

SECOND REGULAR SESSION

SENATE BILL NO. 1143

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time February 28, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5359S.011

AN ACT

To repeal sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, and 556.021, RSMo, and to enact in lieu thereof twenty-two new sections relating to modification of penalties, with penalty provisions.

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

Section A. Sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, and 556.021, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 488.006, and 556.021, to read as follows:

301.131. 1. Any motor vehicle over twenty-five years old which is owned solely as a collector's item and which is used and intended to be used for exhibition and educational purposes shall be permanently registered upon payment of a registration fee of twenty-five dollars. Upon the transfer of the title to any such vehicle the registration shall be canceled and the license plates issued therefor shall be returned to the director of revenue.

2. The owner of any such vehicle shall file an application in a form prescribed by the director, if such vehicle meets the requirements of this section, and a certificate of registration shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

3. The director shall issue to the owner of any motor vehicle registered

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

12 pursuant to this section the same number of license plates which would be issued
13 with a regular annual registration, containing the number assigned to the
14 registration certificate issued by the director of revenue. Such license plates shall
15 be made with fully reflective material with a common color scheme and design,
16 shall be clearly visible at night, and shall be aesthetically attractive, as
17 prescribed by section 301.130.

18 4. Historic vehicles may be driven to and from repair facilities one
19 hundred miles from the vehicle's location, and in addition may be driven up to
20 one thousand miles per year for personal use. The owner of the historic vehicle
21 shall be responsible for keeping a log of the miles driven for personal use each
22 calendar year. Such log must be kept in the historic vehicle when the vehicle is
23 driven on any state road. The historic vehicle's mileage driven in an antique auto
24 tour or event and mileage driven to and from such a tour or event shall not be
25 considered mileage driven for the purpose of the mileage limitations in this
26 section. Violation of this section [is a class C misdemeanor] **shall be**
27 **punishable under section 301.440** and in addition to any other penalties
28 prescribed by law, upon [conviction] **plea or finding of guilt** thereof, the
29 director of revenue shall revoke the historic motor vehicle license plates of such
30 violator which were issued pursuant to this section.

31 5. Notwithstanding any provisions of this section to the contrary, any
32 person possessing a license plate issued by the state of Missouri that is over
33 twenty-five years old, in which the year of the issuance of such plate is consistent
34 with the year of the manufacture of the vehicle, the owner of the vehicle may
35 register such plate as an historic vehicle plate as set forth in subsections 1 and
36 2 of this section, provided that the configuration of letters, numbers or
37 combination of letters and numbers of such plate are not identical to the
38 configuration of letters, numbers or combination of letters and numbers of any
39 plates already issued to an owner by the director. Such license plate shall not be
40 required to possess the characteristic features of reflective material and common
41 color scheme and design as prescribed in section 301.130. The owner of the
42 historic vehicle registered pursuant to this subsection shall keep the certificate
43 of registration in the vehicle at all times. The certificate of registration shall be
44 prima facie evidence that the vehicle has been properly registered with the
45 director and that all fees have been paid.

301.150. 1. License plates issued to owners of motor vehicles registered
2 pursuant to the monthly series system of registration as provided in section

3 301.030 shall be removed on the sale or transfer of ownership of such
4 vehicles. The plates, if still current, may thereafter be retained and preserved
5 by the person to whom issued, to be fastened to such other motor vehicles as such
6 person shall thereafter register in the person's name.

7 2. If application for registration of another motor vehicle is not made to
8 the director of revenue within one year following the sale or transfer of ownership
9 of a motor vehicle, the license plates held by the person who sold or transferred
10 ownership of such motor vehicle shall be declared void, and new license plates
11 bearing the same numbers may be issued to another registrant.

12 3. It shall be unlawful to fasten voided plates to any motor vehicle.
13 Violation of this section shall be [deemed a class C misdemeanor] **punishable**
14 **under section 301.440.**

301.310. 1. Whenever a law enforcement officer observes a plate to be in
2 such condition as to hinder or make difficult identification of same, he shall notify
3 the director of revenue and instruct the owner to apply for a duplicate plate.

4 2. If the owner has not made application within fifteen days, the director
5 of revenue may cancel such registration and notify the registrant and such
6 cancellation shall remain in force until the application has been filed.

7 3. The director of revenue may at his discretion replace worn plates
8 without cost to the registrant.

9 4. Failure to surrender a mutilated or worn plate for which duplicate has
10 been issued shall [be deemed a misdemeanor] **punishable under section**
11 **301.440.**

301.420. No person shall willfully or knowingly make a false statement
2 in any application for the registration of a motor vehicle or trailer, or as a dealer,
3 or in an application for or assignment of a certificate of ownership. All blanks or
4 forms issued by the director of revenue for the purpose of making application for
5 registration of certificate of ownership shall conspicuously bear on the face
6 thereof the following words: "Any false statement in this application is a
7 violation of the law and may be punished by fine or imprisonment or
8 both". **Violation of this section shall be a class C misdemeanor.**

301.440. Any person who violates any provision of sections 301.010 to
2 301.440 for which no specific punishment is provided shall upon [conviction] a
3 **plea or finding of guilt** thereof be [punished] **guilty of an infraction**
4 **punishable** by a fine of not less than five dollars or more than five hundred
5 dollars [or by imprisonment in the county jail for a term not exceeding one year,

6 or by both the fine and imprisonment].

301.716. 1. **Any violation of the provisions of sections 301.700 to**
2 **301.714 shall be an infraction.** An arrest or service of summons for
3 violations of the provisions of sections 301.700 to 301.714 and section 577.065,
4 RSMo, or the provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as
5 such provisions relate to all-terrain vehicles may be made by the duly authorized
6 law enforcement officer of any political subdivision of the state, the highway
7 patrol and the state water patrol.

8 2. Violations of sections 301.700 to 301.714 and section 577.065, RSMo,
9 or the provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as such
10 provisions relate to all-terrain vehicles or any rule or order hereunder may be
11 referred to the proper prosecuting attorney or circuit attorney who may, with or
12 without such reference, institute appropriate [criminal] proceedings.

13 3. Nothing in sections 301.700 to 301.714 and section 577.065, RSMo, or
14 the provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as such
15 provisions relate to all-terrain vehicles limits the power of the state to punish any
16 person for any conduct which constitutes a crime by statute or at common law.

307.010. 1. All motor vehicles, and every trailer and semitrailer operating
2 upon the public highways of this state and carrying goods or material or farm
3 products which may reasonably be expected to become dislodged and fall from the
4 vehicle, trailer or semitrailer as a result of wind pressure or air pressure and/or
5 by the movement of the vehicle, trailer or semitrailer shall have a protective cover
6 or be sufficiently secured so that no portion of such goods or material can become
7 dislodged and fall from the vehicle, trailer or semitrailer while being transported
8 or carried.

9 2. Operation of a motor vehicle, trailer or semitrailer in violation of this
10 section shall be [a class C misdemeanor] **an infraction**, and any person
11 [convicted] **who pleads or is found guilty** thereof shall be punished as
12 provided by law.

307.015. 1. Trucks, semitrailers, and trailers, except utility trailers,
2 without rear fenders, attached to a commercial motor vehicle registered for over
3 twenty-four thousand pounds shall be equipped with mud flaps for the rear
4 wheels when operated on the public highways of this state. If mud flaps are
5 used, they shall be wide enough to cover the full tread width of the tire or tires
6 being protected; shall be so installed that they extend from the underside of the
7 vehicle body in a vertical plane behind the rear wheels to within eight inches of

8 the ground; and shall be constructed of a rigid material or a flexible material
9 which is of a sufficiently rigid character to provide adequate protection when the
10 vehicle is in motion. No provisions of this section shall apply to a motor vehicle
11 in transit and in process of delivery equipped with temporary mud flaps, to farm
12 implements, or to any vehicle which is not required to be registered.

13 2. Any person who violates this section is guilty of [a class B
14 misdemeanor] **an infraction** and, upon [conviction] **plea or finding of guilt**,
15 shall be punished as provided by law.

307.090. 1. Any motor vehicle may be equipped with not to exceed one
2 spotlight but every lighted spotlight shall be so aimed and used so as not to be
3 dazzling or glaring to any person.

4 2. Notwithstanding the provisions of section 307.120, violation of this
5 section is [a class C misdemeanor] **an infraction**.

307.120. Any person violating any of the provisions of sections 307.020 to
2 307.120 shall, upon conviction thereof, be deemed guilty of [a misdemeanor] **an**
3 **infraction**. The term "person" as used in sections 307.020 to 307.120 shall mean
4 and include any individual, association, joint stock company, copartnership or
5 corporation.

307.125. 1. Any person who shall place or drive or cause to be placed or
2 driven upon or along any state or supplementary state highway of this state any
3 animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset
4 to one-half hour before sunrise have attached to every such vehicle at the rear
5 thereof a red taillight or a red reflecting device of not less than three inches in
6 diameter of effective area or its equivalent in area. When such device shall
7 consist of reflecting buttons there shall be no less than seven of such buttons
8 covering an area equal to a circle with a three-inch diameter. The total
9 subtended effective angle of reflection of every such device shall be no less than
10 sixty degrees and the spread and efficiency of the reflected light shall be
11 sufficient for the reflected light to be visible to the driver of any motor vehicle
12 approaching such animal-drawn vehicle from the rear of a distance of not less
13 than five hundred feet.

14 2. In addition, any person who operates any such animal-driven vehicle
15 during the hours between sunset and one-half hour before sunrise shall have at
16 least one light flashing at all times the vehicle is on any highway of this
17 state. Such light or lights shall be amber in the front and red in the back and
18 shall be placed on the left side of the vehicle at a height of no more than six feet

19 from the ground and shall be visible from the front and the back of the vehicle at
20 a distance of at least five hundred feet. Any person violating the provisions of
21 this section shall be guilty of [a class C misdemeanor] **an infraction**.

22 3. Any person operating an animal-driven vehicle during the hours
23 between sunset and one-half hour before sunrise may, in lieu of the requirements
24 of subsection 2 of this section, use lamps or lanterns complying with the rules
25 promulgated by the director of the department of public safety.

26 4. Any rule or portion of a rule, as that term is defined in section 536.010,
27 RSMo, that is created under the authority delegated in this section shall become
28 effective only if it complies with and is subject to all of the provisions of chapter
29 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
30 536, RSMo, are nonseverable and if any of the powers vested with the general
31 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date,
32 or to disapprove and annul a rule are subsequently held unconstitutional, then
33 the grant of rulemaking authority and any rule proposed or adopted after August
34 28, 2004, shall be invalid and void.

307.155. Any person violating any of the provisions of sections 307.130 to
2 307.160 shall be deemed guilty of [a class C misdemeanor] **an infraction** and
3 shall be punished by a fine of not to exceed fifty dollars for each offense.

307.172. 1. No person shall operate any passenger motor vehicle upon the
2 public streets or highways of this state, the body of which has been altered in
3 such a manner that the front or rear of the vehicle is raised at such an angle as
4 to obstruct the vision of the operator of the street or highway in front or to the
5 rear of the vehicle.

6 2. Every motor vehicle which is licensed in this state and operated upon
7 the public streets or highways of this state shall be equipped with front and rear
8 bumpers if such vehicle was equipped with bumpers as standard equipment. This
9 subsection shall not apply to motor vehicles designed or modified primarily for
10 off-highway purposes while such vehicles are in tow or to motorcycles or
11 motor-driven cycles, or to motor vehicles registered as historic motor vehicles
12 when the original design of such vehicles did not include bumpers nor shall the
13 provisions of this subsection prohibit the use of drop bumpers. The
14 superintendent of the Missouri state highway patrol shall adopt rules and
15 regulations relating to bumper standards. Maximum bumper heights of both the
16 front and rear bumpers of motor vehicles shall be determined by weight category
17 of gross vehicle weight rating (GVWR) measured from a level surface to the

18 highest point of the bottom of the bumper when the vehicle is unloaded and the
 19 tires are inflated to the manufacturer's recommended pressure. Maximum
 20 bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
21 Motor vehicles except		
22 commercial motor		
23 vehicles	22 inches	22 inches
24 Commercial motor		
25 vehicles (GVWR)		
26 4,500 lbs and under	24 inches	26 inches
27 4,501 lbs through		
28 7,500 lbs	27 inches	29 inches
29 7,501 lbs through		
30 9,000 lbs	28 inches	30 inches
31 9001 lbs through		
32 11,500 lbs	29 inches	31 inches

35 3. A motor vehicle in violation of this section shall not be approved during
 36 any motor vehicle safety inspection required pursuant to sections 307.350 to
 37 307.390.

38 4. Any person knowingly violating the provisions of this section is guilty
 39 of [a class C misdemeanor] **an infraction**.

307.173. 1. Any person may operate a motor vehicle with front sidewing
 2 vents or windows located immediately to the left and right of the driver that have
 3 a sun screening device, in conjunction with safety glazing material, that has a
 4 light transmission of thirty-five percent or more plus or minus three percent and
 5 a luminous reflectance of thirty-five percent or less plus or minus three
 6 percent. Except as provided in subsection 5 of this section, any sun screening
 7 device applied to front sidewing vents or windows located immediately to the left
 8 and right of the driver in excess of the requirements of this section shall be
 9 prohibited without a permit pursuant to a physician's prescription as described
 10 below. A permit to operate a motor vehicle with front sidewing vents or windows
 11 located immediately to the left and right of the driver that have a sun screening
 12 device, in conjunction with safety glazing material, which permits less light
 13 transmission and luminous reflectance than allowed under the requirements of
 14 this subsection, may be issued by the department of public safety to a person

15 having a serious medical condition which requires the use of a sun screening
16 device if the permittee's physician prescribes its use. The director of the
17 department of public safety shall promulgate rules and regulations for the
18 issuance of the permit. The permit shall allow operation of the vehicle by any
19 titleholder or relative within the second degree by consanguinity or affinity,
20 which shall mean a spouse, each grandparent, parent, brother, sister, niece,
21 nephew, aunt, uncle, child, and grandchild of a person, who resides in the
22 household. Except as provided in subsection 2 of this section, all sun screening
23 devices applied to the windshield of a motor vehicle are prohibited.

24 2. This section shall not prohibit labels, stickers, decalcomania, or
25 informational signs on motor vehicles or the application of tinted or solar
26 screening material to recreational vehicles as defined in section 700.010, RSMo,
27 provided that such material does not interfere with the driver's normal view of
28 the road. This section shall not prohibit factory-installed tinted glass, the
29 equivalent replacement thereof or tinting material applied to the upper portion
30 of the motor vehicle's windshield which is normally tinted by the manufacturer
31 of motor vehicle safety glass.

32 3. Any rule or portion of a rule, as that term is defined in section 536.010,
33 RSMo, that is created under the authority delegated in this section shall become
34 effective only if it complies with and is subject to all of the provisions of chapter
35 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
36 536, RSMo, are nonseverable and if any of the powers vested with the general
37 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
38 or to disapprove and annul a rule are subsequently held unconstitutional, then
39 the grant of rulemaking authority and any rule proposed or adopted after August
40 28, 2001, shall be invalid and void.

41 4. Any person who violates the provisions of this section is guilty of [a
42 class C misdemeanor] **an infraction**.

43 5. Any vehicle licensed with a historical license plate shall be exempt from
44 the requirements of this section.

307.195. 1. No person shall operate a motorized bicycle on any highway
2 or street in this state unless the person has a valid license to operate a motor
3 vehicle.

4 2. No motorized bicycle may be operated on any public thoroughfare
5 located within this state which has been designated as part of the federal
6 interstate highway system.

7 3. Violation of this section shall be deemed [a class C misdemeanor] **an**
8 **infraction.**

 307.198. 1. Every all-terrain vehicle, except those used in competitive
2 events, shall have the following equipment:

3 (1) A lighted headlamp and tail lamp which shall be in operation at any
4 time in which an all-terrain vehicle is being used on any street or highway in this
5 state pursuant to section 304.013, RSMo;

6 (2) An equilateral triangular emblem, to be mounted on the rear of such
7 vehicle at least two feet above the roadway when such vehicle is operated upon
8 any street or highway pursuant to section 300.348, RSMo, or 304.013, RSMo. The
9 emblem shall be constructed of substantial material with a fluorescent
10 yellow-orange finish and a reflective, red border at least one inch in width. Each
11 side of the emblem shall measure at least ten inches;

12 (3) A breaking system maintained in good operating condition;

13 (4) An adequate muffler system in good working condition, and a United
14 States Forest Service qualified spark arrester.

15 2. A violation of this section shall be [a class C misdemeanor] **an**
16 **infraction.**

 307.365. 1. No permit for an official inspection station shall be assigned
2 or transferred or used at any location other than therein designated and every
3 permit shall be posted in a conspicuous place at the location designated. The
4 superintendent of the Missouri state highway patrol shall design and furnish
5 each official inspection station, at no cost, one official sign made of metal or other
6 durable material to be displayed in a conspicuous location to designate the station
7 as an official inspection station. Additional signs may be obtained by an official
8 inspection station for a fee equal to the cost to the state. Each inspection station
9 shall also be supplied with one or more posters which must be displayed in a
10 conspicuous location at the place of inspection and which informs the public that
11 required repairs or corrections need not be made at the inspection station.

12 2. No person operating an official inspection station pursuant to the
13 provisions of sections 307.350 to 307.390 may issue a certificate of inspection and
14 approval for any vehicle except upon an official form furnished by the
15 superintendent of the Missouri state highway patrol for that purpose and only
16 after inspecting the vehicle and determining that its brakes, lighting equipment,
17 signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,
18 wheels, exhaust system, glazing, air pollution control devices, fuel system and any

19 other safety equipment as required by the state are in proper condition and
20 adjustment to be operated upon the public highways of this state with safety to
21 the driver or operator, other occupants therein, as well as other persons and
22 property upon the highways, as provided by sections 307.350 to 307.390 and the
23 regulations prescribed by the superintendent of the Missouri state highway
24 patrol. Brakes may be inspected for safety by means of visual inspection or
25 computerized brake testing. No person operating an official inspection station
26 shall furnish, loan, give or sell a certificate of inspection and approval to any
27 other person except those entitled to receive it under provisions of sections
28 307.350 to 307.390. No person shall have in such person's possession any
29 certificate of inspection and approval and/or inspection sticker with knowledge
30 that the certificate and/or inspection sticker has been illegally purchased, stolen
31 or counterfeited.

32 3. The superintendent of the Missouri state highway patrol may require
33 officially designated stations to furnish reports upon forms furnished by the
34 superintendent for that purpose as the superintendent considers reasonably
35 necessary for the proper and efficient administration of sections 307.350 to
36 307.390.

37 4. If, upon inspection, defects or unsafe conditions are found, the owner
38 may correct them or shall have them corrected at any place the owner chooses
39 within twenty days after the defect or unsafe condition is found, and shall have
40 the right to remove the vehicle to such place for correction, but before the vehicle
41 is operated thereafter upon the public highways of this state, a certificate of
42 inspection and approval must be obtained. The inspecting personnel of the
43 official inspection station must inform the owner that the corrections need not be
44 made at the inspection station.

45 5. A fee, not to exceed twelve dollars, as determined by each official
46 inspection station, may be charged by an official inspection station for each
47 official inspection including the issuance of the certificate of inspection and
48 approval, sticker, seal or other device and a total fee, not to exceed ten dollars,
49 as determined by each official inspection station, may be charged for an official
50 inspection of a trailer or motorcycle, which shall include the issuance of the
51 certificate of inspection and approval, sticker, seal or other device. Such fee shall
52 be conspicuously posted on the premises of each such official inspection station.
53 No owner shall be charged an additional inspection fee upon having corrected
54 defects or unsafe conditions found in an inspection completed within the previous

55 twenty consecutive days, excluding Saturdays, Sundays and holidays, if such
56 follow-up inspection is made by the station making the initial inspection. Every
57 inspection for which a fee is charged shall be a complete inspection, and upon
58 completion of the inspection, if any defects are found the owner of the vehicle
59 shall be furnished a list of the defects and a receipt for the fee paid for the
60 inspection. If the owner of a vehicle decides to have any necessary repairs or
61 corrections made at the official inspection station, the owner shall be furnished
62 a written estimate of the cost of such repairs before such repairs or corrections
63 are made by the official inspection station. The written estimate shall have
64 plainly written upon it that the owner understands that the corrections need not
65 be made by the official inspection station and shall have a signature line for the
66 owner. The owner must sign below the statement on the signature line before
67 any repairs are made.

68 6. Certificates of inspection and approval, sticker, seal or other device
69 shall be purchased by the official inspection stations from the superintendent of
70 the Missouri state highway patrol. The superintendent of the Missouri state
71 highway patrol shall collect a fee of one dollar and fifty cents for each certificate
72 of inspection, sticker, seal or other device issued to the official inspection stations,
73 except that no charge shall be made for certificates of inspection, sticker, seal or
74 other device issued to official inspection stations operated by governmental
75 entities. All fees collected shall be deposited in the state treasury with one dollar
76 of each fee collected credited to the state highway fund and, for the purpose of
77 administering and enforcing the state motor vehicle laws and traffic regulations,
78 fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby
79 created. The moneys collected and deposited in the highway patrol inspection
80 fund shall be expended subject to appropriations by the general assembly for the
81 administration and enforcement of sections 307.350 to 307.390 by the Missouri
82 state highway patrol. The unexpended balance in the fund at the end of each
83 biennium exceeding the amount of the appropriations from the fund for the first
84 two fiscal years shall be transferred to the state road fund, and the provisions of
85 section 33.080, RSMo, relating to the transfer of funds to the general revenue
86 fund at the end of the biennium, shall not apply to the fund.

87 7. The owner or operator of any inspection station who discontinues
88 operation during the period that a station permit is valid or whose station permit
89 is suspended or revoked shall return all official signs and posters and any current
90 unused inspection stickers, seals or other devices to the superintendent of the

91 Missouri state highway patrol and shall receive a full refund on request except
92 for official signs and posters, provided the request is made during the calendar
93 year or within sixty days thereafter in the manner prescribed by the
94 superintendent of the Missouri state highway patrol. Stations which have a valid
95 permit shall exchange unused previous year issue inspection stickers and/or
96 decals for an identical number of current year issue, provided the unused stickers
97 and/or decals are submitted for exchange not later than April thirtieth of the
98 current calendar year, in the manner prescribed by the superintendent of the
99 Missouri state highway patrol.

100 **8. Notwithstanding the provisions of section 307.390 to the**
101 **contrary, a violation of this section shall be a class C misdemeanor.**

307.375. 1. The owner of every bus used to transport children to or from
2 school in addition to any other inspection required by law shall submit the vehicle
3 to an official inspection station, and obtain a certificate of inspection, sticker, seal
4 or other device annually, but the inspection of the vehicle shall not be made more
5 than sixty days prior to operating the vehicle during the school year. The
6 inspection shall, in addition to the inspection of the mechanism and equipment
7 required for all motor vehicles under the provisions of sections 307.350 to
8 307.390, include an inspection to ascertain that the following items are correctly
9 fitted, adjusted, and in good working condition:

- 10 (1) All mirrors, including crossview, inside, and outside;
- 11 (2) The front and rear warning flashers;
- 12 (3) The stop signal arm;
- 13 (4) The crossing control arm on public school buses required to have them
14 pursuant to section 304.050, RSMo;
- 15 (5) The rear bumper to determine that it is flush with the bus so that
16 hitching of rides cannot occur;
- 17 (6) The exhaust tailpipe shall be flush with or may extend not more than
18 two inches beyond the perimeter of the body or bumper;
- 19 (7) The emergency doors and exits to determine them to be unlocked and
20 easily opened as required;
- 21 (8) The lettering and signing on the front, side and rear of the bus;
- 22 (9) The service door;
- 23 (10) The step treads;
- 24 (11) The aisle mats or aisle runners;
- 25 (12) The emergency equipment which shall include as a minimum a first

26 aid kit, flares or fuses, and a fire extinguisher;

27 (13) The seats, including a determination that they are securely fastened
28 to the floor;

29 (14) The emergency door buzzer;

30 (15) All hand hold grips;

31 (16) The interior glazing of the bus.

32 2. In addition to the inspection required by subsection 1 of this section,
33 the Missouri state highway patrol shall conduct an inspection after February first
34 of each school year of all vehicles required to be marked as school buses under
35 section 304.050, RSMo. This inspection shall be conducted by the Missouri
36 highway patrol in cooperation with the department of elementary and secondary
37 education and shall include, as a minimum, items in subsection 1 of this section
38 and the following:

39 (1) The driver seat belts;

40 (2) The heating and defrosting systems;

41 (3) The reflectors;

42 (4) The bus steps;

43 (5) The aisles;

44 (6) The frame.

45 3. If, upon inspection, conditions which violate the standards in subsection
46 2 of this section are found, the owner or operator shall have them corrected in ten
47 days and notify the superintendent of the Missouri state highway patrol or those
48 persons authorized by the superintendent. If the defects or unsafe conditions
49 found constitute an immediate danger, the bus shall not be used until corrections
50 are made and the superintendent of the Missouri state highway patrol or those
51 persons authorized by the superintendent are notified.

52 4. The Missouri highway patrol may inspect any school bus at any time
53 and if such inspection reveals a deficiency affecting the safe operation of the bus,
54 the provisions of subsection 3 of this section shall be applicable.

55 **5. Notwithstanding the provisions of section 307.390 to the**
56 **contrary, a violation of this section shall be a class C misdemeanor.**

307.390. 1. Any person who violates any provision of sections 307.350 to
2 307.390 is guilty of [a misdemeanor] **an infraction** and upon [conviction] **plea**
3 **or finding of guilt** shall be punished as provided by law.

4 2. The superintendent of the Missouri state highway patrol may assign
5 qualified persons who are not highway patrol officers to investigate and enforce

6 motor vehicle safety inspection laws and regulations pursuant to sections 307.350
7 to 307.390 and sections 643.300 to 643.355, RSMo. A person assigned by the
8 superintendent pursuant to the authority granted by this subsection shall be
9 designated a motor vehicle inspector and shall have limited powers to issue a
10 uniform complaint and summons for a violation of the motor vehicle inspection
11 laws and regulations. A motor vehicle inspector shall not have authority to
12 exercise the power granted in this subsection until such inspector successfully
13 completes training provided by, and to the satisfaction of, the superintendent.

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

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

20 (2) Accidents arising from or in connection with the operation of
21 commercial motor vehicles and trailers to be reported to the department of public
22 safety in such detail and in such manner as the director may require.

23 Except for the provisions of subdivisions (1) and (2) of this subsection, the
24 provisions of this section shall not apply to any commercial motor vehicle
25 operated in intrastate commerce and licensed for a gross weight of sixty thousand
26 pounds or less when used exclusively for the transportation of solid waste or
27 forty-two thousand pounds or less when the license plate has been designated for
28 farm use by the letter "F" as authorized by the Revised Statutes of Missouri,

29 unless such vehicle is transporting hazardous materials as defined in Title 49,
30 Code of Federal Regulations.

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

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

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

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

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

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

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

65 accurate and true records showing:

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

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

69 7. Notwithstanding the provisions of subsection 1 of this section to the
70 contrary, Parts 390 through 397, Title 49, Code of Federal Regulations shall not
71 apply to commercial motor vehicles operated in intrastate commerce to transport
72 property, which have a gross vehicle weight rating or gross combination weight
73 rating of twenty-six thousand pounds or less. The exception provided by this
74 subsection shall not apply to vehicles transporting hazardous materials or to
75 vehicles designed to transport sixteen or more passengers including the driver as
76 defined by Title 49 of the Code of Federal Regulations. Nothing in this subsection
77 shall be construed to prohibit persons designated by the department of public
78 safety from inspecting vehicles defined in this subsection.

79 8. Violation of any provision of this section or any rule promulgated as
80 authorized therein is [a class B misdemeanor] **an infraction.**

81 9. No rule or portion of a rule promulgated under the authority of this
82 chapter shall become effective unless it has been promulgated pursuant to the
83 provisions of section 536.024, RSMo.

**488.006. For any infraction, unless otherwise provided by law, all
2 court costs, fees, surcharges, and other miscellaneous charges shall be
3 assessed in the same manner and amount as a misdemeanor.**

556.021. 1. An offense defined by this code or by any other statute of this
2 state constitutes an "infraction" if it is so designated or if [no other sentence than
3 a fine, or fine and forfeiture or other civil penalty is authorized upon conviction]
4 **a violation of the statute can result only in a fine, forfeiture, or other
5 civil penalty, or any combination thereof.**

6 2. [An infraction does not constitute a crime and conviction of an
7 infraction shall not give rise to any disability or legal disadvantage based on
8 conviction of a crime.] **A determination of whether an infraction has
9 occurred shall be made by the filing of a civil action. The action shall
10 be filed by a person who is authorized to bring a criminal action or an
11 action to enforce an ordinance if the conduct constituted a crime or
12 ordinance violation. The action shall be brought in the name of the
13 state of Missouri or appropriate political subdivision. An infraction
14 violation shall be proven by a preponderance of the evidence but shall**

15 not be tried to a jury. If an infraction violation is proven, judgment
16 shall be entered for the plaintiff.

17 3. Notwithstanding any other provision of law to the contrary,
18 it shall be the duty of the operator or driver of any vehicle or the rider
19 of any animal traveling on the roads of this state to stop on signal of
20 any law enforcement officer and to obey any other reasonable signal or
21 direction of such law enforcement officer given in the course of
22 enforcing any infraction. Any person who willfully fails or refuses to
23 obey any signal or direction of a law enforcement officer given in the
24 course of enforcing any infraction, or who willfully resists or opposes
25 a law enforcement officer in the proper discharge of his or her duties
26 in the course of enforcing any infraction, shall be guilty of a class A
27 misdemeanor and on plea or finding of guilt thereof shall be punished
28 as provided by law for such offenses.

29 4. The supreme court of Missouri may promulgate rules for the
30 enforcement of this section.

Bill ✓

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