~~ (2) "Director", the director of the department of transportation;
- 5 ~~[(4)]~~ (3) "Instructor", a licensed motorcycle operator who meets the standards established
- 6 by the ~~[commission]~~ **department** to teach the motorcycle rider training course;
- 7 ~~[(5)]~~ (4) "Motorcycle", a motorcycle or motortricycle as those terms are defined by
- 8 section 301.010;
- 9 ~~[(6)]~~ (5) "Motorcycle rider training course", a motorcycle rider education curriculum and
- 10 delivery system approved by the ~~[commission]~~ **department** as meeting standards designed to
- 11 develop and instill the knowledge, attitudes, habits, and skills necessary for the safe operation
- 12 of a motorcycle.

302.134. 1. The ~~[commission]~~ **department** shall establish standards for and shall

2 administer the motorcycle safety education program. The program shall include, but is not

3 limited to, motorcycle rider training and instructor training courses. The ~~[commission]~~

4 **department** may expand the program to include components relating to the effect of alcohol and

5 drugs on motorcycle operation, public awareness of motorcycles on the highways, driver

6 improvement for motorcyclists, motorcycle operator licensing improvement, program promotion,

7 and other motorcycle safety efforts.

8 2. Standards adopted by the ~~[commission]~~ **department** for the motorcycle safety

9 education program, including standards for instructor qualification and standards for the

10 motorcycle rider training and instructor training courses, shall, at a minimum, comply with the

11 applicable standards of the Motorcycle Safety Foundation.

12 3. The ~~[commission]~~ **department** shall promulgate rules and regulations necessary to

13 administer the provisions of sections 302.133 to 302.138.

14 4. No rule or portion of a rule promulgated under the authority of this chapter shall

15 become effective until it has been approved by the joint committee on administrative rules in

16 accordance with the procedures provided in this section, and the delegation of the legislative

17 authority to enact law by the adoption of such rules is dependent upon the power of the joint

18 committee on administrative rules to review and suspend rules pending ratification by the senate

19 and the house of representatives as provided in this section.

20 5. Upon filing any proposed rule with the secretary of state, the ~~[commission]~~

21 **department** shall concurrently submit such proposed rule to the committee, which may hold

22 hearings upon any proposed rule or portion thereof at any time.

23 6. A final order of rulemaking shall not be filed with the secretary of state until thirty

24 days after such final order of rulemaking has been received by the committee. The committee

25 may hold one or more hearings upon such final order of rulemaking during the thirty-day period.

26 If the committee does not disapprove such order of rulemaking within the thirty-day period, the

27 ~~[commission]~~ **department** may file such order of rulemaking with the secretary of state and the  
28 order of rulemaking shall be deemed approved.

29 7. The committee may, by majority vote of the members, suspend the order of  
30 rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking  
31 only for one or more of the following grounds:

32 (1) An absence of statutory authority for the proposed rule;

33 (2) An emergency relating to public health, safety or welfare;

34 (3) The proposed rule is in conflict with state law;

35 (4) A substantial change in circumstance since enactment of the law upon which the  
36 proposed rule is based.

37 8. If the committee disapproves any rule or portion thereof, the ~~[commission]~~  
38 **department** shall not file such disapproved portion of any rule with the secretary of state and  
39 the secretary of state shall not publish in the Missouri Register any final order of rulemaking  
40 containing the disapproved portion.

41 9. If the committee disapproves any rule or portion thereof, the committee shall report  
42 its findings to the senate and the house of representatives. No rule or portion thereof disapproved  
43 by the committee shall take effect so long as the senate and the house of representatives ratify  
44 the act of the joint committee by resolution adopted in each house within thirty legislative days  
45 after such rule or portion thereof has been disapproved by the joint committee.

46 10. Upon adoption of a rule as provided in this section, any such rule or portion thereof  
47 may be suspended or revoked by the general assembly either by bill or, pursuant to Section 8,  
48 Article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the  
49 joint committee on administrative rules. The committee shall be authorized to hold hearings and  
50 make recommendations pursuant to the provisions of section 536.037. The secretary of state  
51 shall publish in the Missouri Register, as soon as practicable, notice of the suspension or  
52 revocation.

302.135. 1. The ~~[commission]~~ **department** may enter into contracts with public or  
2 private institutions or organizations for technical assistance in conducting motorcycle rider  
3 training courses and instructor training courses if they are administered and taught in accordance  
4 with standards established by the ~~[commission]~~ **department**.

5 2. The department or a contracting institution or organization conducting a course may  
6 charge a reasonable tuition fee as determined by the ~~[commission]~~ **department**.

7 3. The director shall issue certificates of completion in the manner and form prescribed  
8 by the ~~[commission]~~ **department** to persons who satisfactorily complete the requirements of the  
9 state-approved course. Completion of the course shall be indicated upon the person's driver's

10 license. A sticker or other evidence of completion shall be issued for the license until the license  
11 is subsequently renewed.

302.178. 1. Any person between the ages of sixteen and eighteen years who is qualified  
2 to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the director shall  
3 issue, an intermediate driver's license entitling the applicant, while having such license in his or  
4 her possession, to operate a motor vehicle of the appropriate class upon the highways of this state  
5 in conjunction with the requirements of this section. An intermediate driver's license shall be  
6 readily distinguishable from a license issued to those over the age of eighteen. All applicants for  
7 an intermediate driver's license shall:

8 (1) Successfully complete the examination required by section 302.173;

9 (2) Pay the fee required by subsection 4 of this section;

10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section  
11 302.130 for at least a six-month period or a valid license from another state; and

12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a  
13 federal residential job training program, a driving instructor employed by a federal residential  
14 job training program, sign the application stating that the applicant has completed at least forty  
15 hours of supervised driving experience under a temporary instruction permit issued pursuant to  
16 subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over  
17 twenty-one years of age who supervised such driving. For purposes of this section, the term  
18 "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen  
19 years of age, who:

20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to  
21 section 451.080;

22 (b) Has been declared emancipated by a court of competent jurisdiction;

23 (c) Enters active duty in the Armed Forces;

24 (d) Has written consent to the emancipation from the custodial parent or legal guardian;

25 or

26 (e) Through employment or other means provides for such person's own food, shelter  
27 and other cost-of-living expenses;

28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525  
29 during the preceding twelve months; and

30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to  
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate that  
33 classification of motor vehicle as a license issued pursuant to section 302.177, except that no  
34 person shall operate a motor vehicle on the highways of this state under such an intermediate

35 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person  
36 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle  
37 without being accompanied if the travel is to or from a school or educational program or activity,  
38 a regular place of employment or in emergency situations as defined by the director by  
39 regulation.

40 3. Each intermediate driver's license shall be restricted by requiring that the driver and  
41 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction  
42 shall not apply to a person operating a motorcycle. For the first six months after issuance of the  
43 intermediate driver's license, the holder of the license shall not operate a motor vehicle with more  
44 than one passenger who is under the age of nineteen who is not a member of the holder's  
45 immediate family. As used in this subsection, an intermediate driver's license holder's immediate  
46 family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted  
47 or foster children residing in the same household of the intermediate driver's license holder.  
48 After the expiration of the first six months, the holder of an intermediate driver's license shall  
49 not operate a motor vehicle with more than three passengers who are under nineteen years of age  
50 and who are not members of the holder's immediate family. The passenger restrictions of this  
51 subsection shall not be applicable to any intermediate driver's license holder who is operating  
52 a motor vehicle being used in agricultural work-related activities.

53 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an  
54 intermediate driver's license shall be five dollars and such license shall be valid for a period of  
55 two years.

56 5. Any intermediate driver's licensee accumulating six or more points in a twelve-month  
57 period may be required to participate in and successfully complete a driver-improvement  
58 program approved by the state [~~highways and transportation commission~~] **department of**  
59 **transportation**. The driver-improvement program ordered by the director of revenue shall not  
60 be used in lieu of point assessment.

61 6. (1) An intermediate driver's licensee who has, for the preceding twelve-month period,  
62 had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic  
63 convictions for which points are assessed, upon reaching the age of eighteen years or within the  
64 thirty days immediately preceding their eighteenth birthday may apply for and receive without  
65 further examination, other than a vision test as prescribed by section 302.173, a license issued  
66 pursuant to this chapter granting full driving privileges. Such person shall pay the required fee  
67 for such license as prescribed in section 302.177.

68 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,  
69 such license shall remain valid for the five business days immediately following the expiration  
70 date. In no case shall a licensee whose intermediate driver's license expires on a Saturday,

71 Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's  
72 license if such offense occurred within five business days immediately following an expiration  
73 date that occurs on a Saturday, Sunday, or legal holiday.

74 (3) The director of revenue shall deny an application for a full driver's license until the  
75 person has had no traffic convictions for which points are assessed for a period of twelve months  
76 prior to the date of application for license or until the person is eligible to apply for a six-year  
77 driver's license as provided for in section 302.177, provided the applicant is otherwise eligible  
78 for full driving privileges. An intermediate driver's license shall expire when the licensee is  
79 eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

80 7. No person upon reaching the age of eighteen years whose intermediate driver's license  
81 and driving privilege is denied, suspended, cancelled or revoked in this state or any other state  
82 for any reason may apply for a full driver's license until such license or driving privilege is fully  
83 reinstated. Any such person whose intermediate driver's license has been revoked pursuant to  
84 the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the  
85 revocation from the director, pass the complete driver examination, apply for a new license, and  
86 pay the proper fee before again operating a motor vehicle upon the highways of this state.

87 8. A person shall be exempt from the intermediate licensing requirements if the person  
88 has reached the age of eighteen years and meets all other licensing requirements.

89 9. Any person who violates any of the provisions of this section relating to intermediate  
90 drivers' licenses or the provisions of section 302.130 relating to temporary instruction permits  
91 is guilty of an infraction, and no points shall be assessed to his or her driving record for any such  
92 violation.

93 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
94 created under the authority delegated in this section shall become effective only if it complies  
95 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
96 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
97 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
98 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
99 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

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

4

5 (1) Any moving violation of a state law or county or municipal or federal traffic ordinance  
6 or regulation not listed in this section, other than a violation of vehicle equipment provisions or  
7 a court-ordered supervision as provided in section 302.303 2 points



- 8 (except any violation of municipal stop sign ordinance where no accident is involved  
9 1 point)
- 10 (2) Speeding
- 11 In violation of a state law 3 points
- 12 In violation of a county or municipal ordinance 2 points
- 13 (3) Leaving the scene of an accident in violation of section 577.060 12 points
- 14 In violation of any county or municipal ordinance 6 points
- 15 (4) Careless and imprudent driving in violation of subsection 4 of section 304.016 4  
16 points
- 17 In violation of a county or municipal ordinance 2 points
- 18 (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of  
19 section 302.020:
- 20 (a) For the first conviction 2 points
- 21 (b) For the second conviction 4 points
- 22 (c) For the third conviction 6 points
- 23 (6) Operating with a suspended or revoked license prior to restoration of operating privileges  
24 12 points
- 25 (7) Obtaining a license by misrepresentation 12 points
- 26 (8) For the first conviction of driving while in an intoxicated condition or under the influence  
27 of controlled substances or drugs 8 points
- 28 (9) For the second or subsequent conviction of any of the following offenses however  
29 combined: driving while in an intoxicated condition, driving under the influence of controlled  
30 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent  
31 or more by weight 12 points
- 32 (10) For the first conviction for driving with blood alcohol content eight-hundredths of one  
33 percent or more by weight
- 34 In violation of state law 8 points
- 35 In violation of a county or municipal ordinance or federal law or regulation 8  
36 points
- 37 (11) Any felony involving the use of a motor vehicle 12 points
- 38 (12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points  
39
- 40 (13) For a conviction for failure to maintain financial responsibility pursuant to county or  
41 municipal ordinance or pursuant to section 303.025 4 points
- 42 (14) Endangerment of a highway worker in violation of section 304.585 4 points  
43

- 44 (15) Aggravated endangerment of a highway worker in violation of section 304.585 1 2  
 45 points
- 46 (16) For a conviction of violating a municipal ordinance that prohibits tow truck operators  
 47 from stopping at or proceeding to the scene of an accident unless they have been requested to  
 48 stop or proceed to such scene by a party involved in such accident or by an officer of a public  
 49 safety agency 4 points
- 50 (17) Endangerment of an emergency responder in violation of section 304.894 4 p o i n t s  
 51
- 52 (18) Aggravated endangerment of an emergency responder in violation of section 304.894  
 53 12 points  
 54
- 55 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess  
 56 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section  
 57 302.020, when the director issues such operator a license or permit pursuant to the provisions  
 58 of sections 302.010 to 302.340.
- 59 3. An additional two points shall be assessed when personal injury or property damage  
 60 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if  
 61 found to be warranted and certified by the reporting court.
- 62 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this  
 63 section constitutes both a violation of a state law and a violation of a county or municipal  
 64 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an  
 65 offense arising out of the same occurrence could be construed to be a violation of subdivisions  
 66 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more  
 67 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for  
 68 offenses arising out of the same occurrence.
- 69 5. The director of revenue shall put into effect a system for staying the assessment of  
 70 points against an operator. The system shall provide that the satisfactory completion of a  
 71 driver-improvement program or, in the case of violations committed while operating a  
 72 motorcycle, a motorcycle-rider training course approved by the state ~~[highways and~~  
 73 ~~transportation commission]~~ **department of transportation**, by an operator, when so ordered and  
 74 verified by any court having jurisdiction over any law of this state or county or municipal  
 75 ordinance, regulating motor vehicles, other than a violation committed in a commercial motor  
 76 vehicle as defined in section 302.700 or a violation committed by an individual who has been  
 77 issued a commercial driver's license or is required to obtain a commercial driver's license in this  
 78 state or any other state, shall be accepted by the director in lieu of the assessment of points for  
 79 a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to

80 subsection 3 of this section. The operator shall be given the option to complete the  
81 driver-improvement program through an online or in-person course. A court using a centralized  
82 violation bureau established under section 476.385 may elect to have the bureau order and verify  
83 completion of a driver-improvement program or motorcycle-rider training course as prescribed  
84 by order of the court. For the purposes of this subsection, the driver-improvement program shall  
85 meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving  
86 Course" or, in the case of a violation which occurred during the operation of a motorcycle, the  
87 program shall meet the standards established by the state ~~[highways and transportation~~  
88 ~~commission]~~ **department of transportation** pursuant to sections 302.133 to 302.137. The  
89 completion of a driver-improvement program or a motorcycle-rider training course shall not be  
90 accepted in lieu of points more than one time in any thirty-six-month period and shall be  
91 completed within sixty days of the date of conviction in order to be accepted in lieu of the  
92 assessment of points. Every court having jurisdiction pursuant to the provisions of this  
93 subsection shall, within fifteen days after completion of the driver-improvement program or  
94 motorcycle-rider training course by an operator, forward a record of the completion to the  
95 director, all other provisions of the law to the contrary notwithstanding. The director shall  
96 establish procedures for record keeping and the administration of this subsection.

302.458. 1. The state ~~[highways and transportation commission]~~ **department of**  
2 **transportation** shall certify or cause to be certified ignition interlock devices required by  
3 sections 302.440 to 302.462 and publish a list of approved devices.

4 2. The ~~[commission]~~ **department** shall adopt guidelines for the proper use of the ignition  
5 interlock devices in full compliance with sections 302.440 to 302.462.

6 3. The ~~[commission]~~ **department** shall use information from an independent agency to  
7 certify ignition interlock devices on or off the premises of the manufacturer in accordance with  
8 the guidelines. The cost of certification shall be borne by the manufacturers of interlock ignition  
9 devices. In certifying the devices, those which do not impede the safe operation of the vehicle  
10 and which have the fewest opportunities to be bypassed so as to render the provisions of sections  
11 302.440 to 302.462 ineffective shall be certified.

12 4. No model of ignition interlock device shall be certified unless it meets the accuracy  
13 requirements specified by the guidelines of the ~~[commission]~~ **department**.

14 5. Before certifying any device, the ~~[commission]~~ **department** shall consult with the  
15 National Highway Traffic Safety Administration regarding the use of ignition interlock devices.

302.756. 1. Notwithstanding any other provision of law to the contrary, any driver who  
2 violates or fails to comply with an out-of-service order is subject to a civil penalty not to exceed  
3 an amount as determined by the Secretary pursuant to 49 CFR Part 383, or as amended by the

4 Secretary, in addition to disqualification as provided by law. Any civil penalty established in this  
5 section shall not become effective and enforced until October 1, 1996.

6 2. Any employer who violates an out-of-service order, or who knowingly requires or  
7 permits or authorizes a driver to violate or fail to comply with an out-of-service order or to  
8 commit a railroad crossing violation, is subject to a civil penalty not to exceed an amount as  
9 determined by the Secretary pursuant to 49 CFR Part 383, or as amended by the Secretary.

10 3. The chief counsel to the state [~~highways and transportation commission~~] **department**  
11 **of transportation** shall bring an action in accordance with the procedures under section 390.156  
12 to recover a civil penalty under this section against a driver who violates or fails to comply with  
13 an out-of-service order, or against an employer who violates an out-of-service order or  
14 knowingly requires or permits a driver to violate or fail to comply with an out-of-service order,  
15 or both.

16 4. In addition to any other remedies under this section, actions under this section may  
17 be brought against a driver or employer who violates or fails to comply with an out-of-service  
18 order with reference to a motor vehicle or combination of motor vehicles used in intrastate  
19 commerce which has a capacity of more than five passengers, excluding the driver.

304.001. As used in this chapter and chapter 307, the following terms shall mean:

2 (1) "Abandoned property", any unattended motor vehicle, trailer, all-terrain vehicle,  
3 outboard motor or vessel removed or subject to removal from public or private property as  
4 provided in sections 304.155 and 304.157, whether or not operational. For any vehicle towed  
5 from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's  
6 owner within five days of the accident, the agency requesting the tow shall be required to write  
7 an abandoned property report or a crime inquiry and inspection report;

8 (2) "Commercial vehicle enforcement officers", employees of the Missouri state highway  
9 patrol who are not members of the patrol but who are appointed by the superintendent of the  
10 highway patrol to enforce the laws, rules, and regulations pertaining to commercial vehicles,  
11 trailers, special mobile equipment and drivers of such vehicles;

12 (3) "Commercial vehicle inspectors", employees of the Missouri state highway patrol  
13 who are not members of the patrol but who are appointed by the superintendent of the highway  
14 patrol to supervise or operate permanent or portable weigh stations in the enforcement of  
15 commercial vehicle laws;

16 (4) [~~"Commission", the state highways and transportation commission;~~

17 ~~—(5)] "Department", the state transportation department;~~

18 [~~(6)] (5) "Freeway", a divided state highway with four or more lanes, with no access to  
19 the throughways except the established interchanges and with no at-grade crossings;~~

20           ~~[(7)]~~ **(6)** "Interstate highway", a state highway included in the national system of  
21 interstate highways located within the boundaries of Missouri, as officially designated or as may  
22 be hereafter designated by the state ~~[highways and transportation commission]~~ **department of**  
23 **transportation** with the approval of the Secretary of Transportation, pursuant to Title 23,  
24 U.S.C., as amended;

25           ~~[(8)]~~ **(7)** "Members of the patrol", the superintendent, lieutenant colonel, majors,  
26 captains, director of radio, lieutenants, sergeants, corporals and patrolmen of the Missouri state  
27 highway patrol;

28           ~~[(9)]~~ **(8)** "Off-road vehicle", any vehicle designed for or capable of cross-country travel  
29 on or immediately over land, water, ice, snow, marsh, swampland, or other natural terrain  
30 without benefit of a road or trail:

31           (a) Including, without limitation, the following:

32           a. Jeeps;

33           b. All-terrain vehicles;

34           c. Dune buggies;

35           d. Multiwheel drive or low-pressure tire vehicles;

36           e. Vehicle using an endless belt, or tread or treads, or a combination of tread and  
37 low-pressure tires;

38           f. Motorcycles, trail bikes, minibikes and related vehicles;

39           g. Any other means of transportation deriving power from any source other than muscle  
40 or wind; and

41           (b) Excluding the following:

42           a. Registered motorboats;

43           b. Aircraft;

44           c. Any military, fire or law enforcement vehicle;

45           d. Farm-type tractors and other self-propelled equipment for harvesting and transporting  
46 farm or forest products;

47           e. Any vehicle being used for farm purposes, earth moving, or construction while being  
48 used for such purposes on the work site;

49           f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used  
50 exclusively for their designed purpose; and

51           g. Any vehicle being used for the purpose of transporting a handicapped person;

52           ~~[(10)]~~ **(11)** "Person", any natural person, corporation, or other legal entity;

53           ~~[(11)]~~ **(12)** "Right-of-way", the entire width of land between the boundary lines of a state  
54 highway, including any roadway;

55           ~~[(12)]~~ (13) "Roadway", that portion of a state highway ordinarily used for vehicular  
56 travel, exclusive of the berm or shoulder;

57           ~~[(13)]~~ (14) "State highway", a highway constructed or maintained by the state ~~[highways~~  
58 ~~and transportation commission]~~ **department of transportation** with the aid of state funds or  
59 United States government funds, or any highway included by authority of law in the state  
60 highway system, including all right-of-way;

61           ~~[(14)]~~ (15) "Towing company", any person or entity which tows, removes or stores  
62 abandoned property;

63           ~~[(15)]~~ (16) "Urbanized area", an area with a population of fifty thousand or more  
64 designated by the Bureau of the Census, within boundaries to be fixed by the state ~~[highways and~~  
65 ~~transportation commission]~~ **department of transportation** and local officials in cooperation  
66 with each other and approved by the Secretary of Transportation. The boundary of an urbanized  
67 area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the  
68 Census.

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

2           (1) "Expressway", a divided highway of at least ten miles in length with four or more  
3 lanes which is not part of the federal interstate system of highways which has crossovers or  
4 accesses from streets, roads or other highways at the same grade level as such divided highway;

5           (2) "Freeway", a limited access divided highway of at least ten miles in length with four  
6 or more lanes which is not part of the federal interstate system of highways which does not have  
7 any crossovers or accesses from streets, roads or other highways at the same grade level as such  
8 divided highway within such ten miles of divided highway;

9           (3) "Rural interstate", that part of the federal interstate highway system that is not located  
10 in an urban area;

11           (4) "Urbanized area", an area of fifty thousand population at a density at or greater than  
12 one thousand persons per square mile.

13           2. Except as otherwise provided in this section, the uniform maximum speed limits are  
14 and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

15           (1) Upon the rural interstates and freeways of this state, seventy miles per hour;

16           (2) Upon the rural expressways of this state, sixty-five miles per hour;

17           (3) Upon the interstate highways, freeways or expressways within the urbanized areas  
18 of this state, sixty miles per hour;

19           (4) All other roads and highways in this state not located in an urbanized area and not  
20 provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

21           (5) All other roads provided for in subdivision (4) of this subsection shall not include  
22 any state two-lane road which is identified by letter. Such lettered roads shall not exceed

23 fifty-five miles per hour unless set at a higher speed as established by the department of  
24 transportation, except that no speed limit shall be set higher than sixty miles per hour;

25 (6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable  
26 presumption that the posted speed limit is the legal speed limit.

27 3. On any state road or highway where the speed limit is not set pursuant to a local  
28 ordinance, the ~~[highways and transportation commission]~~ **department of transportation** may  
29 set a speed limit higher or lower than the uniform maximum speed limit provided in subsection  
30 2 of this section, if a higher or lower speed limit is recommended by the department of  
31 transportation. The department of public safety, where it believes for safety reasons, or to  
32 expedite the flow of traffic a higher or lower speed limit is warranted, may request the  
33 department of transportation to raise or lower such speed limit, except that no speed limit shall  
34 be set higher than seventy miles per hour.

35 4. Notwithstanding the provisions of section 304.120 or any other provision of law to  
36 the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and  
37 highways within such cities', towns' or villages' corporate limits by ordinance with the approval  
38 of the state ~~[highways and transportation commission]~~ **department of transportation**. Any  
39 reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on  
40 such state roads and highways to the extent consistent with public safety. The ~~[commission]~~  
41 **department** may declare any ordinance void if it finds that such ordinance is:

42 (1) Not primarily designed to expedite traffic flow; and

43 (2) Primarily designed to produce revenue for the city, town or village which enacted  
44 such ordinance.

45  
46 If an ordinance is declared void, the city, town or village shall have any future proposed  
47 ordinance approved by the ~~[highways and transportation commission]~~ **department of**  
48 **transportation** before such ordinance may take effect.

49 5. The county commission of any county of the second, third or fourth classification may  
50 set the speed limit or the weight limit or both the speed limit and the weight limit on roads or  
51 bridges on any county, township or road district road in the county and, with the approval of the  
52 state ~~[highways and transportation commission]~~ **department of transportation**, on any state  
53 road or highway not within the limits of any incorporated city, town or village, lower than the  
54 uniform maximum speed limit as provided in subsection 2 of this section where the condition  
55 of the road or the nature of the area requires a lower speed. The maximum speed limit set by the  
56 county commission of any county of the second, third, or fourth classification for any road under  
57 the commission's jurisdiction shall not exceed fifty-five miles per hour if such road is properly  
58 marked by signs indicating such speed limit. If the county commission does not mark the roads

59 with signs indicating the speed limit, the speed limit shall be fifty miles per hour. The  
60 commission shall send copies of any order establishing a speed limit or weight limit on roads and  
61 bridges on a county, township or road district road in the county to the chief engineer of the state  
62 department of transportation, the superintendent of the state highway patrol and to any township  
63 or road district maintaining roads in the county. After the roads have been properly marked by  
64 signs indicating the speed limits and weight limits set by the county commission, the speed limits  
65 and weight limits shall be of the same effect as the speed limits provided for in subsection 1 of  
66 this section and shall be enforced by the state highway patrol and the county sheriff as if such  
67 speed limits and weight limits were established by state law.

68         6. The county commission of any county of the second, third, or fourth classification may  
69 by ordinance set a countywide speed limit on roads within unincorporated areas of any county,  
70 township, or road district in the county and may establish reasonable speed regulations for motor  
71 vehicles within the limit of such county. No person who is not a resident of such county and who  
72 has not been within the limits thereof for a continuous period of more than forty-eight hours shall  
73 be convicted of a violation of such ordinances, unless it is shown by competent evidence that  
74 there was posted at the place where the boundary of such county road enters the county a sign  
75 displaying in black letters not less than four inches high and one inch wide on a white  
76 background the speed fixed by such county so that such signs may be clearly seen by operators  
77 and drivers from their vehicles upon entering such county. The commission shall send copies  
78 of any order establishing a countywide speed limit on a county, township, or road district road  
79 in the county to the chief engineer of the Missouri department of transportation, the  
80 superintendent of the state highway patrol, and to any township or road district maintaining roads  
81 in the county. After the boundaries of the county roads entering the county have been properly  
82 marked by signs indicating the speed limits set by the county commission, the speed limits shall  
83 be of the same effect as the speed limits provided for in subsection 1 of this section and shall be  
84 enforced by the state highway patrol and the county sheriff as if such speed limits were  
85 established by state law.

86         7. All road signs indicating speed limits or weight limits shall be uniform in size, shape,  
87 lettering and coloring and shall conform to standards established by the department of  
88 transportation.

89         8. The provisions of this section shall not be construed to alter any speed limit set below  
90 fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted  
91 before March 13, 1996.

92         9. The speed limits established pursuant to this section shall not apply to the operation  
93 of any emergency vehicle as defined in section 304.022.



94 10. A violation of the provisions of this section shall not be construed to relieve the  
95 parties in any civil action on any claim or counterclaim from the burden of proving negligence  
96 or contributory negligence as the proximate cause of any accident or as the defense to a  
97 negligence action.

98 11. Any person violating the provisions of this section is guilty of a class C  
99 misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour  
100 or more then it is a class B misdemeanor.

304.015. 1. All vehicles not in motion shall be placed with their right side as near the  
2 right-hand side of the highway as practicable, except on streets of municipalities where vehicles  
3 are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

4 2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon  
5 the right half of the roadway, except as follows:

6 (1) When overtaking and passing another vehicle proceeding in the same direction  
7 pursuant to the rules governing such movement;

8 (2) When placing a vehicle in position for and when such vehicle is lawfully making a  
9 left turn in compliance with the provisions of sections 304.014 to 304.025 or traffic regulations  
10 thereunder or of municipalities;

11 (3) When the right half of a roadway is closed to traffic while under construction or  
12 repair;

13 (4) Upon a roadway designated by local ordinance as a one-way street and marked or  
14 signed for one-way traffic.

15 3. It is unlawful to drive any vehicle upon any highway or road which has been divided  
16 into two or more roadways by means of a physical barrier or by means of a dividing section or  
17 delineated by curbs, lines or other markings on the roadway, except to the right of such barrier  
18 or dividing section, or to make any left turn or semicircular or U-turn on any such divided  
19 highway, except at an intersection or interchange or at any signed location designated by the state  
20 ~~[highways and transportation commission or the]~~ department of transportation. The provisions  
21 of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles  
22 owned by the ~~[commission or the]~~ department.

23 4. The authorities in charge of any highway or the state highway patrol may erect signs  
24 temporarily designating lanes to be used by traffic moving in a particular direction, regardless  
25 of the center line of the highway, and all members of the Missouri highway patrol and other  
26 peace officers may direct traffic in conformance with such signs. When authorized signs have  
27 been erected designating off-center traffic lanes, no person shall disobey the instructions given  
28 by such signs.

29           5. Whenever any roadway has been divided into three or more clearly marked lanes for  
30 traffic, the following rules in addition to all others consistent herewith shall apply:

31           (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and  
32 shall not be moved from such lane until the driver has first ascertained that such movement can  
33 be made with safety;

34           (2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the  
35 center lane, except when overtaking and passing another vehicle where the roadway ahead is  
36 clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for  
37 a left turn or where such center lane is at the time allocated exclusively to traffic moving in the  
38 direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

39           (3) Upon all highways any vehicle proceeding at less than the normal speed of traffic  
40 thereon shall be driven in the right-hand lane for traffic or as close as practicable to the  
41 right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.025;

42           (4) Official signs may be erected by the [~~highways and transportation commission~~]  
43 **department of transportation** or the highway patrol may place temporary signs directing  
44 slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the  
45 same direction and drivers of vehicles shall obey the directions of every such sign;

46           (5) Drivers of vehicles proceeding in opposite directions shall pass each other to the  
47 right, and except when a roadway has been divided into traffic lanes, each driver shall give to  
48 the other at least one-half of the main traveled portion of the roadway whenever possible.

49           6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding  
50 in the same direction shall be driven in the right-hand lane except when overtaking and passing  
51 another vehicle or when preparing to make a proper left turn or when otherwise directed by  
52 traffic markings, signs or signals.

53           7. All trucks registered for a gross weight of more than forty-eight thousand pounds shall  
54 not be driven in the far left-hand lane upon all interstate highways, freeways, or expressways  
55 within urbanized areas of the state having three or more lanes of traffic proceeding in the same  
56 direction. This restriction shall not apply when:

57           (1) It is necessary for the operator of the truck to follow traffic control devices that direct  
58 use of a lane other than the right lane; or

59           (2) The right half of a roadway is closed to traffic while under construction or repair.

60           8. As used in subsection 7 of this section, "truck" means any vehicle, machine, tractor,  
61 trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and  
62 designed for or used in the transportation of property upon the highways. The term "truck" also  
63 includes a commercial motor vehicle as defined in section 301.010.

64 9. Violation of this section shall be deemed a class C misdemeanor unless such violation  
65 causes an immediate threat of an accident, in which case such violation shall be deemed a class  
66 B misdemeanor, or unless an accident results from such violation, in which case such violation  
67 shall be deemed a class A misdemeanor.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal  
2 by siren or while having at least one lighted lamp exhibiting red light visible under normal  
3 atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a  
4 flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the  
5 right-of-way and shall immediately drive to a position parallel to, and as far as possible to the  
6 right of, the traveled portion of the highway and thereupon stop and remain in such position until  
7 such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

8 2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights,  
9 or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every  
10 motor vehicle shall:

11 (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety  
12 and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary  
13 vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the  
14 same direction as the approaching vehicle; or

15 (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe  
16 speed for road conditions, if changing lanes would be unsafe or impossible.

17 3. The motorman of every streetcar shall immediately stop such car clear of any  
18 intersection and keep it in such position until the emergency vehicle has passed, except as  
19 otherwise directed by a police or traffic officer.

20 4. An "emergency vehicle" is a vehicle of any of the following types:

21 (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri  
22 capitol police, a conservation agent, or a state park ranger, those vehicles operated by  
23 enforcement personnel of the state ~~[highways and transportation commission]~~ **department of**  
24 **transportation**, police or fire department, sheriff, constable or deputy sheriff, federal law  
25 enforcement officer authorized to carry firearms and to make arrests for violations of the laws  
26 of the United States, traffic officer or coroner or by a privately owned emergency vehicle  
27 company;

28 (2) A vehicle operated as an ambulance or operated commercially for the purpose of  
29 transporting emergency medical supplies or organs;

30 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

31 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or  
32 public service corporation while performing emergency service;

33 (5) Any vehicle transporting equipment designed to extricate human beings from the  
34 wreckage of a motor vehicle;

35 (6) Any vehicle designated to perform emergency functions for a civil defense or  
36 emergency management agency established pursuant to the provisions of chapter 44;

37 (7) Any vehicle operated by an authorized employee of the department of corrections  
38 who, as part of the employee's official duties, is responding to a riot, disturbance, hostage  
39 incident, escape or other critical situation where there is the threat of serious physical injury or  
40 death, responding to mutual aid call from another criminal justice agency, or in accompanying  
41 an ambulance which is transporting an offender to a medical facility;

42 (8) Any vehicle designated to perform hazardous substance emergency functions  
43 established pursuant to the provisions of sections 260.500 to 260.550;

44 (9) Any vehicle owned by the state [~~highways and transportation commission~~]  
45 **department of transportation** and operated by an authorized employee of the department of  
46 transportation that is marked as a department of transportation emergency response or motorist  
47 assistance vehicle; or

48 (10) Any vehicle owned and operated by the civil support team of the Missouri National  
49 Guard while in response to or during operations involving chemical, biological, or radioactive  
50 materials or in support of official requests from the state of Missouri involving unknown  
51 substances, hazardous materials, or as may be requested by the appropriate state agency acting  
52 on behalf of the governor.

53 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound  
54 the siren thereon or have the front red lights or blue lights on except when such vehicle is  
55 responding to an emergency call or when in pursuit of an actual or suspected law violator, or  
56 when responding to, but not upon returning from, a fire.

57 (2) The driver of an emergency vehicle may:

58 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

59 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be  
60 necessary for safe operation;

61 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or  
62 property;

63 (d) Disregard regulations governing direction of movement or turning in specified  
64 directions.

65 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this  
66 subsection shall apply only when the driver of any such vehicle while in motion sounds audible  
67 signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle

68 is equipped with at least one lighted lamp displaying a red light or blue light visible under normal  
69 atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

70 6. No person shall purchase an emergency light as described in this section without  
71 furnishing the seller of such light an affidavit stating that the light will be used exclusively for  
72 emergency vehicle purposes.

73 7. Violation of this section shall be deemed a class A misdemeanor.

304.024. 1. The state [~~highways and transportation commission~~] **department of**  
2 **transportation** with respect to highways under its jurisdiction may erect or place signs  
3 establishing crossovers or crosswalks or prohibiting or restricting the stopping, standing or  
4 parking of vehicles on any highway where in its opinion such stopping, standing, or parking is  
5 dangerous to those using the highway or where the stopping, standing or parking of vehicles  
6 would unduly interfere with the free movement of traffic thereon. Such signs shall be official  
7 signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated  
8 on such signs.

9 2. Violation of this section shall be deemed an infraction.

304.130. 1. For the purpose of promoting the public safety, health and general welfare  
2 and to protect life and property, the county commission in all counties of the first class is  
3 empowered to adopt, by order or ordinance, regulations to control vehicular traffic upon the  
4 public roads and highways in the unincorporated territory of such counties and to establish  
5 reasonable speed regulations in congested areas upon such public roads and highways in the  
6 unincorporated territory of such counties. Such regulations shall not be inconsistent with the  
7 provisions of the general motor vehicle laws of this state.

8 2. Except as provided in subsection 3 of this section, before the adoption of such  
9 regulations, the county commission shall hold at least three public hearings thereon, fifteen days'  
10 notice of the time and place of which shall be published in at least two newspapers having a  
11 general circulation within the county, and notice of such hearing shall also be posted at least  
12 fifteen days in advance thereof in four conspicuous places in the county; provided, however, that  
13 any regulations respecting stop signs, signal lights and speed limits on state or federal highways  
14 shall be approved by the state [~~highways and transportation commission~~] **department of**  
15 **transportation** before the same shall become effective.

16 3. Regulations relating solely to increasing speed limits shall be exempt from the  
17 procedural requirements of subsection 2 of this section and shall take effect immediately upon  
18 approval of the county commission.

19 4. The regulations adopted shall be codified, printed and distributed for public use;  
20 provided, however, that adequate signs displaying the speed limit must be posted along the  
21 highways at the points along such highways where such speed limits begin and end.

304.170. 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010 may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the state ~~[highways and transportation commission]~~ **department of transportation** shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. Notwithstanding any provision of this section to the contrary, an articulated bus, comprised of two or more sections connected by a flexible joint or other mechanism, may be up to sixty feet in length, not including safety bumpers which may extend one foot in front and one foot in the rear, and not including bicycle storage racks which may extend over the safety bumper by up to five feet when in the down position transporting a bicycle. The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of P.L. 97-424 codified in Title 23 of the United States Code, 23 U.S.C. Section 101, et al., as amended, no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor

36 equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed  
37 fifty-three feet.

38         6. In order to comply with the provisions of P.L. 97-424 codified in Title 23 of the  
39 United States Code, 23 U.S.C. Section 101, et al., as amended, no combination of truck-tractor,  
40 semitrailer and trailer operated upon the interstate highway system of this state shall have an  
41 overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and  
42 trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that  
43 any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and  
44 lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state,  
45 may continue to be operated upon the interstate highways of this state. On those primary  
46 highways not designated by the state [~~highways and transportation commission~~] **department of**  
47 **transportation** as provided in subsection 11 of this section, no combination of truck-tractor,  
48 semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet;  
49 provided, however, the [~~commission~~] **department** may designate additional routes for such  
50 sixty-five foot combinations.

51         7. (1) Automobile transporters, boat transporters, truck-trailer boat transporter  
52 combinations, and stinger-steered combination boat transporters having a length not in excess  
53 of seventy-five feet may be operated on the interstate highways of this state and such other  
54 highways as may be designated by the [~~commission~~] **department** for the operation of such  
55 vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All  
56 length provisions regarding automobile or boat transporters, truck-trailer boat transporter  
57 combinations and stinger-steered combination boat transporters shall include a semitrailer length  
58 not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no  
59 greater than a three-foot front overhang and no greater than a four-foot rear overhang.

60         (2) Stinger-steered combination automobile transporters having a length not in excess  
61 of eighty feet may be operated on the interstate highways of this state and such other highways  
62 as may be designated by the [~~commission~~] **department** for the operation of such vehicles plus  
63 a distance not to exceed ten miles from such interstate or designated highway. All length  
64 provisions regarding stinger-steered automobile combination transporters are exclusive of front  
65 and rear overhang, which shall be no greater than a four-foot front overhang and no greater than  
66 a six-foot rear overhang.

67         (3) Automobile transporters may transport cargo or general freight on a backhaul, as long  
68 as in compliance with weight limitations for a truck-tractor and semitrailer combination as  
69 outlined in section 304.180.

70         8. Driveaway saddlemount combinations having a length not in excess of ninety-seven  
71 feet may be operated on the interstate highways of this state and such other highways as may be

72 designated by the ~~[commission]~~ **department** for the operation of such vehicles plus a distance  
73 not to exceed ten miles from such interstate or designated highway. Saddle-mount combinations  
74 must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal  
75 Regulations and may contain no more than three saddle-mounted vehicles and one full-mount.

76 9. No truck-tractor semitrailer-semi-trailer combination vehicles operated upon the  
77 interstate and designated primary highway system of this state shall have a semitrailer length in  
78 excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and  
79 lawful operation in any state on December 1, 1982, operating in a truck-tractor  
80 semitrailer-semi-trailer combination. The B-train assembly is excluded from the measurement  
81 of semitrailer length when used between the first and second semitrailer of a truck-tractor  
82 semitrailer-semi-trailer combination, except that when there is no semitrailer mounted to the  
83 B-train assembly, it shall be included in the length measurement of the semitrailer.

84 10. No towaway trailer transporter combination vehicles operated upon the interstate and  
85 designated primary highway system of this state shall have an overall length of more than  
86 eighty-two feet.

87 11. The ~~[commission]~~ **department** is authorized to designate routes on the state highway  
88 system other than the interstate system over which those combinations of vehicles of the lengths  
89 specified in subsections 5, 6, 7, 8, 9, and 10 of this section may be operated. Combinations of  
90 vehicles operated under the provisions of subsections 5, 6, 7, 8, 9, and 10 of this section may be  
91 operated at a distance not to exceed ten miles from the interstate system and such routes as  
92 designated under the provisions of this subsection.

93 12. Except as provided in subsections 5, 6, 7, 8, 9, 10, and 11 of this section, no other  
94 combination of vehicles operated upon the primary or interstate highways of this state plus a  
95 distance of ten miles from a primary or interstate highway shall have an overall length, unladen  
96 or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway.

97 13. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural  
98 implements operating occasionally on the highways for short distances including tractor parades  
99 for fund-raising activities or special events, provided the tractors are driven by licensed drivers  
100 during daylight hours only and with the approval of the superintendent of the Missouri state  
101 highway patrol; or to self-propelled hay-hauling equipment or to implements of husbandry, or  
102 to the movement of farm products as defined in section 400.9-102 or to vehicles temporarily  
103 transporting agricultural implements or implements of husbandry or road-making machinery, or  
104 road materials or towing for repair purposes vehicles that have become disabled upon the  
105 highways; or to implement dealers delivering or moving farm machinery for repairs on any state  
106 highway other than the interstate system.



107 (2) Implements of husbandry and vehicles transporting such machinery or equipment and  
108 the movement of farm products as defined in section 400.9-102 may be operated occasionally  
109 for short distances on state highways when operated between the hours of sunrise and sunset by  
110 a driver licensed as an operator or chauffeur.

111 (3) Notwithstanding any other provision of law to the contrary, agricultural machinery  
112 and implements may be operated on state highways between the hours of sunset and sunrise for  
113 agricultural purposes provided such vehicles are equipped with lighting meeting the requirements  
114 of section 307.115.

115 14. As used in this chapter the term "implements of husbandry" means all self-propelled  
116 machinery operated at speeds of less than thirty miles per hour, specifically designed for, or  
117 especially adapted to be capable of, incidental over-the-road and primary offroad usage and used  
118 exclusively for the application of commercial plant food materials or agricultural chemicals, and  
119 not specifically designed or intended for transportation of such chemicals and materials.

120 15. Sludge disposal units may be operated on all state highways other than the interstate  
121 system. Such units shall not exceed one hundred thirty-eight inches in width and may be  
122 equipped with over-width tires. Such units shall observe all axle weight limits. The  
123 ~~commission~~ **department** shall issue special permits for the movement of such disposal units  
124 and may by such permits restrict the movements to specified routes, days and hours.

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

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

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

18

19 Distance in feet between the extremes of any group of two or more consecutive axles, measured  
 20 to the nearest foot, except where indicated otherwise

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

55	35	40,000	60,000	65,500	70,000	75,000
56	36		60,000	66,000	70,500	75,500
57	37		60,000	66,500	71,000	76,000
58	38		60,000	67,500	72,000	77,000
59	39		60,000	68,000	72,500	77,500
60	40		60,000	68,500	73,000	78,000
61	41		60,000	69,500	73,500	78,500
62	42		60,000	70,000	74,000	79,000
63	43		60,000	70,500	75,000	80,000
64	44		60,000	71,500	75,500	80,000
65	45		60,000	72,000	76,000	80,000
66	46		60,000	72,500	76,500	80,000
67	47		60,000	73,500	77,500	80,000
68	48		60,000	74,000	78,000	80,000
69	49		60,000	74,500	78,500	80,000
70	50		60,000	75,500	79,000	80,000
71	51		60,000	76,000	80,000	80,000
72	52		60,000	76,500	80,000	80,000
73	53		60,000	77,500	80,000	80,000
74	54		60,000	78,000	80,000	80,000
75	55		60,000	78,500	80,000	80,000
76	56		60,000	79,500	80,000	80,000
77	57		60,000	80,000	80,000	80,000

78  
79

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

83 4. Whenever the state [~~highways and transportation commission~~] **department of**  
84 **transportation** finds that any state highway bridge in the state is in such a condition that use of  
85 such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the  
86 bridge, or the users of the bridge, the [~~commission~~] **department** may establish maximum weight  
87 limits and speed limits for vehicles using such bridge. The governing body of any city or county  
88 may grant authority by act or ordinance to the [~~commission~~] **department** to enact the limitations  
89 established in this section on those roadways within the purview of such city or county. Notice

90 of the weight limits and speed limits established by the ~~[commission]~~ **department** shall be given  
91 by posting signs at a conspicuous place at each end of any such bridge.

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

95 6. Notwithstanding the weight limitations contained in this section, any vehicle or  
96 combination of vehicles operating on highways other than the interstate highway system may  
97 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two  
98 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except  
99 as provided in subsections 9, 10, 12, and 13 of this section.

100 7. Notwithstanding any provision of this section to the contrary, the ~~[commission]~~  
101 **department** shall issue a single-use special permit, or upon request of the owner of the truck or  
102 equipment shall issue an annual permit, for the transporting of any crane or concrete pump truck  
103 or well-drillers' equipment. The ~~[commission]~~ **department** shall set fees for the issuance of  
104 permits and parameters for the transport of cranes pursuant to this subsection. Notwithstanding  
105 the provisions of section 301.133, cranes, concrete pump trucks, or well-drillers' equipment may  
106 be operated on state-maintained roads and highways at any time on any day.

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

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

122 10. Notwithstanding any provision of this section or any other law to the contrary, any  
123 vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may  
124 be as much as, but not exceeding, ten percent over the maximum weight limitation allowable  
125 under subsection 3 of this section while operating on highways other than the interstate highway

126 system. The provisions of this subsection shall not apply to vehicles operated and operating on  
127 the Dwight D. Eisenhower System of Interstate and Defense Highways.

128 11. Notwithstanding any provision of this section or any other law to the contrary, the  
129 ~~[commission]~~ **department** shall issue emergency utility response permits for the transporting  
130 of utility wires or cables, poles, and equipment needed for repair work immediately following  
131 a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval  
132 of such operation may be made either by the department of transportation motor carrier  
133 compliance supervisor or other designated motor carrier services representative. Utility vehicles  
134 and equipment used to assist utility companies granted special permits under this subsection may  
135 be operated and transported on state-maintained roads and highways at any time on any day. The  
136 ~~[commission]~~ **department** shall promulgate all necessary rules and regulations for the  
137 administration of this section. Any rule or portion of a rule, as that term is defined in section  
138 536.010, that is created under the authority delegated in this section shall become effective only  
139 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
140 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
141 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
142 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
143 and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

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

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

304.200. 1. The chief engineer of the state department of transportation, for good cause  
2 shown and when the public safety or public interest so justifies, shall issue special permits for  
3 vehicles or equipment exceeding the limitations on width, length, height and weight herein  
4 specified, or which are unable to maintain minimum speed limits. Such permits shall be issued  
5 only for a single trip or for a definite period, not beyond the date of expiration of the vehicle

6 registration, and shall designate the highways and bridges which may be used pursuant to the  
7 authority of such permit.

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

18         3. Rules and regulations for the issuance of special permits shall be prescribed by the  
19 state [~~highways and transportation commission~~] **department of transportation** and filed with  
20 the secretary of state. No rule or portion of a rule promulgated pursuant to the authority of  
21 section 304.010 and this section shall become effective unless it has been promulgated pursuant  
22 to the provisions of chapter 536.

23         4. The officer in charge of the maintenance of the streets of any municipality may issue  
24 such permits for the use of the streets by such vehicles within the limits of such municipalities.

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

304.210. Whenever by reason of thawing of frost, or rains, or due to new construction  
2 the roads are in a soft condition, the maximum weights on all vehicles mentioned in section  
3 304.180, including trucks, tractors, trailers and semitrailers and other vehicles therein mentioned  
4 may be limited by the state [~~highways and transportation commission~~] **department of**  
5 **transportation** to such an amount and in such manner as will preserve the road under such  
6 conditions; and said [~~commission~~] **department** shall give due notice thereof by posting notices  
7 at convenient and public places along said road or roads or parts thereof which are subject to said  
8 regulations and reduction of weights.

304.220. 1. Whenever the county highway engineer of any county, or in any county in  
2 which there shall be no highway engineer, such other officer as the county commission may  
3 designate, shall find that any county road or bridge of such county is in such a condition that use  
4 thereof by vehicles of the weights specified in section 304.180, will endanger the road or bridge,  
5 or the users thereof, the county highway engineer may with the approval of the division engineer  
6 of the state transportation department whose division includes the area in question establish

7 maximum weight limits for vehicles using such road or bridge in such amounts as will preserve  
8 the road or bridge and provide a reasonable margin of safety to the users thereof. Notice of any  
9 such weight limit established shall be given by posting signs at convenient and public places  
10 along any such road, and in conspicuous places at each end of any such bridge.

11 2. It shall be unlawful for any person to operate a vehicle of a weight in excess of the  
12 maximum limit established pursuant to the provisions of this section on or over any road or  
13 bridge upon which such maximum weight limits have been established unless the person shall  
14 have the express permission of the officer empowered to establish such limit.

15 3. Any person who shall violate the provisions of this section shall be guilty of a class  
16 C misdemeanor, and shall be liable in a civil action for any damages to the road or bridge.

304.230. 1. It shall be the duty of the sheriff of each county or city to see that the  
2 provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer  
3 of any county or city or any highway patrol officer shall have the power to arrest on sight or upon  
4 a warrant any person found violating or having violated the provisions of such sections.  
5 Beginning January 1, 2009, only law enforcement officers that have been approved by the  
6 Missouri state highway patrol under section 304.232, members of the Missouri state highway  
7 patrol, commercial vehicle enforcement officers, and commercial vehicle inspectors appointed  
8 under subsection 4 of this section shall have the authority to conduct random roadside  
9 examinations or inspections to determine compliance with sections 304.170 to 304.230, and only  
10 such officers shall have the authority, with or without probable cause to believe that the size or  
11 weight is in excess of that permitted by sections 304.170 to 304.230, to require the driver,  
12 operator, owner, lessee, or bailee, to stop, drive, or otherwise move to a location to determine  
13 compliance with sections 304.170 to 304.230. Notwithstanding the provisions of this subsection,  
14 a law enforcement officer not certified under section 304.232 may stop a vehicle that has a  
15 visible external safety defect relating to the enforcement of the provisions of sections 304.170  
16 to 304.230 that could cause immediate harm to the traveling public. Nothing in this section shall  
17 be construed as preventing a law enforcement officer not certified under section 304.232 from  
18 stopping and detaining a commercial motor vehicle when such officer has probable cause to  
19 believe that the commercial motor vehicle is being used to conduct illegal or criminal activities  
20 unrelated to violations of sections 304.170 to 304.230. In the course of a stop, the law  
21 enforcement officer shall identify to the driver the defect that caused the stop. If the vehicle  
22 passes a comprehensive roadside inspection, the law enforcement officer, state highway  
23 patrolman, or other authorized person shall issue such vehicle a commercial vehicle safety  
24 alliance inspection decal to be affixed to the vehicle in a manner prescribed by the commercial  
25 vehicle safety alliance. The superintendent of the Missouri state highway patrol shall promulgate  
26 rules and regulations relating to the implementation of the provisions of this section. Any rule

27 or portion of a rule, as that term is defined in section 536.010, that is created under the authority  
28 delegated in this section shall become effective only if it complies with and is subject to all of  
29 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536  
30 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter  
31 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
32 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
33 August 28, 2008, shall be invalid and void.

34         2. Any peace officer approved under section 304.232 or any highway patrol officer is  
35 hereby given the power to stop any such conveyance or vehicle as above described upon the  
36 public highway for the purpose of determining whether such vehicle is loaded in excess of the  
37 provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation  
38 of the provisions thereof he or she shall have a right at that time and place to cause the excess  
39 load to be removed from such vehicle; and provided further, that any regularly employed  
40 maintenance man of the department of transportation shall have the right and authority in any  
41 part of this state to stop any such conveyance or vehicle upon the public highway for the purpose  
42 of determining whether such vehicle is loaded in excess of the provisions of sections 304.170  
43 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof, he  
44 or she shall have the right at that time and place to cause the excess load to be removed from  
45 such vehicle. When only an axle or a tandem axle group of a vehicle is overloaded, the operator  
46 shall be permitted to shift the load, if this will not overload some other axle or axles, without  
47 being charged with a violation; provided, however, the privilege of shifting the weight without  
48 being charged with a violation shall not extend to or include vehicles while traveling on the  
49 federal interstate system of highways. When only an axle or tandem axle group of the vehicle  
50 traveling on the federal interstate system of highways is overloaded and a court authorized to  
51 enforce the provisions of sections 304.170 to 304.230 finds that the overloading was due to the  
52 inadvertent shifting of the load changing axle weights in transit through no fault of the operator  
53 of the vehicle and that the load thereafter had been shifted so that no axle had been overloaded,  
54 then the court may find that no violation has been committed. The operator of any vehicle shall  
55 be permitted to back up and reweigh, or to turn around and weigh from the opposite direction.  
56 Any operator whose vehicle is weighed and found to be within five percent of any legal limit  
57 may request and receive a weight ticket, memorandum or statement showing the weight or  
58 weights on each axle or any combinations of axles. Once a vehicle is found to be within the  
59 limits of section 304.180 after having been weighed on any state scale and there is no evidence  
60 that any cargo or fuel has been added, no violation shall occur, but a presumption shall exist that  
61 cargo or fuel has been added if upon reweighing on another state scale the total gross weight  
62 exceeds the applicable limits of section 304.180 or 304.190. The ~~highways and transportation~~



63 ~~commission]~~ **department of transportation** of this state may deputize and appoint any number  
64 of their regularly employed maintenance men to enforce the provisions of such sections, and the  
65 maintenance men delegated and appointed in this section shall report to the proper officers any  
66 violations of sections 304.170 to 304.230 for prosecution by such proper officers.

67 3. The superintendent of the Missouri state highway patrol may assign qualified persons  
68 who are not highway patrol officers to supervise or operate permanent or portable weigh stations  
69 used in the enforcement of commercial vehicle laws. These persons shall be designated as  
70 commercial vehicle inspectors and have limited police powers:

71 (1) To issue uniform traffic tickets at a permanent or portable weigh station for violations  
72 of rules and regulations of the division of motor carrier services of the ~~[highway and~~  
73 ~~transportation commission]~~ **department of transportation** and department of public safety, and  
74 laws, rules, and regulations pertaining to commercial motor vehicles and trailers and related to  
75 size, weight, fuel tax, registration, equipment, driver requirements, transportation of hazardous  
76 materials and operators' or chauffeurs' licenses, and the provisions of sections 303.024 and  
77 303.025;

78 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and  
79 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,  
80 the provisions of sections 303.024 and 303.025, and to submit to a cargo inspection when  
81 reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as  
82 defined by Title 49 of the Code of Federal Regulations;

83 (3) To make arrests for violation of subdivisions (1) and (2) of this subsection.  
84 Commercial vehicle inspectors shall not have the authority to exercise the powers granted in  
85 subdivisions (1), (2) and (3) of this subsection until they have successfully completed training  
86 approved by the superintendent of the Missouri state highway patrol; nor shall they have the right  
87 as peace officers to bear arms.

88 4. The superintendent of the Missouri state highway patrol may appoint qualified  
89 persons, who are not members of the highway patrol, designated as commercial vehicle  
90 enforcement officers, with the powers:

91 (1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining  
92 to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the  
93 provisions of sections 303.024 and 303.025;

94 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and  
95 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,  
96 compliance with the provisions of sections 303.024 and 303.025, and to submit to a cargo  
97 inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous  
98 materials as defined by Title 49 of the Code of Federal Regulations;

99 (3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this  
100 subsection. Commercial vehicle officers selected and designated as peace officers by the  
101 superintendent of the Missouri state highway patrol are hereby declared to be peace officers of  
102 the state of Missouri, with full power and authority to make arrests solely for violations under  
103 the powers granted in subdivisions (1) to (3) of this subsection. Commercial vehicle  
104 enforcement officers shall not have the authority to exercise the powers granted in subdivisions  
105 (1), (2) and (3) of this subsection until they have successfully completed training approved by  
106 the superintendent of the Missouri state highway patrol and have completed the mandatory  
107 standards for the basic training and licensure of peace officers established by the peace officers  
108 standards and training commission under subsection 1 of section 590.030. Commercial vehicle  
109 officers who are employed and performing their duties on August 28, 2008, shall have until July  
110 1, 2012, to comply with the mandatory standards regarding police officer basic training and  
111 licensure. Commercial vehicle enforcement officers shall have the right as peace officers to bear  
112 arms.

113 5. Any additional employees needed for the implementation of this section shall be hired  
114 in conformity with the provisions of the federal fair employment and antidiscrimination acts.

115 6. Any part of this section which shall be construed to be in conflict with the axle or  
116 tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of  
117 the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.

118 7. The superintendent may also appoint members of the patrol who are certified under  
119 the commercial vehicle safety alliance with the power to conduct commercial motor vehicle and  
120 driver inspections and to require the operator of any commercial vehicle to stop and submit to  
121 said inspections to determine compliance with commercial vehicle laws, rules, and regulations,  
122 compliance with the provisions of sections 303.024 and 303.025, and to submit to a cargo  
123 inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous  
124 materials as defined by Title 49 of the Code of Federal Regulations.

304.260. Farm tractors when using the highways in traveling from one field or farm to  
2 another, or to or from places of delivery or repair, or when participating in activities or events  
3 permitted under subsection 13 of section 304.170 are exempt from the provisions of the law  
4 relating to registration and display of number plates, but shall comply with all the other  
5 provisions hereof. The state [~~highways and transportation commission~~] **department of**  
6 **transportation** shall have the power and authority to prescribe the type of road upon which such  
7 tractors may be used and may exclude the use of such tractors or the use of trucks of any  
8 particular weight from the use of certain designated roads or types of roads, by the posting of  
9 signs along or upon such roads or any part thereof.

304.281. 1. Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication

(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

(c) Unless otherwise directed by a pedestrian control signal, as provided in section 304.291, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection;

(b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in section 304.291, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication

(a) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection at a clearly marked stop line but, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in paragraph (b);

(b) The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the state ~~[highways and transportation commission]~~ **department of transportation** with reference to an intersection involving a state highway, and local authorities

37 with reference to an intersection involving other highways under their jurisdiction, may prohibit  
38 any such right turn against a red signal at any intersection where safety conditions so require, said  
39 prohibition shall be effective when a sign is erected at such intersection giving notice thereof;

40 (c) Unless otherwise directed by a pedestrian control signal as provided in section  
41 304.291, pedestrians facing a steady red signal alone shall not enter the roadway.

42 (4) In the event an official traffic control signal is erected and maintained at a place other  
43 than an intersection, the provision of this section shall be applicable except as to those provisions  
44 which by their nature can have no application. Any stop required shall be made at a sign or  
45 marking on the pavement indicating where the stop shall be made, but in the absence of any such  
46 sign or marking the stop shall be made at the signal.

47 2. Notwithstanding the provisions of section 304.361, violation of this section is a class  
48 C misdemeanor.

304.321. 1. No person shall place, maintain or display upon or in view of any highway  
2 any unauthorized sign, signal, marking or device which purports to be or is an imitation of or  
3 resembles an official traffic-control device or railroad sign or signal, or which attempts to direct  
4 the movement of traffic, or which hides from view or interferes with the effectiveness of an  
5 official traffic-control device or any railroad sign or signal.

6 2. No person shall place or maintain nor shall any public authority permit upon any  
7 highway any traffic sign or signal bearing thereon any commercial advertising unless authorized  
8 by the Missouri ~~[highways and transportation commission]~~ **department of transportation**.

9 3. This section shall not be deemed to prohibit the erection upon private property  
10 adjacent to highways of signs giving useful directional information and of a type that cannot be  
11 mistaken for official signs.

12 4. Every such prohibited sign, signal or marking is hereby declared to be a public  
13 nuisance.

304.341. 1. The driver of a vehicle intending to turn at an intersection shall do so as  
2 follows:

3 (1) Right turns. — Both the approach for a right turn and a right turn shall be made as  
4 close as practicable to the right-hand curb or edge of the roadway.

5 (2) Left turns. — The driver of a vehicle intending to turn left at any intersection shall  
6 approach the intersection in the extreme left-hand lane lawfully available to the traffic moving  
7 in the direction of travel of such vehicle and, after entering the intersection, the left turn shall be  
8 made so as to leave the intersection in a lane lawfully available to traffic moving in such  
9 direction upon the roadway being entered.

10 (3) The ~~[highways and transportation commission]~~ **department of transportation** or  
11 local authorities in their respective jurisdictions may cause official traffic-control devices to be

12 placed within or adjacent to intersections and thereby require and direct that a different course  
13 from that specified in this section be traveled by vehicles turning at an intersection, and when  
14 such devices are so placed no driver of a vehicle shall turn a vehicle at any intersection other than  
15 as directed and required by such devices.

16 2. It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed  
17 in the opposite direction at any intersection controlled by a traffic signal or police officer; nor  
18 shall such turn be made at any place unless the movement can be made in safety and without  
19 interfering with other traffic. The driver of a vehicle shall not turn such vehicle around so as to  
20 proceed in the opposite direction upon any curve or upon the approach to or near the crest of a  
21 grade, or at any place upon a roadway where such vehicle cannot be seen by the driver of any  
22 other vehicle approaching from either direction along the roadway within a distance of three  
23 hundred feet, or where the same may create a traffic hazard.

24 3. No vehicle in a residence district shall be turned left across the roadway or so as to  
25 proceed in the opposite direction when any other vehicle is approaching from either direction  
26 where the same may create a traffic hazard.

27 4. Notwithstanding the provisions of section 304.361, violation of this section is a class  
28 C misdemeanor.

304.351. 1. The driver of a vehicle approaching an intersection shall yield the  
2 right-of-way to a vehicle which has entered the intersection from a different highway, provided,  
3 however, there is no form of traffic control at such intersection.

4 2. When two vehicles enter an intersection from different highways at approximately the  
5 same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the  
6 vehicle on the right. This subsection shall not apply to vehicles approaching each other from  
7 opposite directions when the driver of one of such vehicles is attempting to or is making a left  
8 turn.

9 3. The driver of a vehicle within an intersection intending to turn to the left shall yield  
10 the right-of-way to any vehicle approaching from the opposite direction which is within the  
11 intersection or so close thereto as to constitute an immediate hazard.

12 4. (1) The state [~~highways and transportation commission~~] **department of**  
13 **transportation** with reference to state highways and local authorities with reference to other  
14 highways under their jurisdiction may designate through highways and erect stop signs or yield  
15 signs at specified entrances thereto, or may designate any intersection as a stop intersection or  
16 as a yield intersection and erect stop signs or yield signs at one or more entrances to such  
17 intersection.

18 (2) Preferential right-of-way at an intersection may be indicated by stop signs or yield  
19 signs as authorized in this section:

20 (a) Except when directed to proceed by a police officer or traffic-control signal, every  
21 driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly  
22 marked stop line, but if none, before entering the crosswalk on the near side of the intersection,  
23 or if none, then at the point nearest the intersecting roadway where the driver has a view of  
24 approaching traffic in the intersecting roadway before entering the intersection. After having  
25 stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection  
26 from another highway or which is approaching so closely on the highway as to constitute an  
27 immediate hazard during the time when such driver is moving across or within the intersection.

28 (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow  
29 down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop  
30 at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where  
31 the driver has a view of approaching traffic on the intersecting roadway. After slowing or  
32 stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching  
33 on another highway so closely as to constitute an immediate hazard during the time such traffic  
34 is moving across or within the intersection.

35 5. The driver of a vehicle about to enter or cross a highway from an alley, building or any  
36 private road or driveway shall yield the right-of-way to all vehicles approaching on the highway  
37 to be entered.

38 6. The driver of a vehicle intending to make a left turn into an alley, private road or  
39 driveway shall yield the right-of-way to any vehicle approaching from the opposite direction  
40 when the making of such left turn would create a traffic hazard.

41 7. The state ~~[highways and transportation commission]~~ **department of transportation**  
42 or local authorities with respect to roads under their respective jurisdictions, on any section  
43 where construction or major maintenance operations are being effected, may fix a speed limit  
44 in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of  
45 such speed limit in the area so posted shall be deemed prima facie evidence of careless and  
46 imprudent driving and a violation of section 304.010.

47 8. Notwithstanding the provisions of section 304.361, violation of this section shall be  
48 deemed a class C misdemeanor.

49 9. In addition to the penalty specified in subsection 8 of this section, any person who  
50 pleads guilty to or is found guilty of a violation of this section in which the offender is found to  
51 have caused physical injury, there shall be assessed a penalty of up to two hundred dollars. The  
52 court may issue an order of suspension of such person's driving privilege for a period of thirty  
53 days.

54 10. In addition to the penalty specified in subsection 8 of this section, any person who  
55 pleads guilty to or is found guilty of a violation of this section in which the offender is found to

56 have caused serious physical injury, there shall be assessed a penalty of up to five hundred  
57 dollars. The court may issue an order of suspension of such person's driving privilege for a  
58 period of ninety days.

59 11. In addition to the penalty specified in subsection 8 of this section, any person who  
60 pleads guilty to or is found guilty of a violation of this section in which the offender is found to  
61 have caused a fatality, there shall be assessed a penalty of up to one thousand dollars. The court  
62 may issue an order of suspension of such person's driving privilege for a period of six months.

63 12. As used in subsections 9 and 10 of this section, the terms "physical injury" and  
64 "serious physical injury" shall have the meanings ascribed to them in section 556.061.

65 13. For any court-ordered suspension under subsection 9, 10, or 11 of this section, the  
66 director of the department shall impose such suspension as set forth in the court order. The order  
67 of suspension shall include the name of the offender, the offender's driver's license number,  
68 Social Security number, and the effective date of the suspension. Any appeal of a suspension  
69 imposed under subsection 9, 10, or 11 of this section shall be a direct appeal of the court order  
70 and subject to review by the presiding judge of the circuit court or another judge within the  
71 circuit other than the judge who issued the original order to suspend the driver's license. The  
72 director of revenue's entry of the court-ordered suspension on the driving record is not a decision  
73 subject to review under section 302.311. Any suspension of the driver's license ordered by the  
74 court under this section shall be in addition to any other suspension that may occur as a result  
75 of the conviction under other provisions of law.

305.200. 1. Any county, city or city under special charter shall have the power to acquire  
2 by purchase, property for an airport or landing field or addition thereto, and if unable to agree  
3 with the owners on the terms thereof, may acquire such property by condemnation in the manner  
4 provided by law under which such county or city is authorized to acquire real property for public  
5 purposes, or if there be no such law, then in the same manner as is now provided by law for the  
6 condemnation of property by any railroad corporation.

7 2. The term "property" as used in this section shall mean and include any real and  
8 personal property whether privately or publicly owned or any easement or use therein, including,  
9 but not by way of limitation, property owned by school districts, water districts, fire districts,  
10 road districts, sewer districts, drainage districts, levee districts, railroads, and property both real  
11 and personal owned by any other corporation and shall include churches, graveyards, graveyard  
12 associations, parks, private roads, bridges, culverts, pipelines, waterlines, water reservoirs or  
13 storage tanks, canals, ditches, and levees, railroads or other rights-of-way, streetcar or traction  
14 lines and tracks, telegraph, telephone and power lines, poles and conduits and including state  
15 roads or roads under the jurisdiction of the state [~~highways and transportation commission~~]  
16 **department of transportation.**

17           3. The purchase price or the award of compensation or damages for the taking of any real  
18 or personal property or any easement or use therein acquired for an airport or a landing field or  
19 any addition thereto may be paid for wholly or in part from the proceeds of the sale of bonds of  
20 such county, city or city under special charter as the governmental or legislative body of such  
21 county, city or city under special charter shall determine, subject, however, to the adoption of a  
22 proposition therefor at any election to be held in such county, city or city under special charter  
23 for such purpose; also to permit said municipality or municipalities mentioned in this section to  
24 issue revenue bonds for said above mentioned purpose on authority of the governing body of said  
25 municipality; provided, that no airport or landing field shall be established or located in any  
26 county, city or city under special charter in violation of any plan or master airport plan or zoning  
27 regulation restricting the location of an airport or landing field adopted by the planning  
28 commission of any such county, city or city under special charter.

          305.230. 1. The state [~~highways and transportation commission~~] **department of**  
2 **transportation** shall administer an aeronautics program within this state. The [~~commission~~]  
3 **department** shall encourage, foster and participate with the political subdivisions of this state  
4 in the promotion and development of aeronautics. The [~~commission~~] **department** may provide  
5 financial assistance in the form of grants from funds appropriated for such purpose to any  
6 political subdivision or instrumentality of this state acting independently or jointly or to the  
7 owner or owners of any privately owned airport designated as a reliever by the Federal Aviation  
8 Administration for the planning, acquisition, construction, improvement or maintenance of  
9 airports, or for other aeronautical purposes.

10           2. Any political subdivision or instrumentality of this state or the owner or owners of any  
11 privately owned airport designated as a reliever by the Federal Aviation Administration receiving  
12 state funds for the purchase, construction, or improvement, except maintenance, of an airport  
13 shall agree before any funds are paid to it to control by ownership or lease the airport for a period  
14 equal to the useful life of the project as determined by the [~~commission~~] **department** following  
15 the last payment of state or federal funds to it. In the event an airport authority ceases to exist  
16 for any reason, this obligation shall be carried out by the governing body which created the  
17 authority.

18           3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the  
19 owner or owners of any privately owned airport designated as a reliever by the Federal Aviation  
20 Administration shall be made from the aviation trust fund. In making grants, the [~~commission~~]  
21 **department** shall consider whether the local community has given financial support to the  
22 airport in the past. Priority shall be given to airports with local funding for the past five years  
23 with no reduction in such funding. The aviation trust fund is a revolving trust fund exempt from  
24 the provisions of section 33.080 relating to the transfer of funds to the general revenue funds of



25 the state by the state treasurer. All interest earned upon the balance in the aviation trust fund  
26 shall be deposited to the credit of the same fund.

27 4. The moneys in the aviation trust fund shall be administered by the [~~commission~~]  
28 **department** and, when appropriated, shall be used for the following purposes:

29 (1) As matching funds on an up to ninety percent state/ten percent local basis, except in  
30 the case where federal funds are being matched, when the ratio of state and local funds used to  
31 match the federal funds shall be fifty percent state/fifty percent local:

32 (a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for  
33 emergency repairs of the same;

34 (b) For the acquisition of land for the development and improvement of airports;

35 (c) For the earthwork and drainage necessary for the construction, reconstruction or  
36 repair of runways, taxiways, and aircraft parking areas;

37 (d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

38 (e) For the acquisition of land or easements necessary to satisfy Federal Aviation  
39 Administration safety requirements;

40 (f) For the identification, marking or removal of natural or manmade obstructions to  
41 airport control zone surfaces and safety areas;

42 (g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights,  
43 together with any work directly related to the electrical equipment;

44 (h) For the erection of fencing on or around the perimeter of an airport;

45 (i) For purchase, installation or repair of air navigational and landing aid facilities and  
46 communication equipment;

47 (j) For engineering related to a project funded under the provisions of this section and  
48 technical studies or consultation related to aeronautics;

49 (k) For airport planning projects including master plans and site selection for  
50 development of new airports, for updating or establishing master plans, airport layout plans,  
51 airport business plans, and strategic plans at existing airports;

52 (l) For the purchase, installation, or repair of safety equipment and such other capital  
53 improvements and equipment as may be required for the safe and efficient operation of the  
54 airport;

55 (m) If at least four million five hundred thousand dollars is deposited into the aviation  
56 trust fund in the previous calendar year, funds may be spent for the study or promotion of  
57 expanded domestic or international scheduled commercial service, the study or promotion of  
58 intrastate scheduled commercial service, the promotion of aviation in the state, or to assist airport  
59 sponsors participating in a federally funded air service program supporting intrastate scheduled  
60 commercial service, subject to the following provisions:

61 a. No more than two million dollars may be spent from the aviation trust fund for the  
62 purposes provided in this paragraph in any calendar year; and

63 b. The ~~[commission]~~ **department** shall be required to expend at least four million dollars  
64 of the annual, calendar year deposits into the aviation trust fund for purposes other than the  
65 purposes described in this paragraph;

66 (2) As total funds, with no local match:

67 (a) For providing air markers, windsocks, and other items determined to be in the interest  
68 of the safety of the general flying public;

69 (b) For the printing and distribution of state aeronautical charts and state airport  
70 directories on an annual basis, and a newsletter on a quarterly basis or the publishing and  
71 distribution of any public interest information deemed necessary by the ~~[commission]~~  
72 **department**;

73 (c) For the conducting of aviation safety workshops;

74 (d) For the promotion of aerospace education;

75 (3) As total funds with no local match, up to five hundred thousand dollars per year may  
76 be used for the cost of operating existing air traffic control towers that do not receive funding  
77 from the Federal Aviation Administration or the United States Department of Defense, except  
78 no more than one hundred sixty-seven thousand dollars per year may be used for any individual  
79 control tower;

80 (4) As total funds with a local match, up to five hundred thousand dollars per year may  
81 be used for air traffic control towers partially funded by the federal government under a  
82 cost-share program. Any expenditures under this program require a nonfederal match, comprised  
83 of a ratio of fifty percent state and fifty percent local funds. No more than one hundred thousand  
84 dollars per year may be expended for any individual control tower.

85 5. In the event of a natural or manmade disaster which closes any runway or renders  
86 inoperative any electronic or visual landing aid at an airport, any funds appropriated for the  
87 purpose of capital improvements or maintenance of airports may be made immediately available  
88 for necessary repairs once they are approved by the ~~[commission]~~ **department**. For projects  
89 designated as emergencies by the ~~[commission]~~ **department**, all requirements relating to normal  
90 procurement of engineering and construction services are waived.

91 6. As used in this section, the term "instrumentality of the state" shall mean any state  
92 educational institution as defined in section 176.010 or any state agency which owned or  
93 operated an airport on January 1, 1997, and continues to own or operate such airport.

307.035. 1. The decisions of the director of the department of public safety under the  
2 provisions of sections 307.020 to 307.120, shall be final unless appealed as herein provided and  
3 shall be sent by registered mail to the applicant.

4           2. Within thirty days of the receipt of the decision, the applicant may appeal to a board  
5 of review composed of the lieutenant governor, and the members of the state ~~[highways and~~  
6 ~~transportation commission]~~ **department of transportation**, by filing with the lieutenant  
7 governor, a written notice of his intention to appeal and setting forth the grounds thereof.

8           3. Within thirty days after receiving such notice the board shall hear the appeal by  
9 hearing such evidence as the applicant or the director of the department of public safety shall  
10 present and making such investigations and tests as the board deems necessary. In the case of  
11 a tie vote of the board on such appeal, the board shall call upon the chief engineer of the state  
12 transportation department to hear the evidence, make such investigations and tests as he may  
13 deem necessary and cast the deciding vote.

14           4. The board shall certify to the applicant its findings, which shall be final, except that  
15 the same may be reviewed in the proper court by certiorari.

307.178. 1. As used in this section, the term "passenger car" means every motor vehicle  
2 designed for carrying ten persons or less and used for the transportation of persons; except that,  
3 the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles, and  
4 trucks with a licensed gross weight of twelve thousand pounds or more.

5           2. Each driver, except persons employed by the United States Postal Service while  
6 performing duties for that federal agency which require the operator to service postal boxes from  
7 their vehicles, or which require frequent entry into and exit from their vehicles, and front seat  
8 passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway  
9 in this state, and persons less than eighteen years of age operating or riding in a truck, as defined  
10 in section 301.010, on a street or highway of this state shall wear a properly adjusted and  
11 fastened safety belt that meets federal National Highway, Transportation and Safety Act  
12 requirements. No person shall be stopped, inspected, or detained solely to determine compliance  
13 with this subsection. The provisions of this section and section 307.179 shall not be applicable  
14 to persons who have a medical reason for failing to have a seat belt fastened about their body,  
15 nor shall the provisions of this section be applicable to persons while operating or riding a motor  
16 vehicle being used in agricultural work-related activities. Noncompliance with this subsection  
17 shall not constitute probable cause for violation of any other provision of law. The provisions  
18 of this subsection shall not apply to the transporting of children under sixteen years of age, as  
19 provided in section 307.179.

20           3. Each driver of a motor vehicle transporting a child less than sixteen years of age shall  
21 secure the child in a properly adjusted and fastened restraint under section 307.179.

22           4. In any action to recover damages arising out of the ownership, common maintenance  
23 or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not

24 be considered evidence of comparative negligence. Failure to wear a safety belt in violation of  
25 this section may be admitted to mitigate damages, but only under the following circumstances:

26 (1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation  
27 of this section must first introduce expert evidence proving that a failure to wear a safety belt  
28 contributed to the injuries claimed by plaintiff;

29 (2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's  
30 failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed  
31 injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one  
32 percent of the damages awarded after any reductions for comparative negligence.

33 5. Notwithstanding any other provision of law to the contrary, subsection 4 of this  
34 section shall not apply to any action arising out of the design, construction, manufacture,  
35 distribution, or sale of a motor vehicle, as defined in section 301.010, factory-equipped with a  
36 safety belt. In such actions arising out of the design, construction, manufacture, distribution, or  
37 sale of a motor vehicle, a plaintiff's failure to wear a properly adjusted and fastened safety belt  
38 shall be admissible as evidence of comparative negligence or fault, causation, absence of a defect  
39 or hazard, and failure to mitigate damages.

40 6. Except as otherwise provided for in section 307.179, each person who violates the  
41 provisions of subsection 2 of this section is guilty of an infraction for which a fine not to exceed  
42 ten dollars may be imposed. All other provisions of law and court rules to the contrary  
43 notwithstanding, no court costs shall be imposed on any person due to a violation of this section.  
44 In no case shall points be assessed against any person, pursuant to section 302.302, for a  
45 violation of this section.

46 7. The state ~~[highways and transportation commission]~~ **department of transportation**  
47 shall initiate and develop a program of public information to develop understanding of, and  
48 ensure compliance with, the provisions of this section. The ~~[commission]~~ **department** shall  
49 evaluate the effectiveness of this section and shall include a report of its findings in the annual  
50 evaluation report on its highway safety plan that it submits to NHTSA and FHWA pursuant to  
51 23 U.S.C. Section 402.

52 8. If there are more persons than there are seat belts in the enclosed area of a motor  
53 vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the  
54 front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area.  
55 The passenger or passengers occupying a seat location referred to in this subsection is not in  
56 violation of this section. This subsection shall not apply to passengers who are accompanying  
57 a driver of a motor vehicle who is licensed under section 302.178.

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

2 (1) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety  
3 Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to  
4 properly sit in a federally approved safety belt system;

5 (2) "Child passenger restraint system", a seating system which meets the Federal Motor  
6 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either  
7 permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal  
8 attachment system;

9 (3) "Driver", a person who is in actual physical control of a motor vehicle.

10 2. Every driver transporting a child under the age of sixteen years shall be responsible,  
11 when transporting such child in a motor vehicle operated by that driver on the streets or  
12 highways of this state, for providing for the protection of such child as follows:

13 (1) Children less than four years of age, regardless of weight, shall be secured in a child  
14 passenger restraint system appropriate for that child;

15 (2) Children weighing less than forty pounds, regardless of age, shall be secured in a  
16 child passenger restraint system appropriate for that child;

17 (3) Children at least four years of age but less than eight years of age, who also weigh  
18 at least forty pounds but less than eighty pounds, and who are also less than four feet, nine inches  
19 tall, shall be secured in a child passenger restraint system or booster seat appropriate for that  
20 child;

21 (4) Children at least eighty pounds or children more than four feet, nine inches in height  
22 shall be secured by a vehicle safety belt or booster seat appropriate for that child;

23 (5) A child who otherwise would be required to be secured in a booster seat may be  
24 transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of  
25 the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat  
26 installation;

27 (6) When transporting children in the immediate family when there are more children  
28 than there are seating positions in the enclosed area of a motor vehicle, the children who are not  
29 able to be restrained by a child safety restraint device appropriate for the child shall sit in the area  
30 behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front  
31 seat area. The driver transporting children referred to in this subsection is not in violation of this  
32 section.

33

34 This subsection shall only apply to the use of a child passenger restraint system or vehicle safety  
35 belt for children less than sixteen years of age being transported in a motor vehicle.

36 3. Any driver who violates subdivision (1), (2), or (3) of subsection 2 of this section is  
37 guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty

38 dollars and court costs. Any driver who violates subdivision (4) of subsection 2 of this section  
39 shall be subject to the penalty in subsection 6 of section 307.178. If a driver receives a citation  
40 for violating subdivision (1), (2), or (3) of subsection 2 of this section, the charges shall be  
41 dismissed or withdrawn if the driver prior to or at his or her hearing provides evidence of  
42 acquisition of a child passenger restraint system or child booster seat which is satisfactory to the  
43 court or the party responsible for prosecuting the driver's citation.

44 4. The provisions of this section shall not apply to any public carrier for hire. The  
45 provisions of this section shall not apply to students four years of age or older who are  
46 passengers on a school bus designed for carrying eleven passengers or more and which is  
47 manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school  
48 buses are defined in section 301.010.

49 5. The ~~[highways and transportation commission]~~ **department of transportation** shall  
50 initiate and develop a program of public information to develop understanding of, and ensure  
51 compliance with, the provisions of this section.

390.021. 1. The provisions of this section shall be applicable, notwithstanding any  
2 provisions of section 390.030 to the contrary.

3 2. As used in chapter 622 and in this section, except when the context clearly requires  
4 otherwise, the following terms shall mean:

5 (1) "UCR implementing regulations", includes the regulations issued by the United  
6 States Secretary of Transportation under 49 U.S.C.A. Section 13908, the rules and regulations  
7 issued by the board of directors of the Unified Carrier Registration (UCR) plan under 49  
8 U.S.C.A. Section 14504a, and the administrative rules adopted by the state ~~[highways and  
9 transportation commission]~~ **department of transportation** under this section;

10 (2) "Unified Carrier Registration Act", or "UCR Act", sections 4301 to 4308 of the  
11 Unified Carrier Registration Act of 2005, within subtitle C of title IV of the "Safe, Accountable,  
12 Flexible, Efficient Transportation Equity Act: A Legacy For Users" or "SAFETEA-LU", Public  
13 Law 109-59 (119 Stat. 1761), as those sections have been and periodically may be amended.

14 3. Except when the context clearly requires otherwise, the definitions of words in 49  
15 U.S.C.A. Sections 13102, 13908, and 14504a shall apply to and determine the meaning of those  
16 words as used in this section.

17 4. In carrying out and being subject to the provisions of the UCR Act, the Unified Carrier  
18 Registration (UCR) agreement, the UCR implementing regulations, and this section, but  
19 notwithstanding any other provisions of law to the contrary, the state ~~[highways and  
20 transportation commission]~~ **department of transportation** may:

21 (1) Submit to the proper federal authorities, amend and carry out a state plan to qualify  
22 as a base state and to participate in the UCR plan and administer the UCR agreement, and take  
23 other necessary actions as the designated representative of the state of Missouri so that:

24 (a) Missouri-domiciled entities who must register and pay UCR registration fees are not  
25 required to register and pay those fees in a base state other than the state of Missouri;

26 (b) The state of Missouri does not forfeit UCR registration fee revenues; and

27 (c) The state of Missouri may maintain its eligibility to receive the maximum allowable  
28 allocations of revenues derived under the UCR agreement;

29 (2) Administer the UCR registration of Missouri-domiciled motor carriers, motor private  
30 carriers, brokers, freight forwarders and leasing companies, and such persons domiciled in  
31 nonparticipating states who have designated this state as their base state under the UCR Act;

32 (3) Receive, collect, process, deposit, transfer, distribute, and refund UCR registration  
33 fees relating to any of the persons and activities described in this section. Notwithstanding any  
34 provisions of law to the contrary, these UCR registration fees collected by the ~~[commission]~~  
35 **department** are hereby designated as "nonstate funds" within the meaning of Section 15, Article  
36 IV, Constitution of Missouri, and the ~~[commission]~~ **department** shall transmit these funds to the  
37 state department of revenue for deposit to the credit of the state highways and transportation  
38 department fund. The ~~[commission]~~ **department** shall, from time to time, direct the payment  
39 of, and the director of revenue shall pay, the fees so deposited, in accordance with the provisions  
40 of the UCR Act, the UCR agreement, and the UCR implementing regulations. The director of  
41 revenue shall credit all income derived from the investment of these funds to the state highways  
42 and transportation department fund;

43 (4) Exercise all other powers, duties, and functions the UCR Act requires of or allows  
44 a participating state or base state;

45 (5) Promulgate administrative rules and issue specific orders relating to any of the  
46 persons and activities described in this section. Any rule or portion of a rule, as that term is  
47 defined in section 536.010, that is created under the authority delegated in this section shall  
48 become effective only if it complies with and is subject to all of the provisions of chapter 536  
49 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
50 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
51 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
52 grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be  
53 invalid and void;

54 (6) Enter into agreements with any agencies or officers of the United States, or of any  
55 state that participates or intends to enter into the UCR agreement; and

56 (7) Delegate any or all of the powers, duties, and functions of the ~~[commission]~~  
57 **department** under this section to any agent or contractor.

58 5. After the ~~[commission]~~ **department** has entered into the UCR plan on behalf of this  
59 state, the requirements in the UCR agreement shall take precedence over any conflicting  
60 requirements under chapter 622 or this chapter.

61 6. Notwithstanding any other provisions of law to the contrary, every motor carrier,  
62 motor private carrier, broker, freight forwarder, and leasing company that has its principal place  
63 of business within this state, and every such person who has designated this state as the person's  
64 base state under the provisions of the UCR Act, shall timely complete and file with the state  
65 ~~[highways and transportation commission]~~ **department of transportation** all the forms required  
66 by the UCR agreement and the UCR implementing regulations, and shall pay the required UCR  
67 registration fees to the ~~[commission]~~ **department**.

68 7. All powers of the ~~[commission]~~ **department** under section 226.008 are hereby made  
69 applicable to the enforcement of this section with reference to any person subject to any  
70 provision of this section. The chief counsel shall not be required to exhaust any administrative  
71 remedies before commencing any enforcement actions under this section. The provisions of  
72 chapter 622 shall apply to and govern the practice and procedures before the courts in those  
73 actions.

74 8. Except as required by the UCR Act, the UCR agreement, or the UCR implementing  
75 regulations, the provisions of this section and the rules adopted by the ~~[commission]~~ **department**  
76 under this section shall not be construed as exempting any motor carrier, or any person controlled  
77 by a motor carrier, from any of the requirements of chapter 622, or this chapter, relating to the  
78 transportation of passengers or property in intrastate commerce.

79 9. Notwithstanding any other provision of this section to the contrary, Missouri elects  
80 to not apply the provisions of the UCR Act, the UCR agreement, and the UCR implementing  
81 regulations to motor carriers and motor private carriers that operate solely in intrastate commerce  
82 transporting farm or dairy products, including livestock, from a farm, or property from farm to  
83 farm, or stocker and feeder livestock from farm to farm, or from market to farm.

390.051. 1. Except as otherwise provided in section 390.030, no person shall engage in  
2 the business of a common carrier of household goods or passengers in intrastate commerce on  
3 any public highway in this state unless there is in force with respect to such carrier a certificate  
4 issued by the state ~~[highways and transportation commission]~~ **department of transportation**  
5 authorizing such operations.

6 2. Application for a certificate shall be made in writing to the state ~~[highways and~~  
7 ~~transportation commission]~~ **department of transportation** and shall contain such information



8 as the state [~~highways and transportation commission~~] **department of transportation** shall, by  
9 rule, require and shall include:

10 (1) Full information concerning the ownership, financial status of applicant through the  
11 submission of documentation describing assets, liabilities, and capital, equipment to be used and  
12 a statement listing the physical equipment of applicant and the reasonable value thereof;

13 (2) The complete route or routes over which the applicant desires to operate, or territory  
14 to be served; except that the state [~~highways and transportation commission~~] **department of**  
15 **transportation** shall not restrict any certificate or permit authorizing the transportation of  
16 household goods or passengers with reference to any route or routes; except that the state  
17 [~~highways and transportation commission~~] **department of transportation** shall restrict the  
18 applicant's registration against the transportation of any hazardous material as designated in Title  
19 49, Code of Federal Regulations, if the state [~~highways and transportation commission~~]  
20 **department of transportation** finds that the applicant has not shown it is qualified to safely  
21 transport that hazardous material in compliance with all registration, liability insurance, and  
22 safety requirements applicable to the transportation of that hazardous material pursuant to Title  
23 49, Code of Federal Regulations;

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

25 3. If the state [~~highways and transportation commission~~] **department of transportation**  
26 finds that an applicant seeking to transport household goods, or passengers, is fit, willing and  
27 able to properly perform the service proposed and to conform to the provisions of this chapter  
28 and the requirements, rules and regulations of the state [~~highways and transportation~~  
29 ~~commission~~] **department of transportation** established thereunder, a certificate therefor shall  
30 be issued.

31 4. The state [~~highways and transportation commission~~] **department of transportation**  
32 shall streamline and simplify to the maximum extent practicable the process for issuance of  
33 certificates to which the provisions of this section apply. The state [~~highways and transportation~~  
34 ~~commission~~] **department of transportation** is authorized to enter into interagency agreements  
35 with any entity created and operating under the provisions of sections 67.1800 to 67.1822 to deal  
36 with any public safety issues that may arise as a result of the provisions of this section.

37 5. The state [~~highways and transportation commission~~] **department of transportation**  
38 shall dismiss on its motion any application for substantially the same common authority that has  
39 been previously denied within six months of filing the subsequent application.

390.054. Beginning August 28, 2012, and continuing thereafter, no certificate or permit  
2 to transport household goods in intrastate commerce shall be issued or renewed unless the  
3 applicant demonstrates that the applicant has workers' compensation insurance coverage that  
4 complies with chapter 287 for all employees. If any household goods carrier subject to the

5 provisions of this chapter or chapter 387 is found by the division of workers' compensation to  
6 be out of compliance with chapter 287, the division shall report such fact to the state [~~highways~~  
7 ~~and transportation commission~~] **department of transportation**. The [~~commission~~] **department**  
8 shall suspend the household goods carrier's certificate or permit pursuant to section 390.106 until  
9 such time as the carrier demonstrates that it has procured workers' compensation insurance  
10 coverage that complies with chapter 287.

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

6 2. Applications for such permits shall be made to the state [~~highways and transportation~~  
7 ~~commission~~] **department of transportation** in writing and shall contain such information as  
8 the state [~~highways and transportation commission~~] **department of transportation** shall, by  
9 rule, require and shall include:

10 (1) Full information concerning the ownership, financial status of applicant through the  
11 submission of documentation describing assets, liabilities, and capital, equipment to be used and  
12 a statement listing the physical equipment of applicant and the reasonable value thereof;

13 (2) The complete route or routes over which the applicant desires to operate, or territory  
14 to be served; except that the state [~~highways and transportation commission~~] **department of**  
15 **transportation** shall not restrict any certificate or permit authorizing the transportation of  
16 household goods or passengers with reference to any route or routes; except that the state  
17 [~~highways and transportation commission~~] **department of transportation** shall restrict the  
18 applicant's registration against the transportation of any hazardous material as designated in Title  
19 49, Code of Federal Regulations, if the state [~~highways and transportation commission~~]  
20 **department of transportation** finds that the applicant has not shown it is qualified to safely  
21 transport that hazardous material in compliance with all registration, liability insurance, and  
22 safety requirements applicable to the transportation of that hazardous material pursuant to Title  
23 49, Code of Federal Regulations.

24 3. If the state [~~highways and transportation commission~~] **department of transportation**  
25 shall find that the applicant is seeking to transport household goods, or passengers, and is fit,  
26 willing and able to properly perform the service proposed and to conform to the provisions of  
27 this chapter and the requirements, rules and regulations of the state [~~highways and transportation~~  
28 ~~commission~~] **department of transportation** thereunder, a permit therefor shall be issued.

29 4. Any permit issued under this section shall specify the service to be rendered, the  
30 contracting parties, and the area to be served.

31           5. The state [~~highways and transportation commission~~] **department of transportation**  
32 will not have jurisdiction over contract rates. A copy of the original contract must be filed with  
33 the state [~~highways and transportation commission~~] **department of transportation** prior to  
34 issuance of a permit. In the event the applicant chooses not to disclose contract rates in the  
35 application, the contract shall contain in lieu of rates a specific provision which incorporates by  
36 reference a schedule of rates, in writing, to be effective between carrier and shipper. Current  
37 contracts and rate schedules must be maintained by the carrier and contracting shippers. A  
38 contract permit, authorizing the transportation of household goods or passengers, may be  
39 amended to include additional contracting parties by the filing of said contracts with the state  
40 [~~highways and transportation commission~~] **department of transportation** and acknowledgment  
41 by the state [~~highways and transportation commission~~] **department of transportation**.

42           6. The state [~~highways and transportation commission~~] **department of transportation**  
43 is authorized to enter into interagency agreements with any entity created and operating under  
44 the provisions of sections 67.1800 to 67.1822 to deal with any public safety issues that may arise  
45 as a result of the provisions of this section.

390.136. 1. No motor carrier, except as provided in section 390.030, shall operate any  
2 motor vehicle unless such vehicle shall be accompanied by an annual or seventy-two-hour  
3 regulatory license issued by the state [~~highways and transportation commission~~] **department of**  
4 **transportation**; provided that when a motor carrier uses a truck-tractor for pulling trailers or  
5 semitrailers, such motor carrier may elect to license either the truck-tractor, trailer or semitrailer.  
6 The fee for each such regulatory license shall be ten dollars per year and shall be due and payable  
7 as provided in this section. Such license shall be issued in such form and shall be used pursuant  
8 to such reasonable rules and regulations as may be prescribed by the [~~commission~~] **department**.

9           2. Any regulatory license issued to a motor carrier for use in driveaway operations, as  
10 defined in this section, shall be issued to such motor carrier without reference to any particular  
11 vehicle and may be used interchangeably by the holder thereof on any motor vehicle or  
12 combinations thereof moving in driveaway operations under such carrier's property carrier  
13 registration, certificate, or permit.

14           3. In case of emergency, temporary, unusual or a peak demand for transportation,  
15 additional vehicles as described in subsection 1 of this section may be operated upon issuance  
16 of a seventy-two-hour license for each vehicle so operated. The license fee for each such  
17 additional vehicle shall be the sum of five dollars for each seventy-two consecutive hours, or any  
18 portion thereof. Such licenses shall be issued, renewed, and staggered in such form and shall be  
19 used pursuant to such reasonable rules and regulations as the [~~commission~~] **department** may  
20 prescribe. No such additional vehicle which has been licensed pursuant to this subsection shall  
21 be operated without being accompanied by such license.

22           4. The ~~[commission]~~ **department** shall collect the applicable license fee prior to the  
23 issuance of such license or licenses provided for in this section, and shall receive the license fee  
24 or fees and immediately deposit the same to the credit of the state highways and transportation  
25 department fund except as otherwise provided in section 622.095, or when an agreement has  
26 been negotiated with another jurisdiction whereby prepayment is not required. In such cases,  
27 section 622.095, if applicable, or the terms of the agreement shall prevail.

28           5. Any person operating as a motor carrier who violates or fails to comply with any of  
29 the provisions of this section shall be adjudged guilty of a misdemeanor and, upon conviction  
30 thereof, shall be punished by a fine of not more than one hundred dollars.

31           6. The regulatory license fee provided in this section may be paid at any state weigh  
32 station.

33           7. The ~~[commission]~~ **department** shall prescribe, for every regulatory license issued  
34 pursuant to this section, an effective date and an expiration date. Notwithstanding any provision  
35 of law to the contrary, the ~~[commission]~~ **department** may stagger the issuance of licenses  
36 pursuant to this section to begin at quarterly intervals during any calendar year. Not later than  
37 the expiration date of the current license, or as otherwise prescribed, each motor carrier shall pay  
38 the regulatory license fee for each vehicle that the carrier will operate during the next yearly  
39 period. The ~~[commission]~~ **department** may issue partial or over one-year licenses during the  
40 transition from an annual license, to accommodate motor carriers in adding vehicles to their  
41 operations during the year, to coordinate the dates for a single carrier's licensing of multiple  
42 licenses, or for such other reasons as approved by the ~~[commission]~~ **department**.

          390.151. No provision in sections 390.011 to 390.176 shall be so construed as to deprive  
2 any county or municipality within this state of the right of police control over the use of its public  
3 highways, or the state ~~[highways and transportation commission]~~ **department of transportation**  
4 of the right of police control over the use of the state highways.

          392.080. Companies organized under the provisions of sections 392.010 to 392.170, for  
2 the purpose of constructing and maintaining telephone or magnetic telegraph lines are authorized  
3 to set their poles, piers, abutments, wires, and other fixtures along, across or under any of the  
4 public roads, streets and waters of this state, in such manner as not to incommode the public in  
5 the use of such roads, streets and waters; provided, any telegraph or telephone company desiring  
6 to place their wires, poles, and other fixtures in any city, they shall first obtain consent from said  
7 city through the municipal authorities thereof; and provided, further, that the acceptance, use, or  
8 continued use of this right shall create a real property public easement in the public roads, streets  
9 and waters in favor of the accepting telephone or magnetic telegraph company so long as it is  
10 used for public utility purposes, subject only to public use and the rights of the cities as set out  
11 above and such easement shall not terminate or be extinguished by any vacation, abandonment

12 or subsequent sale by the state or any agency or commission thereof; however, nothing contained  
13 herein shall alter the authority of the state [~~highways and transportation commission~~]  
14 **department of transportation** to require the alteration or removal of such facilities pursuant  
15 to section 227.240, nor entitle the owner of the facilities to reimbursement for the cost of altering  
16 or removing such facilities pursuant to an order of state [~~highways and transportation~~  
17 ~~commission~~] **department of transportation** under section 227.240.

621.040. Notwithstanding the provisions of section 621.015, to the contrary, after July  
2 11, 2002, all individuals authorized on that date as administrative law judges of the division of  
3 motor carrier and railroad safety within the department of economic development shall be  
4 commissioners of the administrative hearing commission within the office of administration, and  
5 shall serve out the unexpired remainder of their terms as commissioners. They shall have the  
6 same powers, duties, functions, and compensation as provided by law for the other  
7 commissioners, and after the expiration of their terms they may be reappointed in the same  
8 manner as other commissioners. The administrative hearing commission shall have jurisdiction  
9 to conduct hearings, make findings of fact and conclusions of law, and issue orders in all  
10 applicable cases relating to motor carrier and railroad regulation transferred to the [~~highways and~~  
11 ~~transportation commission~~] **department of transportation** pursuant to this section and sections  
12 104.805, 226.008, 389.005, and 389.610, except that, notwithstanding any provision of law to  
13 the contrary, the [~~highways and transportation commission~~] **department of transportation** may  
14 issue final agency orders without involvement of the administrative hearing commission in  
15 relation to:

16 (1) Uncontested motor carrier cases, and other uncontested motor carrier matters, or in  
17 which all parties have waived a hearing in writing; and

18 (2) Approval of settlement agreements or issuance of consent orders in motor carrier or  
19 railroad enforcement cases, if all parties have consented in writing to the issuance of the  
20 commissioner's order.

622.350. In all trials, actions, suits and proceedings arising under the provisions of this  
2 chapter or growing out of the exercise of the authority and powers granted in this chapter to the  
3 state [~~highways and transportation commission~~] **department of transportation**, the burden of  
4 proof shall be upon state [~~highways and transportation commission~~] **department of**  
5 **transportation**. The state [~~highways and transportation commission~~] **department of**  
6 **transportation** shall show by clear and satisfactory evidence that the determination,  
7 requirement, direction or order of the state [~~highways and transportation commission~~]  
8 **department of transportation** is reasonable or lawful as the case may be.

644.038. Where applicable, under Section 404 of the federal Clean Water Act and where  
2 the U.S. Army Corps of Engineers has determined that a nationwide permit may be utilized for

3 the construction of highways and bridges approved by the Missouri [~~highways and transportation~~  
4 ~~commission~~] **department of transportation**, the department shall certify without conditions  
5 such nationwide permit as it applies to impacts on all waters of the state.

650.005. 1. There is hereby created a "Department of Public Safety" in charge of a  
2 director appointed by the governor with the advice and consent of the senate. The department's  
3 role will be to provide overall coordination in the state's public safety and law enforcement  
4 program, to provide channels of coordination with local and federal agencies in regard to public  
5 safety, law enforcement and with all correctional and judicial agencies in regard to matters  
6 pertaining to its responsibilities as they may interrelate with the other agencies or offices of state,  
7 local or federal governments.

8 2. All the powers, duties and functions of the state highway patrol, chapter 43 and others,  
9 are transferred by type II transfer to the department of public safety. The governor by and with  
10 the advice and consent of the senate shall appoint the superintendent of the patrol. With the  
11 exception of sections 43.100 to 43.120 relating to financial procedures, the director of public  
12 safety shall succeed the state [~~highways and transportation commission~~] **department of**  
13 **transportation** in approving actions of the superintendent and related matters as provided in  
14 chapter 43. Uniformed members of the patrol shall be selected in the manner provided by law  
15 and shall receive the compensation provided by law. Nothing in the Reorganization Act of 1974,  
16 however, shall be interpreted to affect the funding of appropriations or the operation of chapter  
17 104 relating to retirement system coverage or section 226.160 relating to workers' compensation  
18 for members of the patrol.

19 3. All the powers, duties and functions of the supervisor of liquor control, chapter 311  
20 and others, are transferred by type II transfer to the department of public safety. The supervisor  
21 shall be nominated by the department director and appointed by the governor with the advice and  
22 consent of the senate. The supervisor shall appoint such agents, assistants, deputies and  
23 inspectors as limited by appropriations. All employees shall have the qualifications provided by  
24 law and may be removed by the supervisor or director of the department as provided in section  
25 311.670.

26 4. All the powers, duties and functions of the safety and fire prevention bureau of the  
27 department of public health and welfare are transferred by type I transfer to the director of public  
28 safety.

29 5. All the powers, duties and functions of the state fire marshal, chapter 320 and others,  
30 are transferred to the department of public safety by a type I transfer.

31 6. All the powers, duties and functions of the law enforcement assistance council  
32 administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and  
33 related acts of Congress are transferred by type I transfer to the director of public safety. The

34 director of public safety shall appoint such advisory bodies as are required by federal laws or  
35 regulations. The council is abolished.

36 7. The director of public safety shall promulgate motor vehicle regulations and be ex  
37 officio a member of the safety compact commission in place of the director of revenue and all  
38 powers, duties and functions relating to chapter 307 are transferred by type I transfer to the  
39 director of public safety.

40 8. The office of adjutant general and the state militia are assigned to the department of  
41 public safety; provided, however, nothing herein shall be construed to interfere with the powers  
42 and duties of the governor as provided in Article IV, Section 6 of the Constitution of the state  
43 of Missouri or chapter 41.

44 9. All the powers, duties and functions of the Missouri boat commission, chapter 306  
45 and others, are transferred by type I transfer to the "Missouri State Water Patrol", which is hereby  
46 created, in the department of public safety. The Missouri boat commission and the office of  
47 secretary to the commission are abolished. All deputy boat commissioners and all other  
48 employees of the commission who were employed on February 1, 1974, shall be transferred to  
49 the water patrol without further qualification. Effective January 1, 2011, all the powers, duties,  
50 and functions of the Missouri state water patrol are transferred to the division of water patrol  
51 within the Missouri state highway patrol as set out in section 43.390.

52 10. The Missouri veterans's commission, chapter 42, is assigned to the department of  
53 public safety.

54 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
55 created under the authority delegated in this section shall become effective only if it complies  
56 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
57 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
58 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
59 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
60 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

2 ~~[226.030. 1. The highways and transportation commission shall consist~~  
3 ~~of six members, who shall be appointed by the governor, by and with the advice~~  
4 ~~and consent of the senate, not more than three thereof to be members of the same~~  
5 ~~political party. Each commissioner shall be a taxpayer and resident of state for~~  
6 ~~at least five years prior to his appointment. Any commissioner may be removed~~  
7 ~~by the governor if fully satisfied of his inefficiency, neglect of duty, or~~  
8 ~~misconduct in office. Commissioners appointed pursuant to this section shall be~~  
9 ~~appointed for terms of six years, except as otherwise provided in this subsection.~~  
10 ~~Upon the expiration of each of the foregoing terms of these commissioners a~~  
11 ~~successor shall be appointed for a term of six years or until his successor is~~  
~~appointed and qualified which term of six years shall thereafter be the length of~~

12 ~~term of each member of the commission unless removed as above provided. The~~  
13 ~~members of the commission shall receive as compensation for their services~~  
14 ~~twenty-five dollars per day for the time spent in the performance of their official~~  
15 ~~duties, and also their necessary traveling and other expenses incurred while~~  
16 ~~actually engaged in the discharge of their official duties. Members whose terms~~  
17 ~~otherwise expire December 1, 2003, shall serve with terms expiring March 1,~~  
18 ~~2004, and new members or the members reappointed shall be appointed for terms~~  
19 ~~expiring March 1, 2005; a member whose term otherwise expires December 1,~~  
20 ~~2005, shall serve with a term expiring March 1, 2007; a member whose term~~  
21 ~~otherwise expires December 1, 2007, shall serve with a term expiring March 1,~~  
22 ~~2009; and one member whose term otherwise expires October 13, 2007, shall~~  
23 ~~serve with a term expiring March 1, 2007; and one member whose term~~  
24 ~~otherwise expires October 13, 2007, shall serve with a term expiring March 1,~~  
25 ~~2009. If a vacancy occurs in any term of a commissioner due to death,~~  
26 ~~resignation, or removal, a successor shall be appointed for only the remainder of~~  
27 ~~the unexpired term.~~

28 ~~2. The two members of the commission, one each from opposing~~  
29 ~~political parties, who have the most seniority in commission service shall serve~~  
30 ~~as commission leadership with one member as chair and the other member as~~  
31 ~~vice chair, respectively, for terms ending March 1, 2005. The commission shall~~  
32 ~~elect one of the members as chair and the other as vice chair. Effective March~~  
33 ~~1, 2005, the commission shall elect the two members of the commission, one~~  
34 ~~from each opposing political party who has the most seniority in commission~~  
35 ~~service, who shall serve as commission leadership with one member as chair and~~  
36 ~~the other member as vice chair, respectively, for one year. At the end of such~~  
37 ~~year, the members currently serving as chair and vice chair shall have the option~~  
38 ~~to rotate positions, and the member currently serving as vice chair may serve as~~  
39 ~~chair, and vice versa. Thereafter, commission leadership shall continue to rotate~~  
40 ~~accordingly with the two members from opposing political parties who have the~~  
41 ~~most seniority in terms of commission service being elected by the commission~~  
42 ~~to serve as commission leadership. If one of the commission leadership offices~~  
43 ~~becomes vacant due to death, resignation, removal, or refuses to serve before the~~  
44 ~~one-year leadership term expires, the commission shall elect one of its members~~  
45 ~~that is of the same political party as the vacating officer to serve the remainder~~  
46 ~~of the vacating officer's leadership term. Such election shall not prohibit that~~  
47 ~~member from later serving as chair and vice chair when such member's seniority~~  
48 ~~in commission service qualifies him or her for those offices as provided in this~~  
49 ~~subsection.~~

50 ~~3. No more than one-half of the members of the commission shall be of~~  
51 ~~the same political party. The selection and removal of all employees of the~~  
52 ~~department of transportation shall be without regard to political affiliation.~~



53 ~~4. The present members of the commission shall continue to serve as~~  
54 ~~members of the commission for the remainder of the terms for which they were~~  
55 ~~appointed, except as provided in subsection 1 of this section.~~

56 ~~5. Any member reappointed shall only be eligible to serve as chair or~~  
57 ~~vice chair during the final two years of such member's reappointment.]~~  
58

2 ~~[226.033. Any commissioner appointed or reappointed after March 1,~~  
2004, shall not:

3 ~~(1) Host or manage a political fund-raiser or solicit funds for any~~  
4 ~~candidate who is seeking a statewide or nationally elected office;~~

5 ~~(2) Serve on the board or chair any political action committee, or political~~  
6 ~~party committee.]~~  
7

2 ~~[226.033. Any commissioner appointed or reappointed after March 1,~~  
2004, shall not:

3 ~~(1) Host or manage a political fund-raiser or solicit funds for any~~  
4 ~~candidate who is seeking a statewide or nationally elected office;~~

5 ~~(2) Serve on the board or chair any political action committee, political~~  
6 ~~party committee, or continuing committee.]~~  
7

2 ~~[226.070. When directed by the governor, or requested in writing by the~~  
3 ~~commission, the attorney general shall advise the commission and shall assist the~~  
4 ~~legal adviser of the commission in any proceeding in any of the courts of the state~~  
5 ~~in which the commission is a party.]~~

2 ~~[226.120. The members of the commission shall elect a member as~~  
3 ~~chairman and another vice chairman, each of whom shall hold such office for a~~  
4 ~~term prescribed by the commission. Four members of the commission shall~~  
5 ~~constitute a quorum for the transaction of business and for the exercise of any of~~  
6 ~~the powers or the discharge of any of the duties authorized or imposed by law.~~  
7 ~~The commission shall meet at least once each month and at such other times, and~~  
8 ~~at such places within the state, as the commission shall determine. The chairman~~  
9 ~~or, in the event of his inability to act, the vice chairman may call special meetings~~  
10 ~~of the commission upon notice to members.]~~

Section B. The repeal and reenactment of sections 8.110, 8.240, 21.795, 29.210, 34.057,  
2 37.005, 43.100, 43.251, 67.1809, 67.5103, 67.5111, 67.5113, 67.5115, 67.5121, 68.015, 68.035,  
3 68.060, 68.065, 68.070, 68.205, 68.210, 68.230, 103.079, 104.030, 104.110, 104.160, 104.170,  
4 104.175, 104.180, 104.210, 104.230, 104.270, 104.515, 104.517, 104.1072, 142.827, 226.005,  
5 226.008, 226.009, 226.010, 226.020, 226.040, 226.050, 226.060, 226.080, 226.090, 226.092,  
6 226.096, 226.100, 226.110, 226.130, 226.133, 226.135, 226.140, 226.150, 226.160, 226.170,  
7 226.191, 226.195, 226.200, 226.220, 226.230, 226.455, 226.500, 226.510, 226.520, 226.525,

8 226.527, 226.530, 226.540, 226.541, 226.545, 226.550, 226.570, 226.580, 226.590, 226.660,  
9 226.670, 226.680, 226.690, 226.700, 226.750, 226.760, 226.770, 226.790, 226.797, 226.798,  
10 226.799, 226.800, 226.801, 226.900, 226.905, 226.910, 226.950, 226.952, 226.955, 226.957,  
11 226.959, 226.961, 226.963, 226.965, 226.967, 226.969, 226.971, 226.973, 226.975, 227.010,  
12 227.020, 227.030, 227.050, 227.080, 227.090, 227.100, 227.102, 227.103, 227.107, 227.110,  
13 227.120, 227.130, 227.140, 227.150, 227.160, 227.170, 227.180, 227.190, 227.200, 227.210,  
14 227.220, 227.230, 227.240, 227.250, 227.260, 227.270, 227.280, 227.290, 227.297, 227.299,  
15 227.551, 227.552, 227.553, 227.554, 227.555, 227.556, 227.557, 227.558, 227.600, 227.601,  
16 227.606, 227.609, 227.612, 227.615, 227.618, 227.621, 227.624, 227.627, 227.630, 227.633,  
17 227.636, 227.639, 227.642, 227.645, 227.648, 227.651, 227.654, 227.657, 227.666, 227.669,  
18 230.040, 230.100, 230.110, 230.235, 230.250, 231.441, 231.460, 233.070, 233.130, 233.150,  
19 233.190, 233.340, 234.180, 234.190, 234.200, 234.230, 238.202, 238.207, 238.220, 238.225,  
20 238.227, 238.230, 238.235, 238.236, 238.237, 238.242, 238.245, 238.247, 238.250, 238.257,  
21 238.260, 238.262, 238.265, 238.267, 238.275, 238.302, 238.305, 238.310, 238.312, 238.315,  
22 238.317, 238.320, 238.322, 238.325, 238.330, 238.332, 238.335, 238.337, 238.345, 238.347,  
23 238.350, 238.352, 238.355, 238.357, 238.360, 238.362, 253.040, 263.190, 290.260, 300.135,  
24 300.155, 300.420, 301.041, 301.067, 301.130, 302.133, 302.134, 302.135, 302.178, 302.302,  
25 302.458, 302.756, 304.001, 304.010, 304.015, 304.022, 304.024, 304.130, 304.170, 304.180,  
26 304.200, 304.210, 304.220, 304.230, 304.260, 304.281, 304.321, 304.341, 304.351, 305.200,  
27 305.230, 307.035, 307.178, 307.179, 390.021, 390.051, 390.054, 390.061, 390.136, 390.151,  
28 392.080, 621.040, 622.350, 644.038, and 650.005 of section A and the repeal of sections  
29 226.030, 226.070, 226.120, section 226.033 as enacted by senate bill no. 844, ninety-fifth general  
30 assembly, second regular session, and section 226.033 as enacted by house bill no. 668, ninety-  
31 second general assembly, first regular session of section A of this act shall become effective only  
32 upon the passage and approval by the voters of a constitutional amendment submitted to them  
33 by the general assembly regarding the highways and transportation commission.

✓