

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 104
94TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, February 8, 2007, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted March 5, 2007.

Taken up March 5, 2007. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

0317S.03P

AN ACT

To repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.251, 302.133, 302.134, 302.135, 302.136, 302.137, 302.178, 577.608, and 650.005, RSMo, and to enact in lieu thereof eighteen new sections relating to the administration of certain highway programs.

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

Section A. Sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 2 43.220, 43.251, 302.133, 302.134, 302.135, 302.136, 302.137, 302.178, 577.608, and 3 650.005, RSMo, are repealed and eighteen new sections enacted in lieu thereof, 4 to be known as sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 5 43.220, 43.251, 226.131, 302.133, 302.134, 302.135, 302.136, 302.137, 302.178, 6 577.608, and 650.005, to read as follows:

43.010. As used in this chapter, the following terms shall have the 2 meanings indicated:

3 (1) ["Commission", the Missouri state highways and transportation 4 commission;

5 (2)] "Members of the patrol", the superintendent, lieutenant colonel, 6 majors, captains, director of radio, lieutenants, sergeants, corporals, and 7 patrolmen of the Missouri state highway patrol;

8 [(3)] (2) "MULES", Missouri uniform law enforcement system, a

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

9 statewide-computerized communications system provided by the patrol designed
10 to provide services, information, and capabilities to the law enforcement and
11 criminal justice community in the state of Missouri;

12 [(4)] (3) "Patrol", the Missouri state highway patrol;

13 [(5)] (4) "Peace officers", sheriffs, police officers and other peace officers
14 of this state;

15 [(6)] (5) "Radio personnel", those employees of the patrol engaged in the
16 construction, operation, and maintenance of the patrol radio system.

43.030. 1. The superintendent of the Missouri state highway patrol shall
2 be appointed by the governor by and with the advice and consent of the
3 senate. The superintendent shall hold office at the pleasure of the governor. The
4 superintendent shall be a citizen of the United States and a resident taxpaying
5 citizen of this state for a period of three years previous to being appointed as
6 superintendent and shall be at least thirty years of age. The superintendent
7 shall maintain an office [and reside] in Jefferson City.

8 2. The superintendent of the Missouri state highway patrol shall:

9 (1) Have command of the patrol and perform all duties imposed on the
10 superintendent and exercise all of the powers and authority conferred upon the
11 superintendent by the provisions of this chapter and the requirements of chapter
12 650, RSMo;

13 (2) Within available appropriations, establish an equitable pay plan for
14 the members of the highway patrol and radio personnel taking into consideration
15 ranks and length of service.

43.090. [The board of public buildings shall provide suitable offices for
2 general headquarters at Jefferson City, Missouri, which shall at all times be open
3 and in charge of the superintendent, or some member of the patrol designated by
4 him.] The superintendent[, with the consent and approval of the commission,]
5 shall employ such clerical force, radio operators, and other subordinates, and
6 shall provide such office equipment, stationery, postage supplies, [telegraph]
7 **communication** and telephone facilities as he **or she** shall deem necessary **for**
8 **general headquarters at Jefferson City, Missouri**, and shall also provide
9 offices, equipment, stationery, postage, clerical force, and other subordinates for
10 the headquarters of each [district] **troop or division** of the patrol. The state
11 highway patrol [radio network] **communications division** shall be under the
12 control of and at the service of the superintendent for such regular and
13 emergency [bulletins] **communications**, and service as the superintendent may

14 require [from time to time].

43.110. The necessary expenses of the members of the patrol in the
2 performance of their duties shall be paid by the state when such members are
3 away from their places of residence or from the [district] **troop or division** to
4 which they are assigned, subject to the approval of the [commission]
5 **superintendent**. No fee shall be allowed to any person or officer for the arrest
6 and transportation of persons arrested and transported by members of the patrol,
7 and no witness fees shall be granted or allowed members of the patrol in criminal
8 cases. Witness fees for members of the patrol in civil cases, and for testifying in
9 federal court, shall be the same as provided by law, and shall be claimed and
10 collected by members of the patrol, and promptly transmitted to the [division of
11 collection in the department of revenue] **fund from which the salary and**
12 **expenses of the member or employee is paid.**

43.120. 1. The superintendent shall prescribe rules for instruction and
2 discipline and make all administrative rules and regulations and fix the hours of
3 duty for the members of the patrol. The superintendent shall divide the state
4 into [districts] **troops** and assign members of the patrol to such [districts]
5 **troops** in the manner as deemed proper to carry out the purposes of this
6 chapter. The superintendent may call members of the patrol from one [district]
7 **troop** to another.

8 2. The superintendent shall appoint the lieutenant colonel and five majors
9 from within the membership. Such individuals shall serve at the
10 superintendent's pleasure and shall return to their previously held rank after
11 being relieved of their position duties by the present or incoming
12 superintendent. The superintendent shall classify and rank through promotions
13 the majors, the director of radio, captains, lieutenants, sergeants, corporals,
14 patrolmen, and radio personnel from the next lower grade after not less than one
15 year of service satisfactorily performed therein.

16 3. In case of the absence of the superintendent, or at the time the
17 superintendent designates, the lieutenant colonel shall assume the duties of the
18 superintendent. In the absence of both the superintendent and the lieutenant
19 colonel, a major shall be designated by the superintendent or by the lieutenant
20 colonel. In case of the disability of the superintendent and the lieutenant colonel,
21 the governor may designate a major as acting superintendent and when so
22 designated, the acting superintendent shall have all the powers and duties of the
23 superintendent.

24 4. The superintendent shall collect, compile and keep available for the use
25 of peace officers of the state the information as is deemed necessary for the
26 detection of crime and identification of criminals. **The superintendent may**
27 **direct members and other employees of the patrol to carry out any**
28 **public safety duty or service authorized or appropriated by the general**
29 **assembly.**

30 5. The superintendent is responsible for establishing policy, procedures,
31 and regulations in cooperation with the law enforcement and criminal justice
32 community in protecting the integrity of the MULES system. The superintendent
33 shall be responsible for the administration and enforcement of all MULES policies
34 and regulations consistent with state and federal rules, policy, and law by which
35 the MULES system operates.

36 [6. Within ninety days after the close of each fiscal year, the
37 superintendent shall make to the governor and the commission a report of the
38 activities of the patrol and the cost thereof for the fiscal period.]

43.140. [1.] The members of the patrol, before entering upon the
2 discharge of their duties, shall each take and subscribe an oath to support the
3 constitution and laws of the United States and the state of Missouri and to
4 faithfully demean themselves in office in the form prescribed by section 11, article
5 VII, of the constitution of this state and they shall each faithfully perform the
6 duties of their respective offices and safely keep and account for all moneys and
7 property received by them.

8 [2. The superintendent, major, director of radio, each member assigned
9 to duty in the department of finance and statistics and each member assigned to
10 duty in the department of supplies and equipment shall give bond to be approved
11 by the commission. The bond of the superintendent shall be twenty thousand
12 dollars, and for each other member required to be bonded, ten thousand
13 dollars. The cost of furnishing all such bonds shall be paid by the state.]

43.210. Any person arrested by a member of the patrol shall forthwith be
2 taken by such member before the court or associate circuit judge, **or such**
3 **court's or judge's designee**, having jurisdiction of the crime whereof such
4 person so arrested is charged there to be dealt with according to law.

43.220. Neither the governor[, the commission,] nor the superintendent
2 shall have any power, right or authority to command, order or direct any member
3 of the patrol to perform any duty or service not authorized [by this chapter]
4 **under state statute.**

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

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

226.131. 1. The commission shall have responsibility and authority, as provided in this chapter, section 302.302, RSMo, section 307.178, RSMo, and sections 577.600 to 577.612, RSMo, for the administration of:

(1) All state highway safety programs and public outreach, highway safety problem identification and development of countermeasures thereof, monitoring of all programs relating to highway safety, including but not limited to seat belt and child safety seat programs and reception, budgeting, and evaluation of federal highway safety grants and any other federal, state, or other funds to be expended within this state for highway safety purposes;

(2) Preparation of the Missouri highway safety plan and reception of all highway safety funds as they relate to section 402 of Title 23 of the United States Code or any other federal, state, or other grants relating to highway safety, the motor carrier safety assistance program, or the safe routes to school program, and the expenditure of such funds within this state;

(3) Compliance by motorcycle and driver improvement program administrators with applicable requirements relating to how such programs are conducted and their accreditation in accordance with section 302.302, RSMo;

(4) Compliance by manufacturers of ignition-interlock devices with applicable requirements relating to how such devices are constructed and their accreditation in accordance with sections 577.600 to 577.614, RSMo; and

(5) Compliance with the provisions of any act of Congress or any

27 **federal rule relating to federal highway safety programs as a condition**
28 **precedent for the purpose of securing to the state of Missouri federal**
29 **highway safety funds apportioned to this state by the United States**
30 **government.**

31 **2. The commission shall carry out all powers, duties, and**
32 **functions relating to highway safety previously performed by the**
33 **division of highway safety within the department of public safety.**

34 **3. All the powers, duties, and functions described in subsections**
35 **1 and 2 of this section, including but not limited to all powers, duties,**
36 **and functions relating to highway safety under this chapter and**
37 **chapters 43, 302, 307, and 577, RSMo, including all rules, regulations,**
38 **and orders are transferred to the department of transportation, which**
39 **is in the charge of the highways and transportation commission, by**
40 **type I transfer, as defined in the omnibus state reorganization act of**
41 **1974, and the preceding agency no longer shall be responsible for those**
42 **powers, duties, and functions.**

43 **4. The division of highway safety within the department of public**
44 **safety is abolished.**

45 **5. Contracts, credentials, accreditations, and authorizations**
46 **issued by the transferring agency or officials of the agency before**
47 **August 28, 2003, shall remain in force or expire as provided by law. In**
48 **addition, the commission shall have the authority to enforce such**
49 **contracts, credentials, accreditations, and authorizations.**

302.133. As used in sections 302.133 to 302.138, the following terms
2 mean:

3 (1) "Commission", the highways and transportation commission
4 created in article IV, section 29, of the Constitution of the state of
5 Missouri;

6 (2) "Department", the department of [public safety] transportation
7 created in article IV, section 29, of the Constitution of the state of
8 Missouri;

9 [(2)] (3) "Director", the director of the department of [public safety]
10 transportation created in section 226.040, RSMo;

11 [(3)] (4) "Instructor", a licensed motorcycle operator who meets the
12 standards established by the [department] commission to teach the motorcycle
13 rider training course;

14 [(4)] (5) "Motorcycle", a motorcycle or motortricycle as those terms are

15 defined by section 301.010, RSMo;

16 [(5)] (6) "Motorcycle rider training course", a motorcycle rider education
17 curriculum and delivery system approved by the [department] **commission** as
18 meeting standards designed to develop and instill the knowledge, attitudes,
19 habits, and skills necessary for the safe operation of a motorcycle.

 302.134. 1. The [department] **commission** shall establish standards for
2 and shall administer the motorcycle safety education program. The program shall
3 include, but is not limited to, motorcycle rider training and instructor training
4 courses. The [department] **commission** may expand the program to include
5 components relating to the effect of alcohol and drugs on motorcycle operation,
6 public awareness of motorcycles on the highways, driver improvement for
7 motorcyclists, motorcycle operator licensing improvement, program promotion,
8 and other motorcycle safety efforts.

9 2. Standards adopted by the [department] **commission** for the motorcycle
10 safety education program, including standards for instructor qualification and
11 standards for the motorcycle rider training and instructor training courses, shall,
12 at a minimum, comply with the applicable standards of the Motorcycle Safety
13 Foundation.

14 3. The [department] **commission** shall promulgate rules and regulations
15 necessary to administer the provisions of sections 302.133 to 302.138.

16 4. No rule or portion of a rule promulgated under the authority of this
17 chapter shall become effective until it has been approved by the joint committee
18 on administrative rules in accordance with the procedures provided in this
19 section, and the delegation of the legislative authority to enact law by the
20 adoption of such rules is dependent upon the power of the joint committee on
21 administrative rules to review and suspend rules pending ratification by the
22 senate and the house of representatives as provided in this section.

23 5. Upon filing any proposed rule with the secretary of state, the
24 [department] **commission** shall concurrently submit such proposed rule to the
25 committee, which may hold hearings upon any proposed rule or portion thereof
26 at any time.

27 6. A final order of rulemaking shall not be filed with the secretary of state
28 until thirty days after such final order of rulemaking has been received by the
29 committee. The committee may hold one or more hearings upon such final order
30 of rulemaking during the thirty-day period. If the committee does not disapprove
31 such order of rulemaking within the thirty-day period, the [department]

32 **commission** may file such order of rulemaking with the secretary of state and
33 the order of rulemaking shall be deemed approved.

34 7. The committee may, by majority vote of the members, suspend the
35 order of rulemaking or portion thereof by action taken prior to the filing of the
36 final order of rulemaking only for one or more of the following grounds:

- 37 (1) An absence of statutory authority for the proposed rule;
- 38 (2) An emergency relating to public health, safety or welfare;
- 39 (3) The proposed rule is in conflict with state law;
- 40 (4) A substantial change in circumstance since enactment of the law upon
41 which the proposed rule is based.

42 8. If the committee disapproves any rule or portion thereof, the
43 [department] **commission** shall not file such disapproved portion of any rule
44 with the secretary of state and the secretary of state shall not publish in the
45 Missouri Register any final order of rulemaking containing the disapproved
46 portion.

47 9. If the committee disapproves any rule or portion thereof, the committee
48 shall report its findings to the senate and the house of representatives. No rule
49 or portion thereof disapproved by the committee shall take effect so long as the
50 senate and the house of representatives ratify the act of the joint committee by
51 resolution adopted in each house within thirty legislative days after such rule or
52 portion thereof has been disapproved by the joint committee.

53 10. Upon adoption of a rule as provided in this section, any such rule or
54 portion thereof may be suspended or revoked by the general assembly either by
55 bill or, pursuant to section 8, article IV of the Constitution of Missouri, by
56 concurrent resolution upon recommendation of the joint committee on
57 administrative rules. The committee shall be authorized to hold hearings and
58 make recommendations pursuant to the provisions of section 536.037, RSMo. The
59 secretary of state shall publish in the Missouri Register, as soon as practicable,
60 notice of the suspension or revocation.

302.135. 1. The [department] **commission** may enter into contracts with
2 public or private institutions or organizations for technical assistance in
3 conducting motorcycle rider training courses and instructor training courses if
4 they are administered and taught in accordance with standards established by
5 the [department] **commission**.

6 2. The [department] **commission** or a contracting institution or
7 organization conducting a course may charge a reasonable tuition fee as

8 determined by the [director] **commission**.

9 3. The [department] **commission** shall issue certificates of completion
10 in the manner and form prescribed by the director to persons who satisfactorily
11 complete the requirements of the state-approved course. Completion of the course
12 shall be indicated upon the person's driver's license. A sticker or other evidence
13 of completion shall be issued for the license until the license is subsequently
14 renewed.

302.136. The [director] **commission** shall by regulation establish the
2 "Motorcycle Safety Program Advisory Committee" to assist in the development
3 and implementation of the program. The committee shall consist of [seven] **eight**
4 members and shall include members representing the motoring public, motorcycle
5 dealerships, motorcycle instructors, law enforcement agencies, [the] motorcycle
6 safety education [program] **programs, the department**, and the department
7 of public safety. Beginning on August 28, 1999, the governor shall appoint the
8 members of the committee for terms of three years; except those first appointed
9 by the governor, two shall be for terms of one year, two shall be for terms of two
10 years and three shall be for terms of three years. The committee shall appoint
11 a [chairman] **chair** and meet at least two times per year. Members shall serve
12 without compensation, but may be reimbursed for [their] **the** reasonable expenses
13 incurred in the performance of [their] **such members'** duties.

302.137. 1. There is hereby created in the state treasury for use by the
2 [department of public safety] **commission** a fund to be known as the "Motorcycle
3 Safety Trust Fund". All **surcharges on** judgments collected pursuant to this
4 section, appropriations of the general assembly, federal grants, private donations
5 and any other moneys designated for the motorcycle safety education program
6 established pursuant to sections 302.133 to 302.138 shall be deposited in the
7 fund. Moneys deposited in the fund shall, upon appropriation by the general
8 assembly [to the department of public safety], be received and expended by the
9 [department of public safety] **commission** for the purpose of funding the
10 motorcycle safety education program established under sections 302.133 to
11 302.138. Notwithstanding the provisions of section 33.080, RSMo, to the
12 contrary, any unexpended balance in the motorcycle safety trust fund at the end
13 of any biennium shall not be transferred to the general revenue fund.

14 2. In all criminal cases, including violations of any county ordinance or
15 any violation of criminal or traffic laws of this state, including an infraction,
16 there shall be assessed as costs a surcharge in the amount of one dollar. No such

17 surcharge shall be collected in any proceeding involving a violation of an
18 ordinance or state law when the proceeding or defendant has been dismissed by
19 the court or when costs are to be paid by the state, county or municipality.

20 3. Such surcharge shall be collected and distributed by the clerk of the
21 court as provided in sections 488.010 to 488.020, RSMo. The surcharge collected
22 pursuant to this section shall be paid to the state treasury to the credit of the
23 motorcycle safety trust fund established in this section.

302.178. 1. Any person between the ages of sixteen and eighteen years
2 who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may
3 apply for, and the director shall issue, an intermediate driver's license entitling
4 the applicant, while having such license in his or her possession, to operate a
5 motor vehicle of the appropriate class upon the highways of this state in
6 conjunction with the requirements of this section. An intermediate driver's
7 license shall be readily distinguishable from a license issued to those over the age
8 of eighteen. All applicants for an intermediate driver's license shall:

- 9 (1) Successfully complete the examination required by section 302.173;
- 10 (2) Pay the fee required by subsection 4 of this section;
- 11 (3) Have had a temporary instruction permit issued pursuant to
12 subsection 1 of section 302.130 for at least a six-month period or a valid license
13 from another state; and
- 14 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a
15 participant in a federal residential job training program, a driving instructor
16 employed by a federal residential job training program, sign the application
17 stating that the applicant has completed at least forty hours of supervised driving
18 experience under a temporary instruction permit issued pursuant to subsection
19 1 of section 302.130, or, if the applicant is an emancipated minor, the person over
20 twenty-one years of age who supervised such driving. For purposes of this
21 section, the term "emancipated minor" means a person who is at least sixteen
22 years of age, but less than eighteen years of age, who:
 - 23 (a) Marries with the consent of the legal custodial parent or legal
24 guardian pursuant to section 451.080, RSMo;
 - 25 (b) Has been declared emancipated by a court of competent jurisdiction;
 - 26 (c) Enters active duty in the armed forces;
 - 27 (d) Has written consent to the emancipation from the custodial parent or
28 legal guardian; or
 - 29 (e) Through employment or other means provides for such person's own

30 food, shelter and other cost-of-living expenses;

31 (5) Have had no alcohol-related enforcement contacts as defined in section
32 302.525 during the preceding twelve months; and

33 (6) Have no nonalcoholic traffic convictions for which points are assessed
34 pursuant to section 302.302, within the preceding six months.

35 2. An intermediate driver's license grants the licensee the same privileges
36 to operate that classification of motor vehicle as a license issued pursuant to
37 section 302.177, except that no person shall operate a motor vehicle on the
38 highways of this state under such an intermediate driver's license between the
39 hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in
40 subsection 1 of section 302.130; except the licensee may operate a motor vehicle
41 without being accompanied if the travel is to or from a school or educational
42 program or activity, a regular place of employment or in emergency situations as
43 defined by the director by regulation.

44 3. Each intermediate driver's license shall be restricted by requiring that
45 the driver and all passengers in the licensee's vehicle wear safety belts at all
46 times. This safety belt restriction shall not apply to a person operating a
47 motorcycle. For the first six months after issuance of the intermediate driver's
48 license, the holder of the license shall not operate a motor vehicle with more than
49 one passenger who is under the age of nineteen who is not a member of the
50 holder's immediate family. As used in this subsection, an intermediate driver's
51 license holder's immediate family shall include brothers, sisters, stepbrothers or
52 stepsisters of the driver, including adopted or foster children residing in the same
53 household of the intermediate driver's license holder. After the expiration of the
54 first six months, the holder of an intermediate driver's license shall not operate
55 a motor vehicle with more than three passengers who are under nineteen years
56 of age and who are not members of the holder's immediate family. The passenger
57 restrictions of this subsection shall not be applicable to any intermediate driver's
58 license holder who is operating a motor vehicle being used in agricultural
59 work-related activities.

60 4. Notwithstanding the provisions of section 302.177 to the contrary, the
61 fee for an intermediate driver's license shall be five dollars and such license shall
62 be valid for a period of two years.

63 5. Any intermediate driver's licensee accumulating six or more points in
64 a twelve-month period may be required to participate in and successfully
65 complete a driver-improvement program approved by the [director of the

66 department of public safety] **state highways and transportation**
67 **commission**. The driver-improvement program ordered by the director of
68 revenue shall not be used in lieu of point assessment.

69 6. (1) An intermediate driver's licensee who has, for the preceding
70 twelve-month period, had no alcohol-related enforcement contacts, as defined in
71 section 302.525 and no traffic convictions for which points are assessed, upon
72 reaching the age of eighteen years or within the thirty days immediately
73 preceding their eighteenth birthday may apply for and receive without further
74 examination, other than a vision test as prescribed by section 302.173, a license
75 issued pursuant to this chapter granting full driving privileges. Such person
76 shall pay the required fee for such license as prescribed in section 302.177.

77 (2) If an intermediate driver's license expires on a Saturday, Sunday, or
78 legal holiday, such license shall remain valid for the five business days
79 immediately following the expiration date. In no case shall a licensee whose
80 intermediate driver's license expires on a Saturday, Sunday, or legal holiday be
81 guilty of an offense of driving with an expired or invalid driver's license if such
82 offense occurred within five business days immediately following an expiration
83 date that occurs on a Saturday, Sunday, or legal holiday.

84 (3) The director of revenue shall deny an application for a full driver's
85 license until the person has had no traffic convictions for which points are
86 assessed for a period of twelve months prior to the date of application for license
87 or until the person is eligible to apply for a six-year driver's license as provided
88 for in section 302.177, provided the applicant is otherwise eligible for full driving
89 privileges. An intermediate driver's license shall expire when the licensee is
90 eligible and receives a full driver's license as prescribed in subdivision (1) of this
91 section.

92 7. No person upon reaching the age of eighteen years whose intermediate
93 driver's license and driving privilege is denied, suspended, canceled or revoked
94 in this state or any other state for any reason may apply for a full driver's license
95 until such license or driving privilege is fully reinstated. Any such person whose
96 intermediate driver's license has been revoked pursuant to the provisions of
97 sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation
98 from the director, pass the complete driver examination, apply for a new license,
99 and pay the proper fee before again operating a motor vehicle upon the highways
100 of this state.

101 8. A person shall be exempt from the intermediate licensing requirements

102 if the person has reached the age of eighteen years and meets all other licensing
103 requirements.

104 9. Any person who violates any of the provisions of this section relating
105 to intermediate drivers' licenses or the provisions of section 302.130 relating to
106 temporary instruction permits is guilty of an infraction, and no points shall be
107 assessed to his or her driving record for any such violation.

108 10. Any rule or portion of a rule, as that term is defined in section
109 536.010, RSMo, that is created under the authority delegated in this section shall
110 become effective only if it complies with and is subject to all of the provisions of
111 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
112 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
113 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
114 date or to disapprove and annul a rule are subsequently held unconstitutional,
115 then the grant of rulemaking authority and any rule proposed or adopted after
116 August 28, 2000, shall be invalid and void.

577.608. 1. The [department of public safety] **state highways and**
2 **transportation commission** shall certify or cause to be certified ignition
3 interlock devices required by sections 577.600 to 577.614 and publish a list of
4 approved devices.

5 2. The [department of public safety] **commission** shall adopt guidelines
6 for the proper use of the ignition interlock devices in full compliance with sections
7 577.600 to 577.614.

8 3. The [department of public safety] **commission** shall use information
9 from an independent agency to certify ignition interlock devices on or off the
10 premises of the manufacturer in accordance with the guidelines. The cost of
11 certification shall be borne by the manufacturers of interlock ignition devices. In
12 certifying the devices, those which do not impede the safe operation of the vehicle
13 and which have the fewest opportunities to be bypassed so as to render the
14 provisions of sections 577.600 to 577.614 ineffective shall be certified.

15 4. No model of ignition interlock device shall be certified unless it meets
16 the accuracy requirements specified by the guidelines of the [department of public
17 safety] **commission**.

18 5. Before certifying any device, the [department of public safety]
19 **commission** shall consult with the National Highway Traffic Safety
20 Administration regarding the use of ignition interlock devices.

650.005. 1. There is hereby created a "Department of Public Safety" in

2 charge of a director appointed by the governor with the advice and consent of the
3 senate. The department's role will be to provide overall coordination in the
4 state's public safety and law enforcement program, to provide channels of
5 coordination with local and federal agencies in regard to public safety, law
6 enforcement and with all correctional and judicial agencies in regard to matters
7 pertaining to its responsibilities as they may interrelate with the other agencies
8 or offices of state, local or federal governments.

9 2. All the powers, duties and functions of the state highway patrol,
10 chapter 43, RSMo, and others, are transferred by type II transfer to the
11 department of public safety. The governor by and with the advice and consent of
12 the senate shall appoint the superintendent of the patrol. With the exception of
13 sections 43.100 to 43.120, RSMo, relating to financial procedures, the director of
14 public safety shall succeed the state highways and transportation commission in
15 approving actions of the superintendent and related matters as provided in
16 chapter 43, RSMo. Uniformed members of the patrol shall be selected in the
17 manner provided by law and shall receive the compensation provided by
18 law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to
19 affect the funding of appropriations or the operation of chapter 104, RSMo,
20 relating to retirement system coverage or section 226.160, RSMo, relating to
21 workers' compensation for members of the patrol.

22 3. All the powers, duties and functions of the supervisor of liquor control,
23 chapters 311 and 312, RSMo, and others, are transferred by type II transfer to
24 the department of public safety. The supervisor shall be nominated by the
25 department director and appointed by the governor with the advice and consent
26 of the senate. The supervisor shall appoint such agents, assistants, deputies and
27 inspectors as limited by appropriations. All employees shall have the
28 qualifications provided by law and may be removed by the supervisor or director
29 of the department as provided in section 311.670, RSMo.

30 4. [The director of public safety, superintendent of the highway patrol and
31 transportation division of the department of economic development are to
32 examine the motor carrier inspection laws and practices in Missouri to determine
33 how best to enforce the laws with a minimum of duplication, harassment of
34 carriers and to improve the effectiveness of supervision of weight and safety
35 requirements and to report to the governor and general assembly by January 1,
36 1975, on their findings and on any actions taken.

37 5. The Missouri division of highway safety is transferred by type I

38 transfer to the department of public safety. The division shall be in charge of a
39 director who shall be appointed by the director of the department.

40 **6.]** All the powers, duties and functions of the safety and fire prevention
41 bureau of the department of public health and welfare are transferred by type I
42 transfer to the director of public safety.

43 **[7.] 5.** All the powers, duties and functions of the state fire marshal,
44 chapter 320, RSMo, and others, are transferred to the department of public safety
45 by a type I transfer.

46 **[8.] 6.** All the powers, duties and functions of the law enforcement
47 assistance council administering federal grants, planning and the like relating to
48 Public Laws 90-351, 90-445 and related acts of Congress are transferred by type
49 I transfer to the director of public safety. The director of public safety shall
50 appoint such advisory bodies as are required by federal laws or regulations. The
51 council is abolished.

52 **[9.] 7.** The director of public safety shall promulgate motor vehicle
53 regulations and be ex officio a member of the safety compact commission in place
54 of the director of revenue and all powers, duties and functions relating to chapter
55 307, RSMo, are transferred by type I transfer to the director of public safety.

56 **[10.] 8.** The office of adjutant general and the state militia are assigned
57 to the department of public safety; provided, however, nothing herein shall be
58 construed to interfere with the powers and duties of the governor as provided in
59 article IV, section 6 of the Constitution of the state of Missouri or chapter 41,
60 RSMo.

61 **[11.] 9.** All the powers, duties and functions of the Missouri boat
62 commission, chapter 306, RSMo, and others, are transferred by type I transfer to
63 the "Missouri State Water Patrol", which is hereby created, in the department of
64 public safety. The Missouri boat commission and the office of secretary to the
65 commission are abolished. The Missouri state water patrol shall be headed by a
66 boat commissioner who shall be appointed by the governor, with the advice and
67 consent of the senate. All deputy boat commissioners and all other employees of
68 the commission who were employed on February 1, 1974, shall be transferred to
69 the water patrol and they shall be immediately covered by the provisions of
70 chapter 36, RSMo, without further qualification. All deputy boat commissioners
71 and others employed by the water patrol after May 2, 1974, shall be selected and
72 removed pursuant to the provisions of chapter 36, RSMo.

73 **[12.] 10.** The division of veterans affairs, chapter 42, RSMo, is assigned

74 to the office of adjutant general. The adjutant general, with the advice of the
75 veterans' board, shall appoint the director of the division of veterans affairs who
76 shall serve at the pleasure of the adjutant general.

77 [13.] 11. Any rule or portion of a rule, as that term is defined in section
78 536.010, RSMo, that is promulgated under the authority of this chapter, shall
79 become effective only if the agency has fully complied with all of the requirements
80 of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if
81 applicable, after August 28, 1999. If the provisions of section 536.028, RSMo,
82 apply, the provisions of this section are nonseverable and if any of the powers
83 vested with the general assembly pursuant to section 536.028, RSMo, to review,
84 to delay the effective date, or to disapprove and annul a rule or portion of a rule
85 are held unconstitutional or invalid, the purported grant of rulemaking authority
86 and any rule so proposed and contained in the order of rulemaking shall be
87 invalid and void, except that nothing in this section shall affect the validity of
88 any rule adopted and promulgated prior to August 28, 1999.

✓
Bill

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