

SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2

FOR
HOUSE BILL NO. 499

AN ACT

To repeal sections 136.055, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, 479.500, 643.300, 643.303, 643.305, 643.310, 643.315, 643.320, 643.325, 643.330, 643.335, 643.337, 643.340, 643.345, 643.350, 643.353, and 643.355, RSMo, and to enact in lieu thereof twenty-six new sections relating to transportation, with penalty provisions and an effective date for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 136.055, 301.010, 301.067, 302.574,
2 304.580, 304.585, 304.590, 304.894, 479.500, 643.300, 643.303,
3 643.305, 643.310, 643.315, 643.320, 643.325, 643.330, 643.335,
4 643.337, 643.340, 643.345, 643.350, 643.353, and 643.355, RSMo,
5 are repealed and twenty-six new sections enacted in lieu thereof,
6 to be known as sections 136.055, 227.453, 227.454, 227.457,
7 227.458, 227.459, 227.460, 227.461, 227.462, 227.469, 227.471,
8 227.547, 227.549, 227.550, 227.800, 227.801, 227.802, 301.010,
9 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, 479.500,
10 and 643.300 to read as follows:

11 136.055. 1. Any person who is selected or appointed by the
12 state director of revenue as provided in subsection 2 of this
13 section to act as an agent of the department of revenue, whose

1 duties shall be the processing of motor vehicle title and
2 registration transactions and the collection of sales and use
3 taxes when required under sections 144.070 and 144.440, and who
4 receives no salary from the department of revenue, shall be
5 authorized to collect from the party requiring such services
6 additional fees as compensation in full and for all services
7 rendered on the following basis:

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

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

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

19 (4) For each notice of lien [~~processed-two~~] processed, six
20 dollars [and fifty cents];

21 (5) [~~No~~] Notary fee or [~~other fee or additional charge~~
22 shall be paid or collected except for] electronic [~~telephone~~]
23 transmission [~~reception-two~~] per processing, two dollars.

24 2. The director of revenue shall award fee office contracts
25 under this section through a competitive bidding process. The
26 competitive bidding process shall give priority to organizations
27 and entities that are exempt from taxation under Section
28 501(c) (3), 501(c) (6), or 501(c) (4), except those civic

1 organizations that would be considered action organizations under
2 26 C.F.R. Section 1.501 (c) (3)-1(c) (3), of the Internal Revenue
3 Code of 1986, as amended, with special consideration given to
4 those organizations and entities that reinvest a minimum of
5 seventy-five percent of the net proceeds to charitable
6 organizations in Missouri, and political subdivisions, including
7 but not limited to, municipalities, counties, and fire protection
8 districts. The director of the department of revenue may
9 promulgate rules and regulations necessary to carry out the
10 provisions of this subsection. Any rule or portion of a rule, as
11 that term is defined in section 536.010, that is created under
12 the authority delegated in this subsection shall become effective
13 only if it complies with and is subject to all of the provisions
14 of chapter 536 and, if applicable, section 536.028. This section
15 and chapter 536 are nonseverable and if any of the powers vested
16 with the general assembly pursuant to chapter 536 to review, to
17 delay the effective date, or to disapprove and annul a rule are
18 subsequently held unconstitutional, then the grant of rulemaking
19 authority and any rule proposed or adopted after August 28, 2009,
20 shall be invalid and void.

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

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

27 5. Any person acting as agent of the department of revenue
28 for the sale and issuance of registrations, licenses, and other

1 documents related to motor vehicles shall have an insurable
2 interest in all license plates, licenses, tabs, forms and other
3 documents held on behalf of the department.

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

9 7. Notwithstanding any other provision of law to the
10 contrary, the state auditor may audit all records maintained and
11 established by the fee office in the same manner as the auditor
12 may audit any agency of the state, and the department shall
13 ensure that this audit requirement is a necessary condition for
14 the award of all fee office contracts. No confidential records
15 shall be divulged in such a way to reveal personally identifiable
16 information.

17 227.453. The portion of State Highway 79 from Spring Street
18 continuing north to North Street in the City of Hannibal in
19 Marion County shall be designated as "Jake Beckley Memorial
20 Highway". The department of transportation shall erect and
21 maintain appropriate signs designating such highway, with the
22 costs to be paid by private donations.

23 227.454. The portion of State Highway 79 from 5th Street
24 continuing north to U.S. State Highway 36/Interstate 72 in the
25 City of Hannibal in Marion County shall be designated as "Molly
26 Brown Memorial Highway". The department of transportation shall
27 erect and maintain appropriate signs designating such highway,
28 with the costs to be paid by private donations.

1 227.457. The portion of State Highway 740 from Audubon
2 Drive to .25 miles east of MO 763 in Boone County shall be
3 designated the "SGT Phillip Anderson Memorial Highway". The
4 department of transportation shall erect and maintain appropriate
5 signs designating such highway, with the costs to be paid by
6 private donations.

7 227.458. The portion of State Highway 740 from .25 miles
8 east of MO 763 to .35 miles west of Providence Boulevard in Boone
9 County shall be designated the "SPC Steven Fitzmorris Memorial
10 Highway". The department of transportation shall erect and
11 maintain appropriate signs designating such highway, with the
12 costs to be paid by private donations.

13 227.459. The portion of State Highway 740 from .35 miles
14 west of Providence Boulevard to .25 miles west of Forum Boulevard
15 in Boone County shall be designated the "SPC Jason Fingar
16 Memorial Highway". The department of transportation shall erect
17 and maintain appropriate signs designating such highway, with the
18 costs to be paid by private donations.

19 227.460. The portion of State Highway 740 from .25 miles
20 west of Forum Boulevard to .25 miles south of State Highway TT in
21 Boone County shall be designated the "SFC Charles Sadell Memorial
22 Highway". The department of transportation shall erect and
23 maintain appropriate signs designating such highway, with the
24 costs to be paid by private donations.

25 227.461. The portion of State Highway 740 from .25 miles
26 south of State Highway TT to the intersection of State Highway E
27 and Aaron Drive in Boone County shall be designated the "SPC
28 Sterling Wyatt Memorial Highway". The department of

1 transportation shall erect and maintain appropriate signs
2 designating such highway, with the costs to be paid by private
3 donations.

4 227.462. The portion of Interstate 70 from State Highway A
5 continuing east to Lake St. Louis Boulevard in St. Charles County
6 shall be designated as the "Ralph Barrale Memorial Highway". The
7 department of transportation shall erect and maintain appropriate
8 signs designating such highway, with the costs to be paid by
9 private donations.

10 227.469. The portion of State Highway 76 from Stonebridge
11 Parkway continuing east to Old Highway 76 Road shall be
12 designated as the "Mary Herschend Memorial Highway". The
13 department of transportation shall erect and maintain appropriate
14 signs designating such highway, with the costs to be paid by
15 private donations.

16 227.471. The portion of State Highway 115 from Bellerive
17 Acres to Marietta Drive in St. Louis County shall be designated
18 as "Marquerite Ross Barnett Memorial Highway". The department of
19 transportation shall erect and maintain appropriate signs
20 designating such highway, with the costs to be paid by private
21 donations.

22 227.547. The portion of State Highway E from Lafayette
23 Street South to Outer Road 70 East in Lafayette County shall be
24 designated the "Firefighter Jeff Sanders Memorial Highway". The
25 department of transportation shall erect and maintain appropriate
26 signs designating such highway, with the costs to be paid by
27 private donations.

28 227.549. The portion of State Highway P from Dove Nest Lane

1 continuing east to State Highway M in St. Charles County shall be
2 designated as "Waylon Jennings Memorial Highway". Costs for such
3 designation shall be paid by private donations.

4 227.550. The portion of State Highway 6 beginning from U.S.
5 State Highway 169 continuing east to Riverside Road through the
6 city of St. Joseph in Buchanan County shall be designated as
7 "Firefighter Travis Owens Memorial Highway". The department of
8 transportation shall erect and maintain appropriate signs
9 designating such highway, with costs to be paid for by private
10 donations.

11 227.800. The portion of Interstate 70 in Jackson County
12 from the Blue Ridge Cutoff overpass continuing west to the Troost
13 Avenue overpass shall be designated the "Senator Phil B. Curls
14 Memorial Highway". The department of transportation shall erect
15 and maintain appropriate signs designating such highway, with the
16 costs to be paid by private donations.

17 227.801. The portion of Interstate 70 in the city of St.
18 Louis from the Salisbury Street overpass continuing west to the
19 Goodfellow Boulevard overpass shall be designated the "Senator
20 Paula J. Carter Memorial Highway". The department of
21 transportation shall erect and maintain appropriate signs
22 designating such highway, with the costs to be paid by private
23 donations.

24 227.802. The portion of Highway 32 in Dent County from
25 Highway 72 continuing east to Craig Industrial Drive in the city
26 of Salem the "Gerald T. Lizotte, Jr. Memorial Highway". The
27 department of transportation shall erect and maintain appropriate
28 signs designating such highway, with the costs to be paid by

1 private donations.

2 301.010. As used in this chapter and sections 304.010 to
3 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the
4 following terms mean:

5 (1) "All-terrain vehicle", any motorized vehicle
6 manufactured and used exclusively for off-highway use which is
7 fifty inches or less in width, with an unladen dry weight of one
8 thousand five hundred pounds or less, traveling on three, four or
9 more nonhighway tires;

10 (2) "Autocycle", a three-wheeled motor vehicle which the
11 drivers and passengers ride in a partially or completely enclosed
12 nonstraddle seating area, that is designed to be controlled with
13 a steering wheel and pedals, and that has met applicable
14 Department of Transportation National Highway Traffic Safety
15 Administration requirements or federal motorcycle safety
16 standards;

17 (3) "Automobile transporter", any vehicle combination
18 capable of carrying cargo on the power unit and designed and used
19 for the transport of assembled motor vehicles, including truck
20 camper units;

21 (4) "Axle load", the total load transmitted to the road by
22 all wheels whose centers are included between two parallel
23 transverse vertical planes forty inches apart, extending across
24 the full width of the vehicle;

25 (5) "Backhaul", the return trip of a vehicle transporting
26 cargo or general freight, especially when carrying goods back
27 over all or part of the same route;

28 (6) "Boat transporter", any vehicle combination capable of

1 carrying cargo on the power unit and designed and used
2 specifically to transport assembled boats and boat hulls. Boats
3 may be partially disassembled to facilitate transporting;

4 (7) "Body shop", a business that repairs physical damage on
5 motor vehicles that are not owned by the shop or its officers or
6 employees by mending, straightening, replacing body parts, or
7 painting;

8 (8) "Bus", a motor vehicle primarily for the transportation
9 of a driver and eight or more passengers but not including
10 shuttle buses;

11 (9) "Commercial motor vehicle", a motor vehicle designed or
12 regularly used for carrying freight and merchandise, or more than
13 eight passengers but not including vanpools or shuttle buses;

14 (10) "Cotton trailer", a trailer designed and used
15 exclusively for transporting cotton at speeds less than forty
16 miles per hour from field to field or from field to market and
17 return;

18 (11) "Dealer", any person, firm, corporation, association,
19 agent or subagent engaged in the sale or exchange of new, used or
20 reconstructed motor vehicles or trailers;

21 (12) "Director" or "director of revenue", the director of
22 the department of revenue;

23 (13) "Driveaway operation":

24 (a) The movement of a motor vehicle or trailer by any
25 person or motor carrier other than a dealer over any public
26 highway, under its own power singly, or in a fixed combination of
27 two or more vehicles, for the purpose of delivery for sale or for
28 delivery either before or after sale;

1 (b) The movement of any vehicle or vehicles, not owned by
2 the transporter, constituting the commodity being transported, by
3 a person engaged in the business of furnishing drivers and
4 operators for the purpose of transporting vehicles in transit
5 from one place to another by the driveaway or towaway methods; or

6 (c) The movement of a motor vehicle by any person who is
7 lawfully engaged in the business of transporting or delivering
8 vehicles that are not the person's own and vehicles of a type
9 otherwise required to be registered, by the driveaway or towaway
10 methods, from a point of manufacture, assembly or distribution or
11 from the owner of the vehicles to a dealer or sales agent of a
12 manufacturer or to any consignee designated by the shipper or
13 consignor;

14 (14) "Dromedary", a box, deck, or plate mounted behind the
15 cab and forward of the fifth wheel on the frame of the power unit
16 of a truck tractor-semitrailer combination. A truck tractor
17 equipped with a dromedary may carry part of a load when operating
18 independently or in a combination with a semitrailer;

19 (15) "Farm tractor", a tractor used exclusively for
20 agricultural purposes;

21 (16) "Fleet", any group of ten or more motor vehicles owned
22 by the same owner;

23 (17) "Fleet vehicle", a motor vehicle which is included as
24 part of a fleet;

25 (18) "Fullmount", a vehicle mounted completely on the frame
26 of either the first or last vehicle in a saddlemount combination;

27 (19) "Gross weight", the weight of vehicle and/or vehicle
28 combination without load, plus the weight of any load thereon;

1 (20) "Hail-damaged vehicle", any vehicle, the body of which
2 has become dented as the result of the impact of hail;

3 (21) "Highway", any public thoroughfare for vehicles,
4 including state roads, county roads and public streets, avenues,
5 boulevards, parkways or alleys in any municipality;

6 (22) "Improved highway", a highway which has been paved
7 with gravel, macadam, concrete, brick or asphalt, or surfaced in
8 such a manner that it shall have a hard, smooth surface;

9 (23) "Intersecting highway", any highway which joins
10 another, whether or not it crosses the same;

11 (24) "Junk vehicle", a vehicle which:

12 (a) Is incapable of operation or use upon the highways and
13 has no resale value except as a source of parts or scrap; or

14 (b) Has been designated as junk or a substantially
15 equivalent designation by this state or any other state;

16 (25) "Kit vehicle", a motor vehicle assembled by a person
17 other than a generally recognized manufacturer of motor vehicles
18 by the use of a glider kit or replica purchased from an
19 authorized manufacturer and accompanied by a manufacturer's
20 statement of origin;

21 (26) "Land improvement contractors' commercial motor
22 vehicle", any not-for-hire commercial motor vehicle the operation
23 of which is confined to:

24 (a) An area that extends not more than a radius of one
25 hundred miles from its home base of operations when transporting
26 its owner's machinery, equipment, or auxiliary supplies to or
27 from projects involving soil and water conservation, or to and
28 from equipment dealers' maintenance facilities for maintenance

1 purposes; or

2 (b) An area that extends not more than a radius of fifty
3 miles from its home base of operations when transporting its
4 owner's machinery, equipment, or auxiliary supplies to or from
5 projects not involving soil and water conservation.

6 Nothing in this subdivision shall be construed to prevent any
7 motor vehicle from being registered as a commercial motor vehicle
8 or local commercial motor vehicle;

9 (27) "Local commercial motor vehicle", a commercial motor
10 vehicle whose operations are confined to a municipality and that
11 area extending not more than fifty miles therefrom, or a
12 commercial motor vehicle whose property-carrying operations are
13 confined solely to the transportation of property owned by any
14 person who is the owner or operator of such vehicle to or from a
15 farm owned by such person or under the person's control by virtue
16 of a landlord and tenant lease; provided that any such property
17 transported to any such farm is for use in the operation of such
18 farm;

19 (28) "Local log truck", a commercial motor vehicle which is
20 registered pursuant to this chapter to operate as a motor vehicle
21 on the public highways of this state, used exclusively in this
22 state, used to transport harvested forest products, operated
23 solely at a forested site and in an area extending not more than
24 a one hundred mile radius from such site, carries a load with
25 dimensions not in excess of twenty-five cubic yards per two axles
26 with dual wheels, and when operated on the national system of
27 interstate and defense highways described in 23 U.S.C. Section
28 103, as amended, or outside the one hundred mile radius from such

1 site with an extended distance local log truck permit, such
2 vehicle shall not exceed the weight limits of section 304.180,
3 does not have more than four axles, and does not pull a trailer
4 which has more than three axles. Harvesting equipment which is
5 used specifically for cutting, felling, trimming, delimiting,
6 debarking, chipping, skidding, loading, unloading, and stacking
7 may be transported on a local log truck. A local log truck may
8 not exceed the limits required by law, however, if the truck does
9 exceed such limits as determined by the inspecting officer, then
10 notwithstanding any other provisions of law to the contrary, such
11 truck shall be subject to the weight limits required by such
12 sections as licensed for eighty thousand pounds;

13 (29) "Local log truck tractor", a commercial motor vehicle
14 which is registered under this chapter to operate as a motor
15 vehicle on the public highways of this state, used exclusively in
16 this state, used to transport harvested forest products, operated
17 at a forested site and in an area extending not more than a one
18 hundred mile radius from such site, operates with a weight not
19 exceeding twenty-two thousand four hundred pounds on one axle or
20 with a weight not exceeding forty-four thousand eight hundred
21 pounds on any tandem axle, and when operated on the national
22 system of interstate and defense highways described in 23 U.S.C.
23 Section 103, as amended, or outside the one hundred mile radius
24 from such site with an extended distance local log truck permit,
25 such vehicle does not exceed the weight limits contained in
26 section 304.180, and does not have more than three axles and does
27 not pull a trailer which has more than three axles. Violations
28 of axle weight limitations shall be subject to the load limit

1 penalty as described for in sections 304.180 to 304.220;

2 (30) "Local transit bus", a bus whose operations are
3 confined wholly within a municipal corporation, or wholly within
4 a municipal corporation and a commercial zone, as defined in
5 section 390.020, adjacent thereto, forming a part of a public
6 transportation system within such municipal corporation and such
7 municipal corporation and adjacent commercial zone;

8 (31) "Log truck", a vehicle which is not a local log truck
9 or local log truck tractor and is used exclusively to transport
10 harvested forest products to and from forested sites which is
11 registered pursuant to this chapter to operate as a motor vehicle
12 on the public highways of this state for the transportation of
13 harvested forest products;

14 (32) "Major component parts", the rear clip, cowl, frame,
15 body, cab, front-end assembly, and front clip, as those terms are
16 defined by the director of revenue pursuant to rules and
17 regulations or by illustrations;

18 (33) "Manufacturer", any person, firm, corporation or
19 association engaged in the business of manufacturing or
20 assembling motor vehicles, trailers or vessels for sale;

21 (34) "Motor change vehicle", a vehicle manufactured prior
22 to August, 1957, which receives a new, rebuilt or used engine,
23 and which used the number stamped on the original engine as the
24 vehicle identification number;

25 (35) "Motor vehicle", any self-propelled vehicle not
26 operated exclusively upon tracks, except farm tractors;

27 (36) "Motor vehicle primarily for business use", any
28 vehicle other than a recreational motor vehicle, motorcycle,

1 motorcycle, or any commercial motor vehicle licensed for over
2 twelve thousand pounds:

3 (a) Offered for hire or lease; or

4 (b) The owner of which also owns ten or more such motor
5 vehicles;

6 (37) "Motorcycle", a motor vehicle operated on two wheels;

7 (38) "Motorized bicycle", any two-wheeled or three-wheeled
8 device having an automatic transmission and a motor with a
9 cylinder capacity of not more than fifty cubic centimeters, which
10 produces less than three gross brake horsepower, and is capable
11 of propelling the device at a maximum speed of not more than
12 thirty miles per hour on level ground;

13 (39) "Motortricycle", a motor vehicle upon which the
14 operator straddles or sits astride that is designed to be
15 controlled by handle bars and is operated on three wheels,
16 including a motorcycle while operated with any conveyance,
17 temporary or otherwise, requiring the use of a third wheel. A
18 motortricycle shall not be included in the definition of
19 all-terrain vehicle;

20 (40) "Municipality", any city, town or village, whether
21 incorporated or not;

22 (41) "Nonresident", a resident of a state or country other
23 than the state of Missouri;

24 (42) "Non-USA-std motor vehicle", a motor vehicle not
25 originally manufactured in compliance with United States
26 emissions or safety standards;

27 (43) "Operator", any person who operates or drives a motor
28 vehicle;

1 (44) "Owner", any person, firm, corporation or association,
2 who holds the legal title to a vehicle or in the event a vehicle
3 is the subject of an agreement for the conditional sale or lease
4 thereof with the right of purchase upon performance of the
5 conditions stated in the agreement and with an immediate right of
6 possession vested in the conditional vendee or lessee, or in the
7 event a mortgagor of a vehicle is entitled to possession, then
8 such conditional vendee or lessee or mortgagor shall be deemed
9 the owner;

10 (45) "Public garage", a place of business where motor
11 vehicles are housed, stored, repaired, reconstructed or repainted
12 for persons other than the owners or operators of such place of
13 business;

14 (46) "Rebuilder", a business that repairs or rebuilds motor
15 vehicles owned by the rebuilder, but does not include
16 certificated common or contract carriers of persons or property;

17 (47) "Reconstructed motor vehicle", a vehicle that is
18 altered from its original construction by the addition or
19 substitution of two or more new or used major component parts,
20 excluding motor vehicles made from all new parts, and new
21 multistage manufactured vehicles;

22 (48) "Recreational motor vehicle", any motor vehicle
23 designed, constructed or substantially modified so that it may be
24 used and is used for the purposes of temporary housing quarters,
25 including therein sleeping and eating facilities which are either
26 permanently attached to the motor vehicle or attached to a unit
27 which is securely attached to the motor vehicle. Nothing herein
28 shall prevent any motor vehicle from being registered as a

1 commercial motor vehicle if the motor vehicle could otherwise be
2 so registered;

3 (49) "Recreational off-highway vehicle", any motorized
4 vehicle manufactured and used exclusively for off-highway use
5 which is more than fifty inches but no more than sixty-seven
6 inches in width, with an unladen dry weight of two thousand
7 pounds or less, traveling on four or more nonhighway tires and
8 which may have access to ATV trails;

9 (50) "Recreational trailer", any trailer designed,
10 constructed, or substantially modified so that it may be used and
11 is used for the purpose of temporary housing quarters, including
12 therein sleeping or eating facilities, which can be temporarily
13 attached to a motor vehicle or attached to a unit which is
14 securely attached to a motor vehicle;

15 (51) "Rollback or car carrier", any vehicle specifically
16 designed to transport wrecked, disabled or otherwise inoperable
17 vehicles, when the transportation is directly connected to a
18 wrecker or towing service;

19 [(51)] (52) "Saddlemount combination", a combination of
20 vehicles in which a truck or truck tractor tows one or more
21 trucks or truck tractors, each connected by a saddle to the frame
22 or fifth wheel of the vehicle in front of it. The "saddle" is a
23 mechanism that connects the front axle of the towed vehicle to
24 the frame or fifth wheel of the vehicle in front and functions
25 like a fifth wheel kingpin connection. When two vehicles are
26 towed in this manner the combination is called a "double
27 saddlemount combination". When three vehicles are towed in this
28 manner, the combination is called a "triple saddlemount

1 combination";

2 [(52)] (53) "Salvage dealer and dismantler", a business
3 that dismantles used motor vehicles for the sale of the parts
4 thereof, and buys and sells used motor vehicle parts and
5 accessories;

6 [(53)] (54) "Salvage vehicle", a motor vehicle,
7 semitrailer, or house trailer which:

8 (a) Was damaged during a year that is no more than six
9 years after the manufacturer's model year designation for such
10 vehicle to the extent that the total cost of repairs to rebuild
11 or reconstruct the vehicle to its condition immediately before it
12 was damaged for legal operation on the roads or highways exceeds
13 eighty percent of the fair market value of the vehicle
14 immediately preceding the time it was damaged;

15 (b) By reason of condition or circumstance, has been
16 declared salvage, either by its owner, or by a person, firm,
17 corporation, or other legal entity exercising the right of
18 security interest in it;

19 (c) Has been declared salvage by an insurance company as a
20 result of settlement of a claim;

21 (d) Ownership of which is evidenced by a salvage title; or

22 (e) Is abandoned property which is titled pursuant to
23 section 304.155 or section 304.157 and designated with the words
24 "salvage/abandoned property". The total cost of repairs to
25 rebuild or reconstruct the vehicle shall not include the cost of
26 repairing, replacing, or reinstalling inflatable safety
27 restraints, tires, sound systems, or damage as a result of hail,
28 or any sales tax on parts or materials to rebuild or reconstruct

1 the vehicle. For purposes of this definition, "fair market
2 value" means the retail value of a motor vehicle as:

3 a. Set forth in a current edition of any nationally
4 recognized compilation of retail values, including automated
5 databases, or from publications commonly used by the automotive
6 and insurance industries to establish the values of motor
7 vehicles;

8 b. Determined pursuant to a market survey of comparable
9 vehicles with regard to condition and equipment; and

10 c. Determined by an insurance company using any other
11 procedure recognized by the insurance industry, including market
12 surveys, that is applied by the company in a uniform manner;

13 [(54)] (55) "School bus", any motor vehicle used solely to
14 transport students to or from school or to transport students to
15 or from any place for educational purposes;

16 [(55)] (56) "Scrap processor", a business that, through
17 the use of fixed or mobile equipment, flattens, crushes, or
18 otherwise accepts motor vehicles and vehicle parts for processing
19 or transportation to a shredder or scrap metal operator for
20 recycling;

21 [(56)] (57) "Shuttle bus", a motor vehicle used or
22 maintained by any person, firm, or corporation as an incidental
23 service to transport patrons or customers of the regular business
24 of such person, firm, or corporation to and from the place of
25 business of the person, firm, or corporation providing the
26 service at no fee or charge. Shuttle buses shall not be
27 registered as buses or as commercial motor vehicles;

28 [(57)] (58) "Special mobile equipment", every

1 self-propelled vehicle not designed or used primarily for the
2 transportation of persons or property and incidentally operated
3 or moved over the highways, including farm equipment, implements
4 of husbandry, road construction or maintenance machinery,
5 ditch-digging apparatus, stone crushers, air compressors, power
6 shovels, cranes, graders, rollers, well-drillers and wood-sawing
7 equipment used for hire, asphalt spreaders, bituminous mixers,
8 bucket loaders, ditchers, leveling graders, finished machines,
9 motor graders, road rollers, scarifiers, earth-moving carryalls,
10 scrapers, drag lines, concrete pump trucks, rock-drilling and
11 earth-moving equipment. This enumeration shall be deemed partial
12 and shall not operate to exclude other such vehicles which are
13 within the general terms of this section;

14 [(58)] (59) "Specially constructed motor vehicle", a motor
15 vehicle which shall not have been originally constructed under a
16 distinctive name, make, model or type by a manufacturer of motor
17 vehicles. The term specially constructed motor vehicle includes
18 kit vehicles;

19 [(59)] (60) "Stinger-steered combination", a truck
20 tractor-semitrailer wherein the fifth wheel is located on a drop
21 frame located behind and below the rearmost axle of the power
22 unit;

23 [(60)] (61) "Tandem axle", a group of two or more axles,
24 arranged one behind another, the distance between the extremes of
25 which is more than forty inches and not more than ninety-six
26 inches apart;

27 [(61)] (62) "Towaway trailer transporter combination", a
28 combination of vehicles consisting of a trailer transporter

1 towing unit and two trailers or semitrailers, with a total weight
2 that does not exceed twenty-six thousand pounds; and in which the
3 trailers or semitrailers carry no property and constitute
4 inventory property of a manufacturer, distributor, or dealer of
5 such trailers or semitrailers;

6 [(62)] (63) "Tractor", "truck tractor" or "truck-tractor",
7 a self-propelled motor vehicle designed for drawing other
8 vehicles, but not for the carriage of any load when operating
9 independently. When attached to a semitrailer, it supports a
10 part of the weight thereof;

11 [(63)] (64) "Trailer", any vehicle without motive power
12 designed for carrying property or passengers on its own structure
13 and for being drawn by a self-propelled vehicle, except those
14 running exclusively on tracks, including a semitrailer or vehicle
15 of the trailer type so designed and used in conjunction with a
16 self-propelled vehicle that a considerable part of its own weight
17 rests upon and is carried by the towing vehicle. The term
18 trailer shall not include cotton trailers as defined in this
19 section and shall not include manufactured homes as defined in
20 section 700.010;

21 [(64)] (65) "Trailer transporter towing unit", a power
22 unit that is not used to carry property when operating in a
23 towaway trailer transporter combination;

24 [(65)] (66) "Truck", a motor vehicle designed, used, or
25 maintained for the transportation of property;

26 [(66)] (67) "Truck-tractor semitrailer-semitrailer", a
27 combination vehicle in which the two trailing units are connected
28 with a B-train assembly which is a rigid frame extension attached

1 to the rear frame of a first semitrailer which allows for a
2 fifth-wheel connection point for the second semitrailer and has
3 one less articulation point than the conventional A-dolly
4 connected truck-tractor semitrailer-trailer combination;

5 [(67)] (68) "Truck-trailer boat transporter combination",
6 a boat transporter combination consisting of a straight truck
7 towing a trailer using typically a ball and socket connection
8 with the trailer axle located substantially at the trailer center
9 of gravity rather than the rear of the trailer but so as to
10 maintain a downward force on the trailer tongue;

11 [(68)] (69) "Used parts dealer", a business that buys and
12 sells used motor vehicle parts or accessories, but not including
13 a business that sells only new, remanufactured or rebuilt parts.
14 Business does not include isolated sales at a swap meet of less
15 than three days;

16 [(69)] (70) "Utility vehicle", any motorized vehicle
17 manufactured and used exclusively for off-highway use which is
18 more than fifty inches but no more than sixty-seven inches in
19 width, with an unladen dry weight of two thousand pounds or less,
20 traveling on four or six wheels, to be used primarily for
21 landscaping, lawn care, or maintenance purposes;

22 [(70)] (71) "Vanpool", any van or other motor vehicle used
23 or maintained by any person, group, firm, corporation,
24 association, city, county or state agency, or any member thereof,
25 for the transportation of not less than eight nor more than
26 forty-eight employees, per motor vehicle, to and from their place
27 of employment; however, a vanpool shall not be included in the
28 definition of the term bus or commercial motor vehicle as defined

1 in this section, nor shall a vanpool driver be deemed a chauffeur
2 as that term is defined by section 303.020; nor shall use of a
3 vanpool vehicle for ride-sharing arrangements, recreational,
4 personal, or maintenance uses constitute an unlicensed use of the
5 motor vehicle, unless used for monetary profit other than for use
6 in a ride-sharing arrangement;

7 [(71)] (72) "Vehicle", any mechanical device on wheels,
8 designed primarily for use, or used, on highways, except
9 motorized bicycles, vehicles propelled or drawn by horses or
10 human power, or vehicles used exclusively on fixed rails or
11 tracks, or cotton trailers or motorized wheelchairs operated by
12 handicapped persons;

13 [(72)] (73) "Wrecker" or "tow truck", any emergency
14 commercial vehicle equipped, designed and used to assist or
15 render aid and transport or tow disabled or wrecked vehicles from
16 a highway, road, street or highway rights-of-way to a point of
17 storage or repair, including towing a replacement vehicle to
18 replace a disabled or wrecked vehicle;

19 [(73)] (74) "Wrecker or towing service", the act of
20 transporting, towing or recovering with a wrecker, tow truck,
21 rollback or car carrier any vehicle not owned by the operator of
22 the wrecker, tow truck, rollback or car carrier for which the
23 operator directly or indirectly receives compensation or other
24 personal gain.

25 301.067. 1. For each trailer or semitrailer there shall be
26 paid an annual fee of seven dollars fifty cents, and in addition
27 thereto such permit fee authorized by law against trailers used
28 in combination with tractors operated under the supervision of

1 the highways and transportation commission of the department of
2 transportation. The fees for tractors used in any combination
3 with trailers or semitrailers or both trailers and semitrailers
4 (other than on passenger-carrying trailers or semitrailers) shall
5 be computed on the total gross weight of the vehicles in the
6 combination with load.

7 2. Any trailer or semitrailer may at the option of the
8 registrant be registered for a period of three years upon payment
9 of a registration fee of twenty-two dollars and fifty cents.

10 3. Any trailer as defined in section 301.010 or semitrailer
11 may, at the option of the registrant, be registered permanently
12 upon the payment of a registration fee of fifty-two dollars and
13 fifty cents. The permanent plate and registration fee is vehicle
14 specific. The plate and the registration fee paid is
15 nontransferable and nonrefundable, except those covered under the
16 provisions of section 301.442.

17 4. Beginning August 28, 2019, the annual registration fees
18 imposed under this section or section 301.030 for recreational
19 trailers, as defined under section 301.010, shall be payable in
20 the month of May each year. Any fee that would have been due in
21 December 2019, shall be deferred until May 2020.

22 302.574. 1. If a person who was operating a vehicle
23 refuses upon the request of the officer to submit to any chemical
24 test under section 577.041, the officer shall, on behalf of the
25 director of revenue, serve the notice of license revocation
26 personally upon the person and shall take possession of any
27 license to operate a vehicle issued by this state which is held
28 by that person. The officer shall issue a temporary permit, on

1 behalf of the director of revenue, which is valid for fifteen
2 days and shall also give the person notice of his or her right to
3 file a petition for review to contest the license revocation.

4 2. Such officer shall make a certified report under
5 penalties of perjury for making a false statement to a public
6 official. The report shall be forwarded to the director of
7 revenue and shall include the following:

8 (1) That the officer has:

9 (a) Reasonable grounds to believe that the arrested person
10 was driving a motor vehicle while in an intoxicated condition; or

11 (b) Reasonable grounds to believe that the person stopped,
12 being under the age of twenty-one years, was driving a motor
13 vehicle with a blood alcohol content of two-hundredths of one
14 percent or more by weight; or

15 (c) Reasonable grounds to believe that the person stopped,
16 being under the age of twenty-one years, was committing a
17 violation of the traffic laws of the state, or political
18 subdivision of the state, and such officer has reasonable grounds
19 to believe, after making such stop, that the person had a blood
20 alcohol content of two-hundredths of one percent or greater;

21 (2) That the person refused to submit to a chemical test;

22 (3) Whether the officer secured the license to operate a
23 motor vehicle of the person;

24 (4) Whether the officer issued a fifteen-day temporary
25 permit;

26 (5) Copies of the notice of revocation, the fifteen-day
27 temporary permit, and the notice of the right to file a petition
28 for review. The notices and permit may be combined in one

1 document; and

2 (6) Any license, which the officer has taken into
3 possession, to operate a motor vehicle.

4 3. Upon receipt of the officer's report, the director shall
5 revoke the license of the person refusing to take the test for a
6 period of one year; or if the person is a nonresident, such
7 person's operating permit or privilege shall be revoked for one
8 year; or if the person is a resident without a license or permit
9 to operate a motor vehicle in this state, an order shall be
10 issued denying the person the issuance of a license or permit for
11 a period of one year.

12 4. If a person's license has been revoked because of the
13 person's refusal to submit to a chemical test, such person may
14 petition for a hearing before a circuit division or associate
15 division of the court in the county in which the arrest or stop
16 occurred. Pursuant to local court rule promulgated pursuant to
17 section 15 of article V of the Missouri Constitution, the case
18 may also be assigned to a traffic judge pursuant to section
19 479.500. The person may request such court to issue an order
20 staying the revocation until such time as the petition for review
21 can be heard. If the court, in its discretion, grants such stay,
22 it shall enter the order upon a form prescribed by the director
23 of revenue and shall send a copy of such order to the director.
24 Such order shall serve as proof of the privilege to operate a
25 motor vehicle in this state and the director shall maintain
26 possession of the person's license to operate a motor vehicle
27 until termination of any revocation under this section. Upon the
28 person's request, the clerk of the court shall notify the

1 prosecuting attorney of the county and the prosecutor shall
2 appear at the hearing on behalf of the director of revenue. At
3 the hearing, the court shall determine only:

4 (1) Whether the person was arrested or stopped;

5 (2) Whether the officer had:

6 (a) Reasonable grounds to believe that the person was
7 driving a motor vehicle while in an intoxicated or drugged
8 condition; or

9 (b) Reasonable grounds to believe that the person stopped,
10 being under the age of twenty-one years, was driving a motor
11 vehicle with a blood alcohol content of two-hundredths of one
12 percent or more by weight; or

13 (c) Reasonable grounds to believe that the person stopped,
14 being under the age of twenty-one years, was committing a
15 violation of the traffic laws of the state, or political
16 subdivision of the state, and such officer had reasonable grounds
17 to believe, after making such stop, that the person had a blood
18 alcohol content of two-hundredths of one percent or greater; and

19 (3) Whether the person refused to submit to the test.

20 5. If the court determines any issue not to be in the
21 affirmative, the court shall order the director to reinstate the
22 license or permit to drive.

23 6. Requests for review as provided in this section shall go
24 to the head of the docket of the court wherein filed.

25 7. No person who has had a license to operate a motor
26 vehicle suspended or revoked under the provisions of this section
27 shall have that license reinstated until such person has
28 participated in and successfully completed a substance abuse

1 traffic offender program defined in section 302.010, or a program
2 determined to be comparable by the department of mental health.
3 Assignment recommendations, based upon the needs assessment as
4 described in subdivision (24) of section 302.010, shall be
5 delivered in writing to the person with written notice that the
6 person is entitled to have such assignment recommendations
7 reviewed by the court if the person objects to the
8 recommendations. The person may file a motion in the associate
9 division of the circuit court of the county in which such
10 assignment was given, on a printed form provided by the state
11 courts administrator, to have the court hear and determine such
12 motion under the provisions of chapter 517. The motion shall
13 name the person or entity making the needs assessment as the
14 respondent and a copy of the motion shall be served upon the
15 respondent in any manner allowed by law. Upon hearing the
16 motion, the court may modify or waive any assignment
17 recommendation that the court determines to be unwarranted based
18 upon a review of the needs assessment, the person's driving
19 record, the circumstances surrounding the offense, and the
20 likelihood of the person committing a similar offense in the
21 future, except that the court may modify but **[may]** shall not
22 waive the assignment to an education or rehabilitation program of
23 a person determined to be a prior or persistent offender as
24 defined in section 577.001, or of a person determined to have
25 operated a motor vehicle with a blood alcohol content of
26 fifteen-hundredths of one percent or more by weight. Compliance
27 with the court determination of the motion shall satisfy the
28 provisions of this section for the purpose of reinstating such

1 person's license to operate a motor vehicle. The respondent's
2 personal appearance at any hearing conducted under this
3 subsection shall not be necessary unless directed by the court.

4 8. The fees for the substance abuse traffic offender
5 program, or a portion thereof, to be determined by the division
6 of [alcohol and drug abuse] behavioral health of the department
7 of mental health, shall be paid by the person enrolled in the
8 program. Any person who is enrolled in the program shall pay, in
9 addition to any fee charged for the program, a supplemental fee
10 to be determined by the department of mental health for the
11 purposes of funding the substance abuse traffic offender program
12 defined in section 302.010. The administrator of the program
13 shall remit to the division of [alcohol and drug abuse]
14 behavioral health of the department of mental health on or before
15 the fifteenth day of each month the supplemental fee for all
16 persons enrolled in the program, less two percent for
17 administrative costs. Interest shall be charged on any unpaid
18 balance of the supplemental fees due to the division of [alcohol
19 and drug abuse] behavioral health under this section, and shall
20 accrue at a rate not to exceed the annual rates established under
21 the provisions of section 32.065, plus three percentage points.
22 The supplemental fees and any interest received by the department
23 of mental health under this section shall be deposited in the
24 mental health earnings fund, which is created in section 630.053.

25 9. Any administrator who fails to remit to the division of
26 [alcohol and drug abuse] behavioral health of the department of
27 mental health the supplemental fees and interest for all persons
28 enrolled in the program under this section shall be subject to a

1 penalty equal to the amount of interest accrued on the
2 supplemental fees due to the division under this section. If the
3 supplemental fees, interest, and penalties are not remitted to
4 the division of [alcohol and drug abuse] behavioral health of the
5 department of mental health within six months of the due date,
6 the attorney general of the state of Missouri shall initiate
7 appropriate action for the collection of said fees and accrued
8 interest. The court shall assess attorneys' fees and court costs
9 against any delinquent program.

10 10. Any person who has had a license to operate a motor
11 vehicle revoked under this section and who has a prior
12 alcohol-related enforcement contact, as defined in section
13 302.525, shall be required to file proof with the director of
14 revenue that any motor vehicle operated by the person is equipped
15 with a functioning, certified ignition interlock device as a
16 required condition of license reinstatement. Such ignition
17 interlock device shall further be required to be maintained on
18 all motor vehicles operated by the person for a period of not
19 less than six months immediately following the date of
20 reinstatement. If the monthly monitoring reports show that the
21 ignition interlock device has registered any confirmed blood
22 alcohol concentration readings above the alcohol setpoint
23 established by the department of transportation or that the
24 person has tampered with or circumvented the ignition interlock
25 device within the last three months of the six-month period of
26 required installation of the ignition interlock device, then the
27 period for which the person [must] shall maintain the ignition
28 interlock device following the date of reinstatement shall be

1 extended until the person has completed three consecutive months
2 with no violations as described in this section. If the person
3 fails to maintain such proof with the director as required by
4 this section, the license shall be rerevoked until proof as
5 required by this section is filed with the director, and the
6 person shall be guilty of a class A misdemeanor.

7 11. The revocation period of any person whose license and
8 driving privilege has been revoked under this section and who has
9 filed proof of financial responsibility with the department of
10 revenue in accordance with chapter 303 and is otherwise eligible
11 shall be terminated by a notice from the director of revenue
12 after one year from the effective date of the revocation. Unless
13 proof of financial responsibility is filed with the department of
14 revenue, the revocation shall remain in effect for a period of
15 two years from its effective date. If the person fails to
16 maintain proof of financial responsibility in accordance with
17 chapter 303, the person's license and driving privilege shall be
18 rerevoked.

19 12. A person commits the offense of failure to maintain
20 proof with the Missouri department of revenue if, when required
21 to do so, he or she fails to file proof with the director of
22 revenue that any vehicle operated by the person is equipped with
23 a functioning, certified ignition interlock device or fails to
24 file proof of financial responsibility with the department of
25 revenue in accordance with chapter 303. The offense of failure
26 to maintain proof with the Missouri department of revenue is a
27 class A misdemeanor.

28 304.580. As used in sections 304.582 and 304.585, the term

1 "construction zone" or "work zone" means any area upon or around
2 any highway as defined in section 302.010 which is visibly marked
3 by the department of transportation or a contractor or
4 subcontractor performing work for the department of
5 transportation as an area where construction, maintenance,
6 incident removal, or other work is temporarily occurring. The
7 term "work zone" or "construction zone" also includes the lanes
8 of highway leading up to the area upon which an activity
9 described in this subsection is being performed, beginning at the
10 point where appropriate signs or traffic control devices are
11 posted or placed. The terms "worker" or "highway worker" as used
12 in sections 304.582 and 304.585 shall mean any person [that] who
13 is working in a construction zone or work zone on a state highway
14 or the right-of-way of a state highway, [or] any employee of the
15 department of transportation [that] who is performing duties
16 under the department's motorist assist program on a state highway
17 or the right-of-way of a state highway, or any utility worker
18 performing utility work on a state highway or the right-of-way of
19 a state highway. "Utility worker" means any employee or person
20 employed under contract of a utility that provides gas, heat,
21 electricity, water, steam, telecommunications or cable services,
22 or sewer services, whether privately, municipally, or
23 cooperatively owned, while in performance of his or her job
24 duties.

25 304.585. 1. A person shall be deemed to commit the offense
26 of "endangerment of a highway worker" upon conviction for any of
27 the following when the offense occurs within a construction zone
28 or work zone, as defined in section 304.580:

- 1 (1) Exceeding the posted speed limit by fifteen miles per
2 hour or more;
- 3 (2) Passing in violation of subsection 4 of section
4 304.582;
- 5 (3) Failure to stop for a work zone flagman or failure to
6 obey traffic control devices erected in the construction zone or
7 work zone for purposes of controlling the flow of motor vehicles
8 through the zone;
- 9 (4) Driving through or around a work zone by any lane not
10 clearly designated to motorists for the flow of traffic through
11 or around the work zone;
- 12 (5) Physically assaulting, or attempting to assault, or
13 threatening to assault a highway worker in a construction zone or
14 work zone, with a motor vehicle or other instrument;
- 15 (6) Intentionally striking, moving, or altering barrels,
16 barriers, signs, or other devices erected to control the flow of
17 traffic to protect workers and motorists in the work zone for a
18 reason other than avoidance of an obstacle, an emergency, or to
19 protect the health and safety of an occupant of the motor vehicle
20 or of another person; or
- 21 (7) Committing any of the following offenses for which
22 points may be assessed under section 302.302:
- 23 (a) Leaving the scene of an accident in violation of
24 section 577.060;
- 25 (b) Careless and imprudent driving in violation of
26 subsection 4 of section 304.016;
- 27 (c) Operating without a valid license in violation of
28 subdivision (1) or (2) of subsection 1 of section 302.020;

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

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

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

6 2. Upon conviction or a plea of guilty for committing the
7 offense of endangerment of a highway worker under subsection 1 of
8 this section if no injury or death to a highway worker resulted
9 from the offense, in addition to any other penalty authorized by
10 law, the person shall be subject to a fine of not more than one
11 thousand dollars and shall have four points assessed to his or
12 her driver's license under section 302.302.

13 3. A person shall be deemed to commit the offense of
14 "aggravated endangerment of a highway worker" upon conviction or
15 a plea of guilty for any offense under subsection 1 of this
16 section when such offense occurs in a construction zone or work
17 zone as defined in section 304.580 and results in the injury or
18 death of a highway worker. Upon conviction or a plea of guilty
19 for committing the offense of aggravated endangerment of a
20 highway worker, in addition to any other penalty authorized by
21 law, the person shall be subject to a fine of not more than five
22 thousand dollars if the offense resulted in injury to a highway
23 worker and ten thousand dollars if the offense resulted in death
24 to a highway worker. In addition, such person shall have twelve
25 points assessed to their driver's license under section 302.302
26 and shall be subject to the provisions of section 302.304
27 regarding the revocation of the person's license and driving
28 privileges.

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

7 5. No person shall be cited or convicted for endangerment
8 of a highway worker or aggravated endangerment of a highway
9 worker, for any act or omission otherwise constituting an offense
10 under subsection 1 of this section, if such act or omission
11 resulted in whole or in part from mechanical failure of the
12 person's vehicle or from the negligence of another person or a
13 highway worker.

14 6. (1) Notwithstanding any provision of this section or
15 any other law to the contrary, the director of the department of
16 revenue or his or her agent shall order the revocation of a
17 driver's license upon its determination that an individual
18 holding such license was involved in a physical accident where
19 his or her negligent acts or omissions contributed to his or her
20 vehicle striking a highway worker within a designated
21 construction zone or work zone where department of transportation
22 guidelines involving notice and signage were properly
23 implemented. The department shall make its determination of
24 these facts on the basis of the report of a law enforcement
25 officer investigating the incident and this determination shall
26 be final unless a hearing is requested and held as provided under
27 subdivision (2) of this subsection. Upon its determination that
28 the facts support a license revocation, the department shall

1 issue a notice of revocation which shall be mailed to the person
2 at the last known address shown on the department's records. The
3 notice is deemed received three days after mailing unless
4 returned by postal authorities. The notice of revocation shall
5 clearly specify the reason and statutory grounds for the
6 revocation, the effective date of the revocation which shall be
7 at least fifteen days from the date the department issued its
8 order, the right of the person to request a hearing, and the date
9 by which the request for a hearing must be made.

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

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

16 (b) Petitioning for a hearing before a circuit division or
17 associate division of the court in the county in which the work
18 zone accident occurred. The individual may request such court to
19 issue an order staying the revocation until such time as the
20 petition for review can be heard. If the court, in its
21 discretion, grants such stay, it shall enter the order upon a
22 form prescribed by the director of revenue and shall send a copy
23 of such order to the director. Such order shall serve as proof
24 of the privilege to operate a motor vehicle in this state, and
25 the director shall maintain possession of the person's license to
26 operate a motor vehicle until the termination of any suspension
27 under this subsection. The clerk of the court shall notify the
28 prosecuting attorney of the county, and the prosecutor shall

1 appear at the hearing on behalf of the director of revenue. At
2 the hearing, the court shall determine only:

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

6 b. Whether the department of transportation guidelines
7 involving notice and signage were properly implemented in such
8 work zone; and

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

12
13 If the court determines subparagraph a., b., or c. of this
14 paragraph not to be in the affirmative, the court shall order the
15 director to reinstate the license or permit to drive.

16 (3) The department of revenue administrative adjudication
17 to reinstate a driver's license that was revoked under this
18 subsection, and any evidence provided to the department related
19 to such adjudication, shall not be produced by subpoena or any
20 other means and made available as evidence in any other
21 administrative action, civil case, or criminal prosecution. The
22 court's determinations issued under this section, and the
23 evidence provided to the court relating to such determinations,
24 shall not be produced by subpoena or any other means and made
25 available in any other administrative action, civil case, or
26 criminal prosecution. Nothing in this subdivision shall be
27 construed to prevent the department from providing information to
28 the system authorized under 49 U.S.C. Section 31309, or any

1 successor federal law, pertaining to the licensing,
2 identification, and disqualification of operators of commercial
3 motor vehicles.

4 304.590. 1. As used in this section, the term "travel safe
5 zone" means any area upon or around any highway, as defined in
6 section 302.010, which is visibly marked by the department of
7 transportation; and when a highway safety analysis demonstrates
8 fatal or disabling motor vehicle crashes exceed a predicted
9 safety performance level for comparable roadways as determined by
10 the department of transportation.

11 2. Upon a conviction or a plea of guilty by any person for
12 a moving violation as defined in section 302.010 or any offense
13 listed in section 302.302, the court **[shall]** may double the
14 amount of fine authorized to be imposed by law, if the moving
15 violation or offense occurred within a travel safe zone.

16 3. Upon a conviction or plea of guilty by any person for a
17 speeding violation under section 304.009 or 304.010, the court
18 **[shall]** may double the amount of fine authorized by law, if the
19 violation occurred within a travel safe zone.

20 4. The penalty authorized under subsections **[1]** 2 and 3 of
21 this section shall only be assessed by the court if the
22 department of transportation has erected signs upon or around a
23 travel safe zone which are clearly visible from the highway and
24 which state substantially the following message: "Travel Safe
25 Zone – Fines Doubled".

26 5. This section shall not be construed to enhance the
27 assessment of court costs or the assessment of points under
28 section 302.302.

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

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

6 (2) Passing in violation of subsection 3 of section
7 304.892;

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

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

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

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

25 2. Upon a finding of guilt or a plea of guilty for
26 committing the offense of endangerment of an emergency responder
27 under subsection 1 of this section, if no injury or death to an
28 emergency responder resulted from the offense, the court shall

1 assess a fine of not more than one thousand dollars, and four
2 points shall be assessed to the operator's license pursuant to
3 section 302.302 upon conviction.

4 3. A person commits the offense of aggravated endangerment
5 of an emergency responder upon a finding of guilt or a plea of
6 guilty for any offense under subsection 1 of this section when
7 such offense results in the injury or death of an emergency
8 responder. Upon a finding of guilt or a plea of guilty for
9 committing the offense of aggravated endangerment of an emergency
10 responder, in addition to any other penalty authorized by law,
11 the court shall assess a fine of not more than five thousand
12 dollars if the offense resulted in injury to an emergency
13 responder, and ten thousand dollars if the offense resulted in
14 the death of an emergency responder. In addition, twelve points
15 shall be assessed to the operator's license pursuant to section
16 302.302 upon conviction.

17 4. Except for the offense established under subdivision (6)
18 of subsection 1 of this section, no person shall be deemed to
19 have committed the offense of endangerment of an emergency
20 responder except when the act or omission constituting the
21 offense occurred when one or more emergency responders were
22 responding to an active emergency.

23 5. No person shall be cited for, or found guilty of,
24 endangerment of an emergency responder or aggravated endangerment
25 of an emergency responder, for any act or omission otherwise
26 constituting an offense under subsection 1 of this section, if
27 such act or omission resulted in whole or in part from mechanical
28 failure of the person's vehicle, or from the negligence of

1 another person or emergency responder.

2 6. (1) Notwithstanding any provision of this section or
3 any other law to the contrary, the director of the department of
4 revenue or his or her agent shall order the revocation of a
5 driver's license upon its determination that an individual
6 holding such license was involved in a physical accident where
7 his or her negligent acts or omissions substantially contributed
8 to his or her vehicle striking an emergency responder within an
9 active emergency zone where the appropriate visual markings for
10 active emergency zones were properly implemented. The department
11 shall make its determination of these facts on the basis of the
12 report of a law enforcement officer investigating the incident
13 and this determination shall be final unless a hearing is
14 requested and held as provided under subdivision (2) of this
15 subsection. Upon its determination that the facts support a
16 license revocation, the department shall issue a notice of
17 revocation which shall be mailed to the person at the last known
18 address shown on the department's records. The notice is deemed
19 received three days after mailing unless returned by postal
20 authorities. The notice of revocation shall clearly specify the
21 reason and statutory grounds for the revocation, the effective
22 date of the revocation which shall be at least fifteen days from
23 the date the department issued its order, the right of the person
24 to request a hearing, and the date by which the request for a
25 hearing must be made.

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

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

4 (b) Petitioning for a hearing before a circuit division or
5 associate division of the court in the county in which the
6 emergency zone accident occurred. The individual may request
7 such court to issue an order staying the revocation until such
8 time as the petition for review can be heard. If the court, in
9 its discretion, grants such stay, it shall enter the order upon a
10 form prescribed by the director of revenue and shall send a copy
11 of such order to the director. Such order shall serve as proof
12 of the privilege to operate a motor vehicle in this state, and
13 the director shall maintain possession of the person's license to
14 operate a motor vehicle until the termination of any suspension
15 under this subsection. The clerk of the court shall notify the
16 prosecuting attorney of the county, and the prosecutor shall
17 appear at the hearing on behalf of the director of revenue. At
18 the hearing, the court shall determine only:

19 a. Whether the person was involved in a physical accident
20 where his or her vehicle struck an emergency responder within an
21 active emergency zone;

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

24 c. Whether the investigating officer had probable cause to
25 believe the person's negligent acts or omissions substantially
26 contributed to his or her vehicle striking an emergency
27 responder.

1 If the court determines subparagraph a., b., or c. of this
2 paragraph not to be in the affirmative, the court shall order the
3 director to reinstate the license or permit to drive.

4 (3) The department of revenue administrative adjudication
5 to reinstate a driver's license that was revoked under this
6 subsection, and any evidence provided to the department related
7 to such adjudication, shall not be produced by subpoena or any
8 other means and made available as evidence in any other
9 administrative action, civil case, or criminal prosecution. The
10 court's determinations issued under this section, and the
11 evidence provided to the court relating to such determinations,
12 shall not be produced by subpoena or any other means and made
13 available in any other administrative action, civil case, or
14 criminal prosecution. Nothing in this subdivision shall be
15 construed to prevent the department from providing information to
16 the system authorized under 49 U.S.C. Section 31309, or any
17 successor federal law, pertaining to the licensing,
18 identification, and disqualification of operators of commercial
19 motor vehicles.

20 479.500. 1. In the twenty-first judicial circuit, a
21 majority of the circuit judges, en banc, may establish a traffic
22 court, which shall be a division of the circuit court, and may
23 authorize the appointment of not more than three municipal judges
24 who shall be known as traffic judges. The traffic judges shall
25 be appointed by a traffic court judicial commission consisting of
26 the presiding judge of the circuit, who shall be the chair, one
27 circuit judge elected by the circuit judges, one associate
28 circuit judge elected by the associate circuit judges of the

1 circuit, and two members appointed by the county executive of St.
2 Louis County, each of whom shall represent one of the two
3 political parties casting the highest number of votes at the next
4 preceding gubernatorial election. The procedures and operations
5 of the traffic court judicial commission shall be established by
6 circuit court rule.

7 2. Traffic judges may be authorized to act as commissioners
8 to hear in the first instance nonfelony violations of state law
9 involving motor vehicles, and such other offenses as may be
10 provided by circuit court rule. Traffic judges may also be
11 authorized to hear in the first instance violations of county and
12 municipal ordinances involving motor vehicles, and other county
13 ordinance violations, as provided by circuit court rule.

14 3. In the event that a county municipal court is
15 established pursuant to section 66.010 which takes jurisdiction
16 of county ordinance violations the circuit court may then
17 authorize the appointment of no more than two traffic judges
18 authorized to hear municipal ordinance violations other than
19 county ordinance violations, and to act as commissioner to hear
20 in the first instance nonfelony violations of state law involving
21 motor vehicles, and such other offenses as may be provided by
22 rule. These traffic court judges also may be authorized to act
23 as commissioners to hear in the first instance petitions to
24 review decisions of the department of revenue or the director of
25 revenue filed pursuant to sections 302.309 and 302.311 and, prior
26 to January 1, 2002, pursuant to sections 302.535 and 302.750.

27 4. After January 1, 2002, traffic judges, in addition to
28 the authority provided in subsection 3 of this section, may be

1 authorized by local court rule adopted pursuant to Article V,
2 Section 15 of the Missouri Constitution to conduct proceedings
3 pursuant to sections 302.535, 302.574, and 302.750, subject to
4 procedures that preserve a meaningful hearing before a judge of
5 the circuit court, as follows:

6 (1) Conduct the initial call docket and accept uncontested
7 dispositions of petitions to review;

8 (2) The petitioner shall have the right to the de novo
9 hearing before a judge of the circuit court, except that, at the
10 option of the petitioner, traffic judges may hear in the first
11 instance such petitions for review.

12 5. In establishing a traffic court, the circuit may be
13 divided into such sectors as may be established by a majority of
14 the circuit and associate circuit judges, en banc. The traffic
15 court in each sector shall hear those cases arising within the
16 territorial limits of the sector unless a case arising within
17 another sector is transferred as provided by operating
18 procedures.

19 6. Traffic judges shall be licensed to practice law in this
20 state and shall serve at the pleasure of a majority of the
21 circuit and associate circuit judges, en banc, and shall be
22 residents of St. Louis County, and shall receive from the state
23 as annual compensation an amount equal to one-third of the annual
24 compensation of an associate circuit judge. Each judge shall
25 devote approximately one-third of his working time to the
26 performance of his duties as a traffic judge. Traffic judges
27 shall not accept or handle cases in their practice of law which
28 are inconsistent with their duties as a traffic judge and shall

1 not be a judge or prosecutor for any other court. Traffic judges
2 shall not be considered state employees and shall not be members
3 of the state employees' or judicial retirement system or be
4 eligible to receive any other employment benefit accorded state
5 employees or judges.

6 7. A majority of the judges, en banc, shall establish
7 operating procedures for the traffic court which shall provide
8 for regular sessions in the evenings after 6:00 p.m. and for
9 Saturday or other sessions as efficient operation and convenience
10 to the public may require. Proceedings in the traffic court,
11 except when a judge is acting as a commissioner pursuant to this
12 section, shall be conducted as provided in supreme court rule 37.
13 The hearing shall be before a traffic judge without jury, and the
14 judge shall assume an affirmative duty to determine the merits of
15 the evidence presented and the defenses of the defendant and may
16 question parties and witnesses. In the event a jury trial is
17 requested, the cause shall be certified to the circuit court for
18 trial by jury as otherwise provided by law. Clerks and computer
19 personnel shall be assigned as needed for the efficient operation
20 of the court.

21 8. In establishing operating procedure, provisions shall be
22 made for appropriate circumstances whereby defendants may enter
23 not guilty pleas and obtain trial dates by telephone or written
24 communication without personal appearance, or to plead guilty and
25 deliver by mail or electronic transfer or other approved method
26 the specified amount of the fine and costs as otherwise provided
27 by law, within a specified period of time.

28 9. Operating procedures shall be provided for electronic

1 recording of proceedings, except that if adequate recording
2 equipment is not provided at county expense, then, in that event,
3 a person aggrieved by a judgment of a traffic judge or
4 commissioner shall have the right of a trial de novo. The
5 procedures for perfecting the right of a trial de novo shall be
6 the same as that provided under sections 512.180 to 512.320,
7 except that the provisions of subsection 2 of section 512.180
8 shall not apply to such cases.

9 10. The circuit court shall only have the authority to
10 appoint two commissioners with the jurisdiction provided in
11 subsection 3 of this section.

12 11. All costs to establish and operate a county municipal
13 court under section 66.010 and this section shall be borne by
14 such county.

15 643.300. [Sections 643.300 to 643.355] Section 643.312
16 shall be known as the "Air Quality Attainment Act". The
17 enactment of the air quality attainment act and any subsequent
18 amendments to such act are a mandate of the United States
19 Congress under the federal Clean Air Act, as amended, 42 U.S.C.
20 7401, et seq.

21 [643.303. 1. Beginning September 1, 2007,
22 emissions inspections required by sections 643.300 to
23 643.355 shall be conducted through a decentralized
24 emissions program that meets the requirements of this
25 section. Prior to September 1, 2007, the air
26 conservation commission shall develop a decentralized
27 emissions inspection program that allows official
28 inspection stations to conduct on-board diagnostic
29 emission inspections of 1996 model year and newer motor
30 vehicles equipped with on-board diagnostic systems
31 meeting the federal Environmental Protection Agency
32 On-Board Diagnostics II (OBDII) standards. The
33 decentralized emissions inspection program shall, at a
34 minimum, provide for the following:

35 (1) The periodic inspection of certain motor

1 vehicles as required under section 643.315;

2 (2) The certification and operation of official
3 emissions inspection stations and the licensing of
4 emission inspectors;

5 (3) The testing of motor vehicles through
6 on-board diagnostic testing technologies;

7 (4) The training, certification, and supervision
8 of emission inspectors and other personnel; and

9 (5) Procedures for certifying test results and
10 for reporting and maintaining relevant data records.

11 2. In addition to any other criteria established
12 by the commission under section 643.320 or by rule, the
13 decentralized emissions inspection program shall allow
14 any official inspection station located in an area
15 described in subsection 1 of section 643.305 otherwise
16 qualified by the Missouri state highway patrol to
17 conduct motor vehicle safety inspections under section
18 307.360 to conduct on-board diagnostic emission
19 inspections. Any motor vehicle safety inspection
20 station that desires to conduct emissions inspections
21 shall submit an application for a certificate of
22 authorization to the commission as provided for under
23 section 643.320. Other individuals, corporations, or
24 entities that do not conduct motor vehicle safety
25 inspections may conduct emission inspections provided
26 they meet the qualifications set forth in sections
27 643.300 to 643.355 and the rules promulgated by the
28 commission. Applications shall be made upon a form
29 designated by the commission and shall contain such
30 information as may be required by the commission. A
31 certificate of authorization issued under section
32 643.320 to conduct emission inspections shall be issued
33 only after the commission has made a determination that
34 the applicant's proposed inspection station will be
35 properly equipped, has the necessary licensed emission
36 inspectors to conduct inspections, and meets all other
37 requirements of sections 643.300 to 643.355 or rules
38 promulgated to carry out the provisions of those
39 sections.

40 3. The decentralized emissions inspection program
41 shall allow any official inspection station that is
42 certified to conduct an on-board diagnostic emission
43 inspection under sections 643.300 to 643.355 to repair
44 motor vehicles in order to bring such vehicles into
45 compliance with sections 643.300 to 643.355, if such
46 station and personnel meet the qualifications to
47 conduct emission repairs as set forth in sections
48 643.300 to 643.355. An official emission inspection
49 station may elect to be an emissions test-only station
50 or may elect to conduct both emission inspections and
51 repairs.

1 4. The commission is authorized to begin
2 certification of official inspection stations prior to
3 September 1, 2007, in order to implement the
4 decentralized emissions inspection program. Prior to
5 January 1, 2007, the department of natural resources
6 shall issue a report to the general assembly and the
7 governor regarding the progress of implementing the
8 decentralized emissions inspection program. The report
9 shall include, but not be limited to, a summary
10 describing how many inspection stations or individuals
11 the department expects to participate in the program
12 and how many inspection stations or individuals will be
13 qualified by September 1, 2007, to conduct such
14 emissions inspections.

15 5. The commission may, as a part of implementing
16 the decentralized emissions inspection program, use
17 remote sensing devices to collect information regarding
18 the vehicle fleet emissions characteristics and
19 registration compliance within the area described in
20 subsection 1 of section 643.305. The decentralized
21 emissions inspection program established by the
22 commission may also include a clean screen program that
23 utilizes remote sensing devices. Owners of eligible
24 vehicles who comply with clean screen/remote sensing
25 procedures shall be deemed to have complied with the
26 mandatory inspection requirements for the next
27 inspection cycle. As used in this subsection, the term
28 "clean screen program" shall mean a procedure or system
29 that utilizes remote sensing technologies to determine
30 whether a motor vehicle has acceptable emission levels
31 and then allows the motor vehicle owner to bypass the
32 emissions inspection test required under section
33 643.315.

34 6. The decentralized emissions inspection program
35 may include a gas cap pressure test and a visual
36 inspection component, and such tests may be included as
37 part of the motor vehicle safety inspection test under
38 section 307.350.

39 7. As used in sections 643.300 to 643.355,
40 "decentralized emissions inspection program" means an
41 emissions inspection program under which a certified
42 emissions inspector conducts emissions inspection
43 testing at an official inspection station.

44 8. The decentralized emission inspection program
45 shall satisfy the requirements established by
46 regulation of the United States Environmental
47 Protection Agency.

48 9. The decentralized emissions inspection program
49 established by the commission and sections 643.300 to
50 643.355 shall not be construed to be a new program as
51 described in section 23.253, and the decentralized

1 emissions inspection program shall not be subject to
2 the sunset mandate prescribed by sections 23.250 to
3 23.298.

4 10. No later than July 1, 2007, the department of
5 natural resources and the Missouri highway patrol shall
6 enter into an interagency agreement covering all
7 aspects of the administration and enforcement of
8 sections 643.300 to 643.355.

9 11. No later than July 1, 2007, the air
10 conservation commission shall promulgate rules for the
11 implementation of this section. Any rule or portion of
12 a rule, as that term is defined in section 536.010,
13 that is created under the authority delegated in this
14 section shall become effective only if it complies with
15 and is subject to all of the provisions of chapter 536
16 and, if applicable, section 536.028. This section and
17 chapter 536 are nonseverable and if any of the powers
18 vested with the general assembly under chapter 536 to
19 review, to delay the effective date, or to disapprove
20 and annul a rule are subsequently held
21 unconstitutional, then the grant of rulemaking
22 authority and any rule proposed or adopted after August
23 28, 2006, shall be invalid and void.

24 12. Prior to September 1, 2007, the department of
25 natural resources shall actively promote participation
26 in the decentralized emissions inspection program among
27 qualified motor vehicle dealers, service stations, and
28 other individuals. After the implementation of the
29 decentralized emission inspection program, the
30 department shall monitor participation in such program.
31 In determining whether there are a sufficient number of
32 individuals conducting motor vehicle emission
33 inspections under the decentralized program, the
34 department shall attempt to ensure, through promotional
35 efforts, that no more than twenty percent of all
36 persons residing in the affected nonattainment area
37 reside farther than five miles from the nearest
38 inspection station.]

39
40 [643.305. 1. The air conservation commission
41 shall adopt a state implementation plan to bring all
42 nonattainment areas of the state which are located
43 within a city not within a county, any county with a
44 charter form of government and with more than one
45 million inhabitants, any county with a charter form of
46 government and with more than two hundred fifty
47 thousand but fewer than three hundred fifty thousand
48 inhabitants, any county of the first classification
49 with more than one hundred ninety-eight thousand but
50 fewer than one hundred ninety-nine thousand two hundred
51 inhabitants, and any county of the first classification

1 with more than ninety-three thousand eight hundred but
2 fewer than ninety-three thousand nine hundred
3 inhabitants into compliance with and to maintain the
4 National Ambient Air Quality Standards and any
5 regulations promulgated by the United States
6 Environmental Protection Agency under the federal Clean
7 Air Act, as amended, 42 U.S.C. 7401, et seq., on the
8 required date or dates as such dates are established
9 under the federal Clean Air Act, as amended, 42 U.S.C.
10 7401, et seq., including any extensions authorized
11 pursuant to that act.

12 2. The commission shall establish the amount of
13 emissions reductions required to achieve the goal
14 established pursuant to subsection 1 of this section.

15 3. The department shall establish an air quality
16 baseline for all nonattainment areas of the state which
17 are located within a metropolitan statistical area with
18 a population of at least one million inhabitants as
19 defined by the federal Office of Management and Budget
20 or its successor agency. The air quality baseline
21 shall include, where practical, actual air contaminant
22 emissions data and data on the atmospheric
23 concentrations of pollution and pollution precursors
24 for all nonattainment areas.

25 4. The department shall determine the costs and
26 benefits of alternative reduction measures including
27 reductions of emissions from stationary and mobile
28 sources and traffic control measures. The department
29 of transportation, regional planning commissions and
30 metropolitan planning organizations shall participate
31 with the department and provide information necessary
32 to determine the costs and benefits of emissions
33 reduction measures.

34 5. The department shall evaluate any motor
35 vehicle emissions inspection program established under
36 sections 643.300 to 643.355 and shall annually include
37 in the report to the commission and the general
38 assembly required under section 643.192, beginning on
39 January 1, 1996, a detailed accounting of the
40 inspection costs and repair costs incurred by vehicle
41 owners and of the emissions reductions produced or
42 incurred by the program. The department may use a
43 representative sample of vehicles to provide a
44 statistically valid estimate of the repair costs and
45 emissions reductions. The report shall also include a
46 recommendation to the general assembly on whether the
47 emissions inspection program should be continued,
48 modified or terminated.

49 6. The department shall establish a program of
50 public information and education to educate the
51 citizens of the state about the costs and benefits

1 associated with reaching attainment of the National
2 Ambient Air Quality Standards and the costs and
3 benefits of all measures which are considered to attain
4 those standards. This shall be done prior to the
5 commission's action under subsection 1 of this
6 section.]
7

8 [643.310. 1. The commission may, by rule,
9 establish a decentralized motor vehicle emissions
10 inspection program pursuant to sections 643.300 to
11 643.355 for any portion of a nonattainment area located
12 within the area described in subsection 1 of section
13 643.305. The decentralized motor vehicle emissions
14 inspection program shall be implemented and applied in
15 the same manner throughout every portion of a
16 nonattainment area located within the area described in
17 subsection 1 of section 643.305. The commission shall
18 ensure that, for each nonattainment area, the state
19 implementation plan established pursuant to subsection
20 1 of section 643.305 incorporates and receives all
21 applicable credits allowed by the United States
22 Environmental Protection Agency for emission reduction
23 programs in other nonattainment areas of like
24 designation in other states. The commission shall
25 ensure that emission reduction amounts established
26 pursuant to subsection 2 of section 643.305 shall be
27 consistent with and not exceed the emissions reduction
28 amounts required by the United States Environmental
29 Protection Agency for other nonattainment areas of like
30 designation in other states. No motor vehicle
31 emissions inspection program shall be required to
32 comply with subsection 1 of section 643.305 unless the
33 plan established thereunder takes full advantage of any
34 changes in requirements or any agreements made or
35 entered into by the United States Environmental
36 Protection Agency and any entity or entities on behalf
37 of a nonattainment area concerning compliance with
38 National Ambient Air Quality Standards of the federal
39 Clean Air Act, as amended, 42 U.S.C. Section 7401, et
40 seq., and the regulations promulgated thereunder.

41 2. (1) The department, with the cooperation and
42 approval of the commissioner of administration, shall
43 select a person or persons to operate an inspection
44 facility or inspection program pursuant to sections
45 643.300 to 643.355, under a bid procedure or under a
46 negotiated process or a combination thereof based on
47 criteria and expectations established by the
48 department. This process may use either a licensing
49 arrangement or contractual arrangement with the
50 selected party or parties. The selection of persons to
51 operate inspection facilities or inspection programs

1 shall be exempt from the provisions of all site
2 procurement laws. Each person who is authorized to
3 operate a station pursuant to this section shall be
4 capable of providing adequate and cost-effective
5 service to customers.

6 (2) Service management, coordination and data
7 processing may be provided by the department or by
8 another person, including a contractor or licensee,
9 based upon the most cost-effective proposal for
10 service.

11 (3) A license or contract shall be for a period
12 of up to seven years, consistent with the provisions of
13 Article IV, Section 28 of the Missouri Constitution,
14 and licenses or contracts shall be annually reviewed.
15 A license or contract may be suspended or revoked if
16 the licensee or contractor is not meeting the
17 conditions of sections 643.300 to 643.355, all
18 applicable rules, the license agreement or contract as
19 determined by the department. A licensee or contractor
20 found to have violated sections 643.300 to 643.355,
21 applicable rules or the conditions of the license
22 agreement or contract shall be in violation of section
23 643.151 and subject to the penalties provided
24 thereunder.

25 3. The commission, the department of economic
26 development and the office of administration shall, in
27 cooperation with the minority business advocacy
28 commission, select the contractor or contractors to
29 provide an inspection program which satisfies the
30 minimum requirements of this section in accordance with
31 the requirements of section 37.014 and chapter 34. The
32 commission, the office of administration and the
33 department of economic development, in cooperation with
34 the minority business advocacy commission, shall ensure
35 adequate minority business participation in the
36 selection of the contractor or contractors to provide
37 an inspection program pursuant to this section. The
38 commission, the office of administration and the
39 department of economic development shall ensure
40 adequate participation of Missouri businesses in the
41 selection of the contractor or contractors to provide
42 an inspection program pursuant to this section.

43 4. With approval of the commission and pursuant
44 to rules adopted by the commission, an organization
45 whose members are motor vehicle dealers or leasing
46 companies may establish one or more additional
47 emissions inspection facilities, which may be either
48 mobile or stationary, to be used solely to inspect
49 motor vehicles owned and held for sale or lease by the
50 members of the organization. With approval of the
51 commission and pursuant to rules adopted by the

1 commission, any person operating a fleet of motor
2 vehicles may establish one or more additional emissions
3 inspection facilities, which may be either mobile or
4 stationary, to be used solely to inspect motor vehicles
5 owned or leased and operated by the person establishing
6 the facility. The inspections performed in facilities
7 established pursuant to this subsection shall be
8 performed by a contractor selected by the commission
9 pursuant to this section and the contractor performing
10 such inspections shall be responsible solely to the
11 department and shall satisfy all applicable
12 requirements of sections 643.300 to 643.355.

13 5. If the governor applies to the administrator
14 of the Environmental Protection Agency to require
15 federal reformulated gasoline in nonattainment areas,
16 nothing in sections 643.300 to 643.355 shall prevent
17 the storage of conventional gasoline in nonattainment
18 areas which is intended for sale to agricultural,
19 commercial or retail customers outside said
20 nonattainment areas subject to reformulated gasoline.]

21
22 [643.315. 1. Except as provided in sections
23 643.300 to 643.355, all motor vehicles which are
24 domiciled, registered or primarily operated in an area
25 for which the commission has established a motor
26 vehicle emissions inspection program pursuant to
27 sections 643.300 to 643.355 shall be inspected and
28 approved prior to sale or transfer; provided that, if
29 such vehicle is inspected and approved prior to sale or
30 transfer, such vehicle shall not be subject to another
31 emissions inspection for ninety days after the date of
32 sale or transfer of such vehicle. In addition, any
33 such vehicle manufactured as an even-numbered model
34 year vehicle shall be inspected and approved under the
35 emissions inspection program established pursuant to
36 sections 643.300 to 643.355 in each even-numbered
37 calendar year and any such vehicle manufactured as an
38 odd-numbered model year vehicle shall be inspected and
39 approved under the emissions inspection program
40 established pursuant to sections 643.300 to 643.355 in
41 each odd-numbered calendar year. All motor vehicles
42 subject to the inspection requirements of sections
43 643.300 to 643.355 shall display a valid emissions
44 inspection sticker, and when applicable, a valid
45 emissions inspection certificate shall be presented at
46 the time of registration or registration renewal of
47 such motor vehicle. The department of revenue shall
48 require evidence of the safety and emission inspection
49 and approval required by this section in issuing the
50 motor vehicle annual registration in conformity with
51 the procedure required by sections 307.350 to 307.390

1 and sections 643.300 to 643.355. The director of
2 revenue may verify that a successful safety and
3 emissions inspection was completed via electronic
4 means.

5 2. The inspection requirement of subsection 1 of
6 this section shall apply to all motor vehicles except:

7 (1) Motor vehicles with a manufacturer's gross
8 vehicle weight rating in excess of eight thousand five
9 hundred pounds;

10 (2) Motorcycles and motortricycles if such
11 vehicles are exempted from the motor vehicle emissions
12 inspection under federal regulation and approved by the
13 commission by rule;

14 (3) Model year vehicles manufactured prior to
15 1996;

16 (4) Vehicles which are powered exclusively by
17 electric or hydrogen power or by fuels other than
18 gasoline which are exempted from the motor vehicle
19 emissions inspection under federal regulation and
20 approved by the commission by rule;

21 (5) Motor vehicles registered in an area subject
22 to the inspection requirements of sections 643.300 to
23 643.355 which are domiciled and operated exclusively in
24 an area of the state not subject to the inspection
25 requirements of sections 643.300 to 643.355, but only
26 if the owner of such vehicle presents to the department
27 an affidavit that the vehicle will be operated
28 exclusively in an area of the state not subject to the
29 inspection requirements of sections 643.300 to 643.355
30 for the next twenty-four months, and the owner applies
31 for and receives a waiver which shall be presented at
32 the time of registration or registration renewal;

33 (6) New and unused motor vehicles, of model years
34 of the current calendar year and of any calendar year
35 within two years of such calendar year, which have an
36 odometer reading of less than six thousand miles at the
37 time of original sale by a motor vehicle manufacturer
38 or licensed motor vehicle dealer to the first user;

39 (7) Historic motor vehicles registered pursuant
40 to section 301.131;

41 (8) School buses;

42 (9) Heavy-duty diesel-powered vehicles with a
43 gross vehicle weight rating in excess of eight thousand
44 five hundred pounds;

45 (10) New motor vehicles that have not been
46 previously titled and registered, for the four-year
47 period following their model year of manufacture,
48 provided the odometer reading for such motor vehicles
49 are under forty thousand miles at their first required
50 biennial safety inspection conducted under sections
51 307.350 to 307.390; otherwise such motor vehicles shall

1 be subject to the emissions inspection requirements of
2 subsection 1 of this section during the same period
3 that the biennial safety inspection is conducted;

4 (11) Motor vehicles that are driven fewer than
5 twelve thousand miles between biennial safety
6 inspections; and

7 (12) Qualified plug-in electric drive vehicles.
8 For the purposes of this section, "qualified plug-in
9 electric drive vehicle" shall mean a plug-in electric
10 drive vehicle that is made by a manufacturer, has not
11 been modified from original manufacturer
12 specifications, and can operate solely on electric
13 power and is capable of recharging its battery from an
14 on-board generation source and an off-board electricity
15 source.

16 3. The commission may, by rule, allow inspection
17 reciprocity with other states having equivalent or more
18 stringent testing and waiver requirements than those
19 established pursuant to sections 643.300 to 643.355.

20 4. (1) At the time of sale, a licensed motor
21 vehicle dealer, as defined in section 301.550, may
22 choose to sell a motor vehicle subject to the
23 inspection requirements of sections 643.300 to 643.355
24 either:

25 (a) With prior inspection and approval as
26 provided in subdivision (2) of this subsection; or

27 (b) Without prior inspection and approval as
28 provided in subdivision (3) of this subsection.

29 (2) If the dealer chooses to sell the vehicle
30 with prior inspection and approval, the dealer shall
31 disclose, in writing, prior to sale, whether the
32 vehicle obtained approval by meeting the emissions
33 standards established pursuant to sections 643.300 to
34 643.355 or by obtaining a waiver pursuant to section
35 643.335. A vehicle sold pursuant to this subdivision
36 by a licensed motor vehicle dealer shall be inspected
37 and approved within the one hundred twenty days
38 immediately preceding the date of sale, and, for the
39 purpose of registration of such vehicle, such
40 inspection shall be considered timely.

41 (3) If the dealer chooses to sell the vehicle
42 without prior inspection and approval, the purchaser
43 may return the vehicle within ten days of the date of
44 purchase, provided that the vehicle has no more than
45 one thousand additional miles since the time of sale,
46 if the vehicle fails, upon inspection, to meet the
47 emissions standards specified by the commission and the
48 dealer shall have the vehicle inspected and approved
49 without the option for a waiver of the emissions
50 standard and return the vehicle to the purchaser with a
51 valid emissions certificate and sticker within five

1 working days or the purchaser and dealer may enter into
2 any other mutually acceptable agreement. If the dealer
3 chooses to sell the vehicle without prior inspection
4 and approval, the dealer shall disclose conspicuously
5 on the sales contract and bill of sale that the
6 purchaser has the option to return the vehicle within
7 ten days, provided that the vehicle has no more than
8 one thousand additional miles since the time of sale,
9 to have the dealer repair the vehicle and provide an
10 emissions certificate and sticker within five working
11 days if the vehicle fails, upon inspection, to meet the
12 emissions standards established by the commission, or
13 enter into any mutually acceptable agreement with the
14 dealer. A violation of this subdivision shall be an
15 unlawful practice as defined in section 407.020. No
16 emissions inspection shall be required pursuant to
17 sections 643.300 to 643.360 for the sale of any motor
18 vehicle which may be sold without a certificate of
19 inspection and approval, as provided pursuant to
20 subsection 2 of section 307.380.]

21
22 [643.320. 1. The commission shall prescribe the
23 standards and equipment necessary for an official
24 emissions inspection station and the qualifications for
25 persons who conduct the inspections, and no applicant
26 for certificate of authorization to conduct emissions
27 inspections may be approved to operate an official
28 emissions inspection station until the applicant meets
29 the standards and has the required equipment and
30 qualified inspectors as prescribed by the commission.
31 An official emissions inspection station shall maintain
32 liability insurance at all times to cover possible
33 damage to vehicles during the inspection process as a
34 condition of operating an official emissions inspection
35 station. The commission shall establish standards and
36 procedures to be followed in the making of inspections
37 required by sections 643.300 to 643.355 and shall
38 prescribe rules for the operation of emissions
39 inspection stations.

40 2. The application for a certificate of
41 authorization to operate as an official emissions
42 inspection station shall be made to the commission on a
43 form furnished by the commission. The application
44 shall be accompanied by a fee established by the
45 commission by rule, but in no case shall the fee exceed
46 one hundred dollars. The certificate of authorization
47 shall be renewed annually on the date of issue. All
48 fees shall be payable to the director of revenue and
49 shall be deposited by the director of revenue in the
50 state treasury to the credit of the Missouri air
51 emission reduction fund established under section

1 643.350.

2 3. The commission or its designee shall cause
3 unannounced inspections to be made of the operation of
4 each emissions inspection station at least once during
5 each calendar year. The inspection may include
6 submitting a known high emission vehicle for inspection
7 without prior disclosure to the inspection station. At
8 any time the commission or its designee shall have
9 reason to believe that any person has violated any
10 provisions of the provisions of sections 643.300 to
11 643.355 or the rules promulgated thereunder, the
12 commission or its designee shall refuse to issue or
13 shall revoke or suspend any certificate of authority
14 under this section. The suspension or revocation of a
15 certificate of authority shall be in writing to the
16 operator, inspector, or the person in charge of the
17 emissions inspection station. Before suspending or
18 revoking the certificate of authority to conduct
19 emissions inspections, the commission or its designee
20 shall serve notice in writing by certified mail or by
21 personal service to the inspection station at the
22 operator's address of record giving the permittee the
23 opportunity to appear in the office of the commission
24 on a stated date, not less than ten nor more than
25 thirty days after the mailing or service of the notice,
26 for a hearing to show cause why the inspection
27 station's certificate of authority should not be
28 suspended or revoked. An inspection station owner or
29 an inspector may appear in person or by counsel in the
30 office of the commission or its designee to show cause
31 why the proposed suspension or revocation is in error,
32 or to present any other facts or testimony that would
33 bear on the final decision of the commission or its
34 designee. If the operator, owner, or inspector does
35 not appear on the stated day after receipt of notice,
36 it shall be presumed that such party admits the
37 allegations of fact contained in the hearing
38 notification letter. The decision of the commission or
39 its designee may in such case be based upon the written
40 reports submitted by the commission's officers. The
41 order of the commission, specifying his findings of
42 fact and conclusions of law, shall be considered final
43 immediately after receipt of notice thereof by the
44 inspection station.

45 4. The department may require emissions
46 inspection stations to furnish reports, upon forms
47 furnished by the department for that purpose, that the
48 department considers necessary for the administration
49 of sections 643.300 to 643.355.

50 5. The commission may impose alternative
51 administrative enforcement mechanisms in lieu of

1 suspending or revoking a certificate of authority.
2 Such alternative administrative enforcement mechanisms
3 may include, but not be limited to, requiring
4 inspectors to successfully complete a
5 commission-approved retraining program. The commission
6 also may require any individual who has his or her
7 certificate of authority suspended to undergo remedial
8 retraining as a condition of removing such suspension.

9 6. The commission shall design and furnish each
10 official emissions inspection station, at no cost, one
11 official sign made of metal or other durable material
12 to be displayed in a conspicuous location to designate
13 the station as an official emissions inspection
14 station. Additional signs may be obtained by an
15 official inspection station for a fee equal to the cost
16 to the state. Each official emissions inspection
17 station shall also be supplied with one or more posters
18 which must be displayed in a conspicuous location at
19 the place of inspection and which informs the public
20 that required repairs or corrections need not be made
21 at the inspection station.]

22
23 [643.325. 1. The commission shall establish, by
24 rule, an emissions inspection certificate and an
25 emissions inspection sticker which indicate that a
26 vehicle has been inspected and given approval under
27 sections 643.300 to 643.355. The commission shall also
28 establish, by rule, requirements for display of the
29 sticker on a motor vehicle and requirements for the
30 replacement of a sticker or certificate which has been
31 lost or stolen. The emissions inspection certificate
32 and the emissions inspection sticker shall each bear,
33 in a conspicuous place, the legend: "This inspection is
34 mandated by your United States Congress."

35 2. Each emissions inspection station shall
36 provide an emissions inspection certificate and
37 emissions inspection sticker to the owner of a vehicle
38 which has been inspected and approved under the
39 emissions inspection program.]
40

41 [643.330. 1. An owner whose vehicle fails, upon
42 inspection, to meet the emissions standards specified
43 by the commission may have the vehicle reinspected
44 after making repairs or adjustments to the vehicle to
45 reduce emissions.

46 2. No motor vehicle owner shall be charged an
47 additional emissions inspection fee for one additional
48 emissions reinspection completed within twenty
49 consecutive days, excluding Saturdays, Sundays, and
50 holidays, of the initial emissions inspection. Such
51 fee only shall be waived or not charged if the

1 reinspection is made by the station making the initial
2 inspection.

3 3. The inspector shall provide in writing to the
4 owner of a vehicle which fails, upon inspection, to
5 meet the emissions standards, the nature of the
6 vehicle's failure, the components or equipment
7 responsible for the failure and the estimated cost of
8 repair to the extent practical pursuant to rules
9 promulgated by the commission.

10 4. The department shall cause unannounced tests
11 of facilities which repair, service or maintain motor
12 vehicle emissions components and equipments, including
13 submitting known high emission vehicles with known
14 defects for repair without prior disclosure to the
15 repair facility. Any suspected violations of chapter
16 407 shall be reported by the department to the attorney
17 general who shall institute appropriate proceedings
18 under sections 407.095 and 407.100 regarding unlawful
19 merchandising practices.]

20
21 [643.335. 1. The commission shall establish, by
22 rule, a waiver amount which shall be no greater than
23 four hundred and fifty dollars.

24 2. The commission shall establish, by rule, a
25 form and a procedure for verifying that repair and
26 adjustment was performed on a failing vehicle prior to
27 the granting of a waiver and approval.

28 3. The waiver form established pursuant to
29 subsection 2 of this section shall be an affidavit
30 requiring:

31 (1) A statement signed by the repairer that the
32 specified work was done and stating the itemized
33 charges for the work; and

34 (2) A statement signed by the commission or
35 designee that an inspection of the vehicle verified, to
36 the extent practical, that the specified work was done.
37 An inspection to verify whether repair work was
38 performed or not shall not be conducted by the same
39 inspection station, inspector, or affiliate that
40 performed the repair work.

41 4. A vehicle which fails upon reinspection to
42 meet the emissions standards specified by the
43 commission shall have the emissions standards waived
44 and receive approval only if the owner furnishes a
45 complete, signed affidavit satisfying the requirements
46 of subsection 3 of this section and the cost of the
47 parts, repairs and adjustment work performed is equal
48 to or greater than the waiver amount established by the
49 commission. Costs for repair work may only be included
50 toward reaching the waiver amount if the repairs are
51 performed by a recognized repair technician. As used

1 in this section, a "recognized repair technician" means
2 a repair technician who has obtained and possesses
3 valid A6, A8, and L1 certifications from the National
4 Institute for Automotive Service Excellence.

5 5. No cost for parts, repairs or adjustments
6 shall be included toward reaching the waiver amount if
7 such costs are covered by an emission control
8 performance warranty provided by the manufacturer at no
9 additional cost to the vehicle owner unless the vehicle
10 owner provides, with the affidavit, a written denial of
11 warranty remedy from the motor vehicle manufacturer,
12 dealer or other person providing the warranty.

13 6. No cost for parts, repairs or adjustments
14 shall be included toward reaching the waiver amount if
15 such costs are required to correct the effects of
16 tampering with emissions systems or air pollution
17 control devices.

18 7. Notwithstanding subsection 1 of this section,
19 the waiver amount for an owner that performs repair
20 work on his or her own vehicle shall be four hundred
21 dollars, provided that the cost of the parts utilized
22 by the owner to perform the repair is equal to or
23 greater than four hundred dollars. The types of parts
24 that shall account toward the waiver amount described
25 in this subsection shall include only emission control
26 components described in 40 CFR Section 51.360, as
27 amended. The cost for labor performed by the owner
28 shall not count toward the waiver limit. The
29 commission shall establish, by rule, a waiver form for
30 repair work performed by a vehicle owner. Such form
31 shall include, but not be limited to:

32 (1) A statement signed by the owner that the
33 owner expended a minimum of four hundred dollars on
34 qualified emission control components and that the
35 owner installed such components; and

36 (2) A statement signed by the commission or its
37 designee that an inspection of the vehicle verified, to
38 the extent practical, that the qualified components
39 were installed.

40
41 The owner also shall submit all original receipts for
42 emission-related parts.

43 8. The commission may establish, by rule, a
44 waiver amount which may be lower for owners who provide
45 reasonable and reliable proof to the commission that
46 the owner is financially dependant solely on state and
47 federal disability benefits and other public assistance
48 programs. Such proof shall be submitted to the
49 commission thirty calendar days prior to each
50 subsequent emissions inspection before the lowered
51 waiver amount is allowed. For the purposes of this

1 section, "reasonable and reliable proof" shall mean
2 government-issued documentation providing explanation
3 of said customer's disability and financial assistance
4 with regard to personal income.]
5

6 [643.337. 1. The department of natural resources
7 and the state highway patrol shall provide oversight
8 for the vehicle emissions inspection program, including
9 oversight of the repair services provided by recognized
10 repair technicians for such vehicles. The department
11 and highway patrol may promulgate joint rules for the
12 implementation of this subsection.

13 2. Beginning October 1, 2008, and every October
14 first thereafter, the department and the highway patrol
15 shall jointly submit an annual report to the general
16 assembly detailing the oversight measures implemented
17 for the program and data collected regarding compliance
18 and incidents of fraud, and any recommendations for
19 improvements to the program, including but not limited
20 to statutory and regulatory changes.

21 3. Any rule or portion of a rule, as that term is
22 defined in section 536.010, that is created under the
23 authority delegated in this section shall become
24 effective only if it complies with and is subject to
25 all of the provisions of chapter 536 and, if
26 applicable, section 536.028. This section and chapter
27 536 are nonseverable and if any of the powers vested
28 with the general assembly pursuant to chapter 536 to
29 review, to delay the effective date, or to disapprove
30 and annul a rule are subsequently held
31 unconstitutional, then the grant of rulemaking
32 authority and any rule proposed or adopted after August
33 28, 2006, shall be invalid and void.]
34

35 [643.340. 1. For the purpose of obtaining an
36 emissions inspection only, a vehicle may be lawfully
37 operated over the most direct route between the owner's
38 usual domicile and an inspection station of the owner's
39 choice, notwithstanding that the vehicle does not have
40 a current state registration license.

41 2. A vehicle may be lawfully operated from an
42 emissions inspection station to another place for the
43 purpose of making repairs and back to the emissions
44 inspection station, notwithstanding that the vehicle
45 does not have a current state registration license.

46 3. For the purpose of obtaining an emissions
47 inspection only, a vehicle may be lawfully operated for
48 thirty days beyond the vehicle's registration
49 expiration, notwithstanding that the vehicle does not
50 have a current state registration license, if the
51 vehicle is being driven to reset the vehicle's

1 readiness monitors to pass the on-board diagnostic
2 (OBD) emission inspection described in section 643.303.
3 Vehicle operators shall keep a copy of the most recent
4 failing OBD test results with them to present to law
5 enforcement officers while they are operating the
6 vehicle to reset the vehicle's readiness monitors. The
7 late registration penalty fee described in section
8 301.050 shall still apply if the vehicle is registered
9 after its current registration expires.]

10
11 [643.345. In the year in which an emissions
12 inspection is required under section 643.315, a
13 certificate of registration for a motor vehicle shall
14 not be transferred, renewed or issued unless the
15 application for the transfer, renewal or issuance is
16 accompanied by a current emissions inspection
17 certificate issued not more than sixty days prior to
18 the date of application, except that the director of
19 revenue shall renew a vehicle's certificate of
20 registration without a current emissions inspection
21 certificate accompanying the application if
22 satisfactory documentary evidence is presented at the
23 time of application that the registration being renewed
24 was properly transferred within a six-month period
25 prior to the expiration of the registration.]
26

27 [643.350. 1. A fee, not to exceed twenty-four
28 dollars, may be charged for an emissions inspection
29 conducted under the emissions inspection program
30 established pursuant to sections 643.300 to 643.355.
31 2. The fee shall be conspicuously posted on the
32 premises of each emissions inspection station.
33 3. The commission shall establish, by rule, the
34 portion of the fee amount to be remitted by the
35 emission inspection station to the director of revenue
36 and the number of days allowed for remitting fees.
37 4. The official emission inspection station shall
38 remit the portion of fees collected, as established by
39 the commission pursuant to this section, to the state
40 treasurer within the time period established by the
41 commission. The state treasurer shall deposit the fees
42 received in the state treasury to the credit of the
43 "Missouri Air Emission Reduction Fund", which is hereby
44 created. Moneys in the fund shall, subject to
45 appropriation, be expended for the administration and
46 enforcement of sections 643.300 to 643.355 by the
47 department of natural resources, the Missouri highway
48 patrol, and other appropriate agencies. Any balance in
49 the fund at the end of the biennium shall remain in the
50 fund and shall not be subject to the provisions of
51 section 33.080. All interest earned by moneys in the

1 fund shall accrue to the fund. If in the immediate
2 previous fiscal year, the state's net general revenue
3 did not increase by two percent or more, the state
4 treasurer may deposit moneys, except for gifts,
5 donations, or bequests, received under this section
6 beginning January first of the current fiscal year into
7 the state general revenue fund. Otherwise, the state
8 treasurer shall deposit such moneys in accordance with
9 the provisions of this section.

10 5. In addition to funds from the Missouri air
11 emission reduction fund, costs of capital or operations
12 may be supplemented, upon appropriation, from the
13 general revenue fund, the state highway department
14 fund, federal funds or other funds available for that
15 purpose.]
16

17 [643.353. Beginning January 15, 2008, and
18 annually thereafter, the department of natural
19 resources shall submit a report to the governor and
20 general assembly that describes the overall
21 effectiveness of the decentralized emissions inspection
22 program. Such report shall be based upon the latest
23 available data, including data derived from EPA model
24 analysis. The report shall contain an interpretative
25 analysis detailing whether or not the ambient air
26 quality achieved by the decentralized emissions
27 inspection program exceeds the ambient air quality
28 achieved by the current centralized emissions
29 inspection program.]
30

31 [643.355. 1. Any person who knowingly
32 misrepresents himself or herself as an official
33 emissions inspection station or an inspector or a
34 recognized repair technician is guilty of a class C
35 misdemeanor for the first offense and a class B
36 misdemeanor for any subsequent offense. Any person who
37 is found guilty or who has pleaded guilty to a
38 violation of this subsection shall be considered to
39 have committed an offense for the purposes of this
40 subsection.

41 2. Any person who knowingly manufactures, conveys
42 or possesses any counterfeit or illegally obtained
43 emissions inspection certificate or a counterfeit or
44 illegally obtained emissions inspection sticker is
45 guilty of a class C misdemeanor for the first offense
46 and a class B misdemeanor for any subsequent offense.
47 Any person who is found guilty or who has pleaded
48 guilty to a violation of this subsection shall be
49 considered to have committed an offense for the
50 purposes of this subsection.

51 3. Any person who knowingly displays or permits

1 to be displayed, on any motor vehicle owned by such
2 person, any counterfeit or illegally obtained emissions
3 inspection sticker is guilty of an infraction.

4 4. Any person who knowingly uses any counterfeit
5 or illegally obtained emissions inspection certificate
6 for the purpose of obtaining any motor vehicle
7 registration is guilty of an infraction for the first
8 offense, a class C misdemeanor for the second offense
9 and a class B misdemeanor for any subsequent offense.

10 5. Any person who knowingly operates a motor
11 vehicle required to be inspected and approved pursuant
12 to sections 643.300 to 643.355 without displaying a
13 valid emissions inspection sticker as required pursuant
14 to section 643.315 is guilty of an infraction for the
15 first offense, a class C misdemeanor for the second
16 offense and a class B misdemeanor for any subsequent
17 offense.

18 6. Except as otherwise provided in this section,
19 any person who violates a requirement of sections
20 643.300 to 643.355 or a rule promulgated to enforce
21 sections 643.300 to 643.355 is guilty of an infraction.

22 7. The superintendent of the highway patrol may
23 seize documents which the superintendent suspects are
24 counterfeit or illegally obtained in violation of this
25 section for the purpose of enforcing this section. Any
26 person who violates any procedural requirement of
27 sections 643.300 to 643.355 is subject to a fine, and
28 such fine shall be not less than five times the amount
29 of the fee charged pursuant to section 643.350 or one
30 hundred dollars, whichever is greater, if the violation
31 is intentional or one involving gross negligence.]

32 Section B. The repeal and reenactment of section 643.300
33 and the repeal of sections 643.303, 643.305, 643.310, 643.315,
34 643.320, 643.325, 643.330, 643.335, 643.337, 643.340, 643.345,
35 643.350, 643.353, and 643.355 of this act shall become effective
36 January 1, 2020.