

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 368

AN ACT

To repeal sections 68.040, 144.070, 194.225, 301.032, 301.560, 302.170, 302.171, 302.720, and 302.768, RSMo, and to enact in lieu thereof nine new sections relating to transportation, with existing penalty provisions.

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

1 Section A. Sections 68.040, 144.070, 194.225, 301.032,
2 301.560, 302.170, 302.171, 302.720, and 302.768, RSMo, are
3 repealed and nine new sections enacted in lieu thereof, to be
4 known as sections 68.040, 144.070, 194.225, 301.032, 301.560,
5 302.170, 302.171, 302.720, and 302.768, to read as follows:

6 68.040. 1. Every local and regional port authority,
7 approved as a political subdivision of the state, may from time
8 to time issue its negotiable revenue bonds or notes in such
9 principal amounts as, in its opinion, shall be necessary to
10 provide sufficient funds for achieving its purposes, including
11 the construction of port facilities and the financing of port
12 improvement projects; establish reserves to secure such bonds and
13 notes; and make other expenditures, incident and necessary to
14 carry out its purposes and powers.

15 2. This state shall not be liable on any notes or bonds of
16 any port authority. Any such notes or bonds shall not be a debt
17 of the state and shall contain on the faces thereof a statement
18 to such effect.

1 3. No commissioner of any port authority or any authorized
2 person executing port authority notes or bonds shall be liable
3 personally on said notes or bonds or shall be subject to any
4 personal liability or accountability by reason of the issuance
5 thereof.

6 4. The notes and bonds of every port authority are
7 securities in which all public officers and bodies of this state
8 and all political subdivisions and municipalities, all insurance
9 companies and associations, and other persons carrying on an
10 insurance business, all banks, trust companies, saving
11 associations, savings and loan associations, credit unions,
12 investment companies, all administrators, guardians, executors,
13 trustees, and other fiduciaries, and all other persons
14 whatsoever, who now or may hereafter be authorized to invest in
15 notes and bonds or other obligations of this state, may properly
16 and legally invest funds, including capital, in their control or
17 belonging to them.

18 5. No port authority shall be required to pay any taxes or
19 any assessments whatsoever to this state or to any political
20 subdivisions, municipality, or other governmental agency of this
21 state. The notes and bonds of every port authority and the
22 income therefrom shall, at all times, be exempt from any taxes
23 and any assessments, except for death and gift taxes and taxes on
24 transfers. Additionally, the leases of both real and personal
25 property by or to any port authority involving the issuance of
26 bonds authorized under this chapter shall be exempt from
27 taxation. A port authority issuing bonds under this chapter for
28 incentivized development shall require the developer of any

1 project which is to be leased to such developer, or any other
2 party, to confer with the affected taxing authorities, and
3 subsequently contractually require the payment of such sums as
4 they may agree upon, or the port authority may elect to require
5 such sums to be allocated among such taxing authorities on the
6 same pro rata basis as are ad valorem property tax revenues.

7 6. Every port authority shall have the powers and be
8 governed by the procedures now or hereafter conferred upon or
9 applicable to the environmental improvement authority, chapter
10 260, relating to the manner of issuance of revenue bonds and
11 notes, and the port authority shall exercise all such powers and
12 adhere to all such procedures insofar as they are consistent with
13 the necessary and proper undertaking of its purposes.

14 144.070. 1. At the time the owner of any new or used motor
15 vehicle, trailer, boat, or outboard motor which was acquired in a
16 transaction subject to sales tax under the Missouri sales tax law
17 makes application to the director of revenue for an official
18 certificate of title and the registration of the motor vehicle,
19 trailer, boat, or outboard motor as otherwise provided by law,
20 the owner shall present to the director of revenue evidence
21 satisfactory to the director of revenue showing the purchase
22 price exclusive of any charge incident to the extension of credit
23 paid by or charged to the applicant in the acquisition of the
24 motor vehicle, trailer, boat, or outboard motor, or that no sales
25 tax was incurred in its acquisition, and if sales tax was
26 incurred in its acquisition, the applicant shall pay or cause to
27 be paid to the director of revenue the sales tax provided by the
28 Missouri sales tax law in addition to the registration fees now

1 or hereafter required according to law, and the director of
2 revenue shall not issue a certificate of title for any new or
3 used motor vehicle, trailer, boat, or outboard motor subject to
4 sales tax as provided in the Missouri sales tax law until the tax
5 levied for the sale of the same under sections 144.010 to 144.510
6 has been paid as provided in this section or is registered under
7 the provisions of subsection 5 of this section.

8 2. As used in subsection 1 of this section, the term
9 "purchase price" shall mean the total amount of the contract
10 price agreed upon between the seller and the applicant in the
11 acquisition of the motor vehicle, trailer, boat, or outboard
12 motor, regardless of the medium of payment therefor.

13 3. In the event that the purchase price is unknown or
14 undisclosed, or that the evidence thereof is not satisfactory to
15 the director of revenue, the same shall be fixed by appraisement
16 by the director.

17 4. The director of the department of revenue shall endorse
18 upon the official certificate of title issued by the director
19 upon such application an entry showing that such sales tax has
20 been paid or that the motor vehicle, trailer, boat, or outboard
21 motor represented by such certificate is exempt from sales tax
22 and state the ground for such exemption.

23 5. Any person, company, or corporation engaged in the
24 business of renting or leasing motor vehicles, trailers, boats,
25 or outboard motors, which are to be used exclusively for rental
26 or lease purposes, and not for resale, may apply to the director
27 of revenue for authority to operate as a leasing or rental
28 company and pay an annual fee of two hundred fifty dollars for

1 such authority. Any company approved by the director of revenue
2 may pay the tax due on any motor vehicle, trailer, boat, or
3 outboard motor as required in section 144.020 at the time of
4 registration thereof or in lieu thereof may pay a sales tax as
5 provided in sections 144.010, 144.020, 144.070 and 144.440. A
6 sales tax shall be charged to and paid by a leasing company which
7 does not exercise the option of paying in accordance with section
8 144.020, on the amount charged for each rental or lease agreement
9 while the motor vehicle, trailer, boat, or outboard motor is
10 domiciled in this state. Any motor vehicle, trailer, boat, or
11 outboard motor which is leased as the result of a contract
12 executed in this state shall be presumed to be domiciled in this
13 state.

14 6. Every applicant to be a lease or rental company shall
15 furnish with the application a corporate surety bond or
16 irrevocable letter of credit, as defined in section 400.5-102,
17 issued by any state or federal financial institution in the penal
18 sum of one hundred thousand dollars, on a form approved by the
19 department. The bond or irrevocable letter of credit shall be
20 conditioned upon the lease or rental company complying with the
21 provisions of any statutes applicable to lease or rental
22 companies, and the bond shall be an indemnity for any loss
23 sustained by reason of the acts of the person bonded when such
24 acts constitute grounds for the suspension or revocation of the
25 lease or rental license. The bond shall be executed in the name
26 of the state of Missouri for the benefit of all aggrieved parties
27 or the irrevocable letter of credit shall name the state of
28 Missouri as the beneficiary; except that, the aggregate liability

1 of the surety or financial institution to the aggrieved parties
2 shall, in no event, exceed the amount of the bond or irrevocable
3 letter of credit. The proceeds of the bond or irrevocable letter
4 of credit shall be paid upon receipt by the department of a final
5 judgment from a Missouri court of competent jurisdiction against
6 the principal and in favor of an aggrieved party.

7 7. Any corporation may have one or more of its divisions
8 separately apply to the director of revenue for authorization to
9 operate as a leasing company, provided that the corporation:

10 (1) Has filed a written consent with the director
11 authorizing any of its divisions to apply for such authority;

12 (2) Is authorized to do business in Missouri;

13 (3) Has agreed to treat any sale of a motor vehicle,
14 trailer, boat, or outboard motor from one of its divisions to
15 another of its divisions as a sale at retail;

16 (4) Has registered under the fictitious name provisions of
17 sections 417.200 to 417.230 each of its divisions doing business
18 in Missouri as a leasing company; and

19 (5) Operates each of its divisions on a basis separate from
20 each of its other divisions. However, when the transfer of a
21 motor vehicle, trailer, boat or outboard motor occurs within a
22 corporation which holds a license to operate as a motor vehicle
23 or boat dealer pursuant to sections 301.550 to 301.573 the
24 provisions in subdivision (3) of this subsection shall not apply.

25 [7.] 8. If the owner of any motor vehicle, trailer, boat,
26 or outboard motor desires to charge and collect sales tax as
27 provided in this section, the owner shall make application to the
28 director of revenue for a permit to operate as a motor vehicle,

1 trailer, boat, or outboard motor leasing company. The director
2 of revenue shall promulgate rules and regulations determining the
3 qualifications of such a company, and the method of collection
4 and reporting of sales tax charged and collected. Such
5 regulations shall apply only to owners of motor vehicles,
6 trailers, boats, or outboard motors, electing to qualify as motor
7 vehicle, trailer, boat, or outboard motor leasing companies under
8 the provisions of subsection 5 of this section, and no motor
9 vehicle renting or leasing, trailer renting or leasing, or boat
10 or outboard motor renting or leasing company can come under
11 sections 144.010, 144.020, 144.070 and 144.440 unless all motor
12 vehicles, trailers, boats, and outboard motors held for renting
13 and leasing are included.

14 9. Any person, company, or corporation engaged in the
15 business of renting or leasing three thousand five hundred or
16 more motor vehicles which are to be used exclusively for rental
17 or leasing purposes and not for resale, and that has applied to
18 the director of revenue for authority to operate as a leasing
19 company may also operate as a registered fleet owner as
20 prescribed in section 301.032.

21 [8.] 10. Beginning July 1, 2010, any motor vehicle dealer
22 licensed under section 301.560 engaged in the business of selling
23 motor vehicles or trailers may apply to the director of revenue
24 for authority to collect and remit the sales tax required under
25 this section on all motor vehicles sold by the motor vehicle
26 dealer. A motor vehicle dealer receiving authority to collect
27 and remit the tax is subject to all provisions under sections
28 144.010 to 144.525. Any motor vehicle dealer authorized to

1 collect and remit sales taxes on motor vehicles under this
2 subsection shall be entitled to deduct and retain an amount equal
3 to two percent of the motor vehicle sales tax pursuant to section
4 144.140. Any amount of the tax collected under this subsection
5 that is retained by a motor vehicle dealer pursuant to section
6 144.140 shall not constitute state revenue. In no event shall
7 revenues from the general revenue fund or any other state fund be
8 utilized to compensate motor vehicle dealers for their role in
9 collecting and remitting sales taxes on motor vehicles. In the
10 event this subsection or any portion thereof is held to violate
11 Article IV, Section 30(b) of the Missouri Constitution, no motor
12 vehicle dealer shall be authorized to collect and remit sales
13 taxes on motor vehicles under this section. No motor vehicle
14 dealer shall seek compensation from the state of Missouri or its
15 agencies if a court of competent jurisdiction declares that the
16 retention of two percent of the motor vehicle sales tax is
17 unconstitutional and orders the return of such revenues.

18 194.225. 1. A donor may make an anatomical gift:

19 (1) By authorizing a statement or symbol indicating that
20 the donor has made an anatomical gift to be imprinted on the face
21 of the donor's driver's license or identification card, or by
22 placing a donor symbol sticker authorized and issued by the
23 department of health and senior services on the back of the
24 donor's driver's license or identification card indicating that
25 the donor has made an anatomical gift;

26 (2) In a will;

27 (3) During a terminal illness or injury of the donor, by
28 any form of communication addressed to at least two adults at

1 least one of whom is a disinterested witness; or

2 (4) As provided in subsection 2 of this section.

3 2. A donor or other person authorized to make an anatomical
4 gift under section 194:220 may make a gift by a donor card or
5 other record signed by the donor or other person making the gift
6 or by authorizing that a statement or symbol indicating that the
7 donor has made an anatomical gift be included on a donor
8 registry. If the donor or other person is physically unable to
9 sign a record, the record may be signed by another individual at
10 the direction of the donor or the other person and shall:

11 (1) Be witnessed by at least two adults at least one of
12 whom is a disinterested witness, who have signed at the request
13 of the donor or the other person; and

14 (2) State that it has been signed and witnessed as provided
15 in subdivision (1) of subsection 1 of this section.

16 3. Revocation, suspension, expiration, or cancellation of
17 the driver's license or identification card upon which an
18 anatomical gift is indicated does not invalidate the gift.

19 4. An anatomical gift made by will takes effect upon the
20 donor's death whether or not the will is probated. Invalidation
21 of the will after the donor's death does not invalidate the gift.

22 5. The department of health and senior services shall
23 include on its website information about organ donation and a
24 link where persons making an anatomical gift can register. Once
25 a person has registered as a donor on the website, the department
26 of health and senior services shall contact the department of
27 revenue to determine whether the organ donor symbol is printed on
28 the front of the registrant's driver's license or identification

1 card. If the donor symbol does not appear on the front of the
2 registrant's driver's license or identification card, the
3 department of health and senior services shall mail to the
4 registrant, through first class mail, a donor symbol sticker to
5 be placed on the back of his or her driver's license or
6 identification card as provided under this section and section
7 302.171.

8 6. All state agencies and departments may provide a link on
9 the homepage of their website directing the public to the organ
10 donation information and registration link on the department of
11 health and senior services website.

12 301.032. 1. Notwithstanding the provisions of sections
13 301.030 and 301.035 to the contrary, the director of revenue
14 shall establish a system of registration of all fleet vehicles
15 owned or purchased by a fleet owner registered pursuant to this
16 section. The director of revenue shall prescribe the forms for
17 such fleet registration and the forms and procedures for the
18 registration updates prescribed in this section. Any owner of
19 ten or more motor vehicles which must be registered in accordance
20 with this chapter may register as a fleet owner. All registered
21 fleet owners may, at their option, register all motor vehicles
22 included in the fleet on a calendar year or biennial basis
23 pursuant to this section in lieu of the registration periods
24 provided in sections 301.030, 301.035, and 301.147. The director
25 shall issue an identification number to each registered owner of
26 fleet vehicles.

27 2. All fleet vehicles included in the fleet of a registered
28 fleet owner shall be registered during April of the corresponding

1 year or on a prorated basis as provided in subsection 3 of this
2 section. Fees of all vehicles in the fleet to be registered on a
3 calendar year basis or on a biennial basis shall be payable not
4 later than the last day of April of the corresponding year, with
5 two years' fees due for biennially-registered vehicles.

6 Notwithstanding the provisions of section 307.355, an application
7 for registration of a fleet vehicle must be accompanied by a
8 certificate of inspection and approval issued no more than one
9 hundred twenty days prior to the date of application. The fees
10 for vehicles added to the fleet which must be licensed at the
11 time of registration shall be payable at the time of
12 registration, except that when such vehicle is licensed between
13 July first and September thirtieth the fee shall be three-fourths
14 the annual fee, when licensed between October first and December
15 thirty-first the fee shall be one-half the annual fee and when
16 licensed on or after January first the fee shall be one-fourth
17 the annual fee. When biennial registration is sought for
18 vehicles added to a fleet, an additional year's annual fee will
19 be added to the partial year's prorated fee.

20 3. At any time during the calendar year in which an owner
21 of a fleet purchases or otherwise acquires a vehicle which is to
22 be added to the fleet or transfers plates to a fleet vehicle, the
23 owner shall present to the director of revenue the identification
24 number as a fleet number and may register the vehicle for the
25 partial year as provided in subsection 2 of this section. The
26 fleet owner shall also be charged a transfer fee of two dollars
27 for each vehicle so transferred pursuant to this subsection.

28 4. Except as specifically provided in this subsection, all

1 fleet vehicles registered pursuant to this section shall be
2 issued a special license plate which shall have the words "Fleet
3 Vehicle" in place of the words "Show-Me State" in the manner
4 prescribed by the advisory committee established in section
5 301.129. Alternatively, for a one-time additional five dollar
6 per-vehicle fee beyond the regular registration fee, a fleet
7 owner of at least fifty fleet vehicles may apply for fleet
8 license plates bearing a company name or logo, the size and
9 design thereof subject to approval by the director. All fleet
10 license plates shall be made with fully reflective material with
11 a common color scheme and design, shall be clearly visible at
12 night, and shall be aesthetically attractive, as prescribed by
13 section 301.130. Fleet vehicles shall be issued multiyear
14 license plates as provided in this section which shall not
15 require issuance of a renewal tab. Upon payment of appropriate
16 registration fees, the director of revenue shall issue a
17 registration certificate or other suitable evidence of payment of
18 the annual or biennial fee, and such evidence of payment shall be
19 carried at all times in the vehicle for which it is issued. [The
20 director of revenue shall promulgate rules and regulations
21 establishing the procedure for application and issuance of fleet
22 vehicle license plates.]

23 5. Notwithstanding the provisions of sections 307.350 to
24 307.390 to the contrary, a fleet vehicle registered in Missouri
25 is exempt from the requirements of sections 307.350 to 307.390 if
26 at the time of the annual fleet registration, such fleet vehicle
27 is situated outside the state of Missouri.

28 6. Notwithstanding any other provisions of law to the

1 contrary, any person, company, or corporation engaged in the
2 business of renting or leasing three thousand five hundred or
3 more motor vehicles which are to be used exclusively for rental
4 or leasing purposes and not for resale, that has applied to the
5 director of revenue for authority to operate as a lease or rental
6 company as prescribed in section 144.070 may operate as a
7 registered fleet owner as prescribed in the provisions of this
8 subsection to subsection 10 of this section.

9 (1) The director of revenue may issue license plates after
10 presentment of an application, as designed by the director, and
11 payment of an annual fee of three hundred sixty dollars for the
12 first ten plates and thirty-six dollars for each additional
13 plate. The payment and issuance of such plates shall be in lieu
14 of registering each motor vehicle with the director as otherwise
15 provided by law.

16 (2) Such motor vehicles within the fleet shall not be
17 exempted from the safety inspection and emissions inspection
18 provisions as prescribed in chapters 307 and 643, but
19 notwithstanding the provisions of section 307.355, such
20 inspections shall not be required to be presented to the director
21 of revenue.

22 7. A recipient of a lease or rental company license issued
23 by the director of revenue as prescribed in section 144.070
24 operating as a registered fleet owner under this section shall
25 register such fleet with the director of revenue on an annual or
26 biennial basis in lieu of the individual motor vehicle
27 registration periods as prescribed in sections 301.030, 301.035,
28 and 301.147. If an applicant elects a biennial fleet

1 registration, the annual fleet license plate fees prescribed in
2 subdivision (1) of subsection 6 of this section shall be doubled.
3 An agent fee as prescribed in subdivision (1) of subsection 1 of
4 section 136.055 shall apply to the issuance of fleet
5 registrations issued under subsections 6 to 10 of this section,
6 and if a biennial fleet registration is elected, the agent fee
7 shall be collected in an amount equal to the fee for two years.

8 8. Prior to the issuance of fleet license plates under
9 subsections 6 to 10 of this section, the applicant shall provide
10 proof of insurance as required under section 303.024 or 303.026.

11 9. The authority of a recipient of a lease or rental
12 company license issued by the director of revenue as prescribed
13 in section 144.070 to operate as a fleet owner as provided in
14 this section shall expire on January 1 of the licensure period.

15 10. A lease or rental company operating fleet license
16 plates issued under subsections 6 to 10 of this section shall
17 make available, upon request, to the director of revenue and all
18 Missouri law enforcement agencies any corresponding vehicle and
19 registration information that may be requested as prescribed by
20 rule.

21 11. The director shall make all necessary rules and
22 regulations for the administration of this section and shall
23 design all necessary forms required by this section. Any rule or
24 portion of a rule, as that term is defined in section 536.010,
25 that is created under the authority delegated in this section
26 shall become effective only if it complies with and is subject to
27 all the provisions of chapter 536 and, if applicable, section
28 536.028. This section and chapter 536 are nonseverable and if

1 any of the powers vested with the general assembly under chapter
2 536 to review, to delay the effective date, or to disapprove and
3 annul a rule are subsequently held unconstitutional, then the
4 grant of rulemaking authority and any rule proposed or adopted
5 after August 28, 2019, shall be invalid and void.

6 301.560. 1. In addition to the application forms
7 prescribed by the department, each applicant shall submit the
8 following to the department:

9 (1) Every application other than a renewal application for
10 a motor vehicle franchise dealer shall include a certification
11 that the applicant has a bona fide established place of business.
12 Such application shall include an annual certification that the
13 applicant has a bona fide established place of business for the
14 first three years and only for every other year thereafter. The
15 certification shall be performed by a uniformed member of the
16 Missouri state highway patrol or authorized or designated
17 employee stationed in the troop area in which the applicant's
18 place of business is located; except that in counties of the
19 first classification, certification may be performed by an
20 officer of a metropolitan police department when the applicant's
21 established place of business of distributing or selling motor
22 vehicles or trailers is in the metropolitan area where the
23 certifying metropolitan police officer is employed. When the
24 application is being made for licensure as a boat manufacturer or
25 boat dealer, certification shall be performed by a uniformed
26 member of the Missouri state water patrol stationed in the
27 district area in which the applicant's place of business is
28 located or by a uniformed member of the Missouri state highway

1 patrol stationed in the troop area in which the applicant's place
2 of business is located or, if the applicant's place of business
3 is located within the jurisdiction of a metropolitan police
4 department in a first class county, by an officer of such
5 metropolitan police department. A bona fide established place of
6 business for any new motor vehicle franchise dealer, used motor
7 vehicle dealer, boat dealer, powersport dealer, wholesale motor
8 vehicle dealer, trailer dealer, or wholesale or public auction
9 shall be a permanent enclosed building or structure, either owned
10 in fee or leased and actually occupied as a place of business by
11 the applicant for the selling, bartering, trading, servicing, or
12 exchanging of motor vehicles, boats, personal watercraft, or
13 trailers and wherein the public may contact the owner or operator
14 at any reasonable time, and wherein shall be kept and maintained
15 the books, records, files and other matters required and
16 necessary to conduct the business. The applicant shall maintain
17 a working telephone number during the entire registration year
18 which will allow the public, the department, and law enforcement
19 to contact the applicant during regular business hours. The
20 applicant shall also maintain an email address during the entire
21 registration year which may be used for official correspondence
22 with the department. In order to qualify as a bona fide
23 established place of business for all applicants licensed
24 pursuant to this section there shall be an exterior sign
25 displayed carrying the name of the business set forth in letters
26 at least six inches in height and clearly visible to the public
27 and there shall be an area or lot which shall not be a public
28 street on which multiple vehicles, boats, personal watercraft, or

1 trailers may be displayed. The sign shall contain the name of
2 the dealership by which it is known to the public through
3 advertising or otherwise, which need not be identical to the name
4 appearing on the dealership's license so long as such name is
5 registered as a fictitious name with the secretary of state, has
6 been approved by its line-make manufacturer in writing in the
7 case of a new motor vehicle franchise dealer and a copy of such
8 fictitious name registration has been provided to the department.
9 Dealers who sell only emergency vehicles as defined in section
10 301.550 are exempt from maintaining a bona fide place of
11 business, including the related law enforcement certification
12 requirements, and from meeting the minimum yearly sales;

13 (2) The initial application for licensure shall include a
14 photograph, not to exceed eight inches by ten inches but no less
15 than five inches by seven inches, showing the business building,
16 lot, and sign. A new motor vehicle franchise dealer applicant
17 who has purchased a currently licensed new motor vehicle
18 franchised dealership shall be allowed to submit a photograph of
19 the existing dealership building, lot and sign but shall be
20 required to submit a new photograph upon the installation of the
21 new dealership sign as required by sections 301.550 to 301.580.
22 Applicants shall not be required to submit a photograph annually
23 unless the business has moved from its previously licensed
24 location, or unless the name of the business or address has
25 changed, or unless the class of business has changed;

26 (3) Every applicant as a new motor vehicle franchise
27 dealer, a used motor vehicle dealer, a powersport dealer, a
28 wholesale motor vehicle dealer, trailer dealer, or boat dealer

1 shall furnish with the application a corporate surety bond or an
2 irrevocable letter of credit as defined in section 400.5-102,
3 issued by any state or federal financial institution in the penal
4 sum of fifty thousand dollars on a form approved by the
5 department. The bond or irrevocable letter of credit shall be
6 conditioned upon the dealer complying with the provisions of the
7 statutes applicable to new motor vehicle franchise dealers, used
8 motor vehicle dealers, powersport dealers, wholesale motor
9 vehicle dealers, trailer dealers, and boat dealers, and the bond
10 shall be an indemnity for any loss sustained by reason of the
11 acts of the person bonded when such acts constitute grounds for
12 the suspension or revocation of the dealer's license. The bond
13 shall be executed in the name of the state of Missouri for the
14 benefit of all aggrieved parties or the irrevocable letter of
15 credit shall name the state of Missouri as the beneficiary;
16 except, that the aggregate liability of the surety or financial
17 institution to the aggrieved parties shall, in no event, exceed
18 the amount of the bond or irrevocable letter of credit. The
19 proceeds of the bond or irrevocable letter of credit shall be
20 paid upon receipt by the department of a final judgment from a
21 Missouri court of competent jurisdiction against the principal
22 and in favor of an aggrieved party. Additionally, every
23 applicant as a new motor vehicle franchise dealer, a used motor
24 vehicle dealer, a powersport dealer, a wholesale motor vehicle
25 dealer, or boat dealer shall furnish with the application a copy
26 of a current dealer garage policy bearing the policy number and
27 name of the insurer and the insured;

28 (4) Payment of all necessary license fees as established by

1 the department. In establishing the amount of the annual license
2 fees, the department shall, as near as possible, produce
3 sufficient total income to offset operational expenses of the
4 department relating to the administration of sections 301.550 to
5 301.580. All fees payable pursuant to the provisions of sections
6 301.550 to 301.580, other than those fees collected for the
7 issuance of dealer plates or certificates of number collected
8 pursuant to subsection 6 of this section, shall be collected by
9 the department for deposit in the state treasury to the credit of
10 the "Motor Vehicle Commission Fund", which is hereby created.
11 The motor vehicle commission fund shall be administered by the
12 Missouri department of revenue. The provisions of section 33.080
13 to the contrary notwithstanding, money in such fund shall not be
14 transferred and placed to the credit of the general revenue fund
15 until the amount in the motor vehicle commission fund at the end
16 of the biennium exceeds two times the amount of the appropriation
17 from such fund for the preceding fiscal year or, if the
18 department requires permit renewal less frequently than yearly,
19 then three times the appropriation from such fund for the
20 preceding fiscal year. The amount, if any, in the fund which
21 shall lapse is that amount in the fund which exceeds the multiple
22 of the appropriation from such fund for the preceding fiscal
23 year.

24 2. In the event a new vehicle manufacturer, boat
25 manufacturer, motor vehicle dealer, wholesale motor vehicle
26 dealer, boat dealer, powersport dealer, wholesale motor vehicle
27 auction, trailer dealer, or a public motor vehicle auction
28 submits an application for a license for a new business and the

1 applicant has complied with all the provisions of this section,
2 the department shall make a decision to grant or deny the license
3 to the applicant within eight working hours after receipt of the
4 dealer's application, notwithstanding any rule of the department.

5 3. Except as otherwise provided in subsection 6 of this
6 section, upon the initial issuance of a license by the
7 department, the department shall assign a distinctive dealer
8 license number or certificate of number to the applicant and the
9 department shall issue one number plate or certificate bearing
10 the distinctive dealer license number or certificate of number
11 and two additional number plates or certificates of number within
12 eight working hours after presentment of the application and
13 payment by the applicant of a fee of fifty dollars for the first
14 plate or certificate and ten dollars and fifty cents for each
15 additional plate or certificate. Upon renewal, the department
16 shall issue the distinctive dealer license number or certificate
17 of number as quickly as possible. The issuance of such
18 distinctive dealer license number or certificate of number shall
19 be in lieu of registering each motor vehicle, trailer, vessel or
20 vessel trailer dealt with by a boat dealer, boat manufacturer,
21 manufacturer, public motor vehicle auction, wholesale motor
22 vehicle dealer, wholesale motor vehicle auction or new or used
23 motor vehicle dealer. The license plates described in this
24 section shall be made with fully reflective material with a
25 common color scheme and design, shall be clearly visible at
26 night, and shall be aesthetically attractive, as prescribed by
27 section 301.130.

28 4. Notwithstanding any other provision of the law to the

1 contrary, the department shall assign the following distinctive
2 dealer license numbers to:

3	New motor vehicle franchise dealers	D-0 through D-999
4	New powersport dealers	D-1000 through D-1999
5	Used motor vehicle and used	
6	powersport dealers	D-2000 through D-9999
7	Wholesale motor vehicle dealers	W-0 through W-1999
8	Wholesale motor vehicle auctions	WA-0 through WA-999
9	New and used trailer dealers	T-0 through T-9999
10	Motor vehicle, trailer, and	
11	boat manufacturers	DM-0 through DM-999
12	Public motor vehicle auctions	A-0 through A-1999
13	Boat dealers	M-0 through M-9999
14	New and used recreational motor	
15	vehicle dealers	RV-0 through RV-999

16
17 For purposes of this subsection, qualified transactions shall
18 include the purchase of salvage titled vehicles by a licensed
19 salvage dealer. A used motor vehicle dealer who also holds a
20 salvage dealer's license shall be allowed one additional plate or
21 certificate number per fifty-unit qualified transactions
22 annually. In order for salvage dealers to obtain number plates
23 or certificates under this section, dealers shall submit to the
24 department of revenue on August first of each year a statement
25 certifying, under penalty of perjury, the dealer's number of
26 purchases during the reporting period of July first of the
27 immediately preceding year to June thirtieth of the present year.
28 The provisions of this subsection shall become effective on the

1 date the director of the department of revenue begins to reissue
2 new license plates under section 301.130, or on December 1, 2008,
3 whichever occurs first. If the director of revenue begins
4 reissuing new license plates under the authority granted under
5 section 301.130 prior to December 1, 2008, the director of the
6 department of revenue shall notify the revisor of statutes of
7 such fact.

8 5. Upon the sale of a currently licensed motor vehicle
9 dealership the department shall, upon request, authorize the new
10 approved dealer applicant to retain the selling dealer's license
11 number and shall cause the new dealer's records to indicate such
12 transfer. If the new approved dealer applicant elects not to
13 retain the selling dealer's license number, the department shall
14 issue the new dealer applicant a new dealer's license number and
15 an equal number of plates or certificates as the department had
16 issued to the selling dealer.

17 6. In the case of motor vehicle dealers, the department
18 shall issue one number plate bearing the distinctive dealer
19 license number and may issue one additional number plate to the
20 applicant upon payment by the dealer of a fifty dollar fee for
21 the number plate bearing the distinctive dealer license number
22 and ten dollars and fifty cents for the additional number plate.
23 The department may issue a third plate to the motor vehicle
24 dealer upon completion of the dealer's fifteenth qualified
25 transaction and payment of a fee of ten dollars and fifty cents.
26 In the case of new motor vehicle manufacturers, powersport
27 dealers, recreational motor vehicle dealers, and trailer dealers,
28 the department shall issue one number plate bearing the

1 distinctive dealer license number and may issue two additional
2 number plates to the applicant upon payment by the manufacturer
3 or dealer of a fifty dollar fee for the number plate bearing the
4 distinctive dealer license number and ten dollars and fifty cents
5 for each additional number plate. Boat dealers and boat
6 manufacturers shall be entitled to one certificate of number
7 bearing such number upon the payment of a fifty dollar fee.
8 Additional number plates and as many additional certificates of
9 number may be obtained upon payment of a fee of ten dollars and
10 fifty cents for each additional plate or certificate. New motor
11 vehicle manufacturers shall not be issued or possess more than
12 three hundred forty-seven additional number plates or
13 certificates of number annually. New and used motor vehicle
14 dealers, powersport dealers, wholesale motor vehicle dealers,
15 boat dealers, and trailer dealers are limited to one additional
16 plate or certificate of number per ten-unit qualified
17 transactions annually. New and used recreational motor vehicle
18 dealers are limited to two additional plates or certificate of
19 number per ten-unit qualified transactions annually for their
20 first fifty transactions and one additional plate or certificate
21 of number per ten-unit qualified transactions thereafter. An
22 applicant seeking the issuance of an initial license shall
23 indicate on his or her initial application the applicant's
24 proposed annual number of sales in order for the director to
25 issue the appropriate number of additional plates or certificates
26 of number. A motor vehicle dealer, trailer dealer, boat dealer,
27 powersport dealer, recreational motor vehicle dealer, motor
28 vehicle manufacturer, boat manufacturer, or wholesale motor

1 vehicle dealer obtaining a distinctive dealer license plate or
2 certificate of number or additional license plate or additional
3 certificate of number, throughout the calendar year, shall be
4 required to pay a fee for such license plates or certificates of
5 number computed on the basis of one-twelfth of the full fee
6 prescribed for the original and duplicate number plates or
7 certificates of number for such dealers' licenses, multiplied by
8 the number of months remaining in the licensing period for which
9 the dealer or manufacturers shall be required to be licensed. In
10 the event of a renewing dealer, the fee due at the time of
11 renewal shall not be prorated. Wholesale and public auctions
12 shall be issued a certificate of dealer registration in lieu of a
13 dealer number plate. In order for dealers to obtain number
14 plates or certificates under this section, dealers shall submit
15 to the department of revenue on August first of each year a
16 statement certifying, under penalty of perjury, the dealer's
17 number of sales during the reporting period of July first of the
18 immediately preceding year to June thirtieth of the present year.

19 7. The plates issued pursuant to subsection 3 or 6 of this
20 section may be displayed on any motor vehicle owned by a new
21 motor vehicle manufacturer. The plates issued pursuant to
22 subsection 3 or 6 of this section may be displayed on any motor
23 vehicle or trailer owned and held for resale by a motor vehicle
24 dealer for use by a customer who is test driving the motor
25 vehicle, for use by any customer while the customer's vehicle is
26 being serviced or repaired by the motor vehicle dealer, for use
27 and display purposes during, but not limited to, parades, private
28 events, charitable events, or for use by an employee or officer,

1 but shall not be displayed on any motor vehicle or trailer hired
2 or loaned to others or upon any regularly used service or wrecker
3 vehicle. Motor vehicle dealers may display their dealer plates
4 on a tractor, truck or trailer to demonstrate a vehicle under a
5 loaded condition. Trailer dealers may display their dealer
6 license plates in like manner, except such plates may only be
7 displayed on trailers owned and held for resale by the trailer
8 dealer.

9 8. The certificates of number issued pursuant to subsection
10 3 or 6 of this section may be displayed on any vessel or vessel
11 trailer owned and held for resale by a boat manufacturer or a
12 boat dealer, and used by a customer who is test driving the
13 vessel or vessel trailer, or is used by an employee or officer on
14 a vessel or vessel trailer only, but shall not be displayed on
15 any motor vehicle owned by a boat manufacturer, boat dealer, or
16 trailer dealer, or vessel or vessel trailer hired or loaned to
17 others or upon any regularly used service vessel or vessel
18 trailer. Boat dealers and boat manufacturers may display their
19 certificate of number on a vessel or vessel trailer when
20 transporting a vessel or vessels to an exhibit or show.

21 9. If any law enforcement officer has probable cause to
22 believe that any license plate or certificate of number issued
23 under subsection 3 or 6 of this section is being misused in
24 violation of subsection 7 or 8 of this section, the license plate
25 or certificate of number may be seized and surrendered to the
26 department.

27 10. (1) Every application for the issuance of a used motor
28 vehicle dealer's license shall be accompanied by proof that the

1 applicant, within the last twelve months, has completed an
2 educational seminar course approved by the department as
3 prescribed by subdivision (2) of this subsection. Wholesale and
4 public auto auctions and applicants currently holding a new or
5 used license for a separate dealership shall be exempt from the
6 requirements of this subsection. The provisions of this
7 subsection shall not apply to current new motor vehicle franchise
8 dealers or motor vehicle leasing agencies or applicants for a new
9 motor vehicle franchise or a motor vehicle leasing agency. The
10 provisions of this subsection shall not apply to used motor
11 vehicle dealers who were licensed prior to August 28, 2006.

12 (2) The educational seminar shall include, but is not
13 limited to, the dealer requirements of sections 301.550 to
14 301.580, the rules promulgated to implement, enforce, and
15 administer sections 301.550 to 301.580, and any other rules and
16 regulations promulgated by the department.

17 302.170. 1. As used in this section, the following terms
18 shall mean:

19 (1) "Biometric data", shall include, but not be limited to,
20 the following:

21 (a) Facial feature pattern characteristics;

22 (b) Voice data used for comparing live speech with a
23 previously created speech model of a person's voice;

24 (c) Iris recognition data containing color or texture
25 patterns or codes;

26 (d) Retinal scans, reading through the pupil to measure
27 blood vessels lining the retina;

28 (e) Fingerprint, palm prints, hand geometry, measure of any

1 and all characteristics of biometric information, including shape
2 and length of fingertips, or recording ridge pattern or fingertip
3 characteristics;

4 (f) Eye spacing;

5 (g) Characteristic gait or walk;

6 (h) DNA;

7 (i) Keystroke dynamic, measuring pressure applied to key
8 pads or other digital receiving devices;

9 (2) "Commercial purposes", shall not include data used or
10 compiled solely to be used for, or obtained or compiled solely
11 for purposes expressly allowed under Missouri law or the federal
12 Drivers Privacy Protection Act;

13 (3) "Source documents", original or certified copies, where
14 applicable, of documents presented by an applicant as required
15 under 6 CFR Part 37 to the department of revenue to apply for a
16 driver's license or nondriver's license. Source documents shall
17 also include any documents required for the issuance of driver's
18 licenses or nondriver's licenses by the department of revenue
19 under the provisions of this chapter or accompanying regulations.

20 2. Except as provided in subsection 3 of this section and
21 as required to carry out the provisions of subsection 4 of this
22 section, the department of revenue shall not retain copies, in
23 any format, of source documents presented by individuals applying
24 for or holding driver's licenses or nondriver's licenses or use
25 technology to capture digital images of source documents so that
26 the images are capable of being retained in electronic storage in
27 a transferable format. Documents retained as provided or
28 required by subsection 4 of this section shall be stored solely

1 on a system not connected to the internet nor to a wide area
2 network that connects to the internet. Once stored on such
3 system, the documents and data shall be purged from any systems
4 ~~on which they were previously stored~~ so as to make them
5 irretrievable.

6 3. The provisions of this section shall not apply to:

7 (1) Original application forms, which may be retained but
8 not scanned except as provided in this section;

9 (2) Test score documents issued by state highway patrol
10 driver examiners and Missouri commercial third-party tester
11 examiners;

12 (3) Documents demonstrating lawful presence of any
13 applicant who is not a citizen of the United States, including
14 documents demonstrating duration of the person's lawful presence
15 in the United States;

16 (4) Any document required to be retained under federal
17 motor carrier regulations in Title 49, Code of Federal
18 Regulations, including but not limited to documents required by
19 federal law for the issuance of a commercial driver's license and
20 a commercial driver instruction permit;

21 (5) Documents submitted by a commercial driver's license or
22 commercial driver's instruction permit applicant who is a
23 Missouri resident and is [active duty military or a veteran, as
24 "veteran" is defined in 38 U.S.C. Section 101] a qualified
25 current or former military service member, which allows for
26 waiver of the commercial driver's license knowledge test, skills
27 test, or both; and

28 (6) Any other document at the request of and for the

1 convenience of the applicant where the applicant requests the
2 department of revenue review alternative documents as proof
3 required for issuance of a driver's license, nondriver's license,
4 or instruction permit.

5 4. (1) To the extent not prohibited under subsection 13 of
6 this section, the department of revenue shall amend procedures
7 for applying for a driver's license or identification card in
8 order to comply with the goals or standards of the federal REAL
9 ID Act of 2005, any rules or regulations promulgated under the
10 authority granted in such Act, or any requirements adopted by the
11 American Association of Motor Vehicle Administrators for
12 furtherance of the Act, unless such action conflicts with
13 Missouri law.

14 (2) The department of revenue shall issue driver's licenses
15 or identification cards that are compliant with the federal REAL
16 ID Act of 2005, as amended, to all applicants for driver's
17 licenses or identification cards unless an applicant requests a
18 driver's license or identification card that is not REAL ID
19 compliant. Except as provided in subsection 3 of this section
20 and as required to carry out the provisions of this subsection,
21 the department of revenue shall not retain the source documents
22 of individuals applying for driver's licenses or identification
23 cards not compliant with REAL ID. Upon initial application for a
24 driver's license or identification card, the department shall
25 inform applicants of the option of being issued a REAL ID
26 compliant driver's license or identification card or a driver's
27 license or identification card that is not compliant with REAL
28 ID. The department shall inform all applicants:

1 (a) With regard to the REAL ID compliant driver's license
2 or identification card:

3 a. Such card is valid for official state purposes and for
4 official federal purposes as outlined in the federal REAL ID Act
5 of 2005, as amended, such as domestic air travel and seeking
6 access to military bases and most federal facilities;

7 b. Electronic copies of source documents will be retained
8 by the department and destroyed after the minimum time required
9 for digital retention by the federal REAL ID Act of 2005, as
10 amended;

11 c. The facial image capture will only be retained by the
12 department if the application is finished and submitted to the
13 department; and

14 d. Any other information the department deems necessary to
15 inform the applicant about the REAL ID compliant driver's license
16 or identification card under the federal REAL ID Act;

17 (b) With regard to a driver's license or identification
18 card that is not compliant with the federal REAL ID Act:

19 a. Such card is valid for official state purposes, but it
20 is not valid for official federal purposes as outlined in the
21 federal REAL ID Act of 2005, as amended, such as domestic air
22 travel and seeking access to military bases and most federal
23 facilities;

24 b. Source documents will be verified but no copies of such
25 documents will be retained by the department unless permitted
26 under subsection 3 of this section, except as necessary to
27 process a request by a license or card holder or applicant;

28 c. Any other information the department deems necessary to

1 inform the applicant about the driver's license or identification
2 card.

3 5. The department of revenue shall not use, collect,
4 obtain, share, or retain biometric data nor shall the department
5 use biometric technology to produce a driver's license or
6 nondriver's license or to uniquely identify licensees or license
7 applicants. This subsection shall not apply to digital images
8 nor licensee signatures required for the issuance of driver's
9 licenses and nondriver's licenses or to biometric data collected
10 from employees of the department of revenue, employees of the
11 office of administration who provide information technology
12 support to the department of revenue, contracted license offices,
13 and contracted manufacturers engaged in the production,
14 processing, or manufacture of driver's licenses or identification
15 cards in positions which require a background check in order to
16 be compliant with the federal REAL ID Act or any rules or
17 regulations promulgated under the authority of such Act. Except
18 as otherwise provided by law, applicants' source documents and
19 Social Security numbers shall not be stored in any database
20 accessible by any other state or the federal government. Such
21 database shall contain only the data fields included on driver's
22 licenses and nondriver identification cards compliant with the
23 federal REAL ID Act, and the driving records of the individuals
24 holding such driver's licenses and nondriver identification
25 cards.

26 6. Notwithstanding any provision of this chapter that
27 requires an applicant to provide reasonable proof of lawful
28 presence for issuance or renewal of a noncommercial driver's

1 license, noncommercial instruction permit, or a nondriver's
2 license, an applicant shall not have his or her privacy rights
3 violated in order to obtain or renew a Missouri noncommercial
4 driver's license, noncommercial instruction permit, or a
5 nondriver's license.

6 7. No citizen of this state shall have his or her privacy
7 compromised by the state or agents of the state. The state shall
8 within reason protect the sovereignty of the citizens the state
9 is entrusted to protect. Any data derived from a person's
10 application shall not be sold for commercial purposes to any
11 other organization or any other state without the express
12 permission of the applicant without a court order; except such
13 information may be shared with a law enforcement agency, judge,
14 prosecuting attorney, or officer of the court, or with another
15 state for the limited purposes set out in section 302.600, or for
16 the purposes set forth in section 32.091, or for conducting
17 driver history checks in compliance with the Motor Carrier Safety
18 Improvement Act, 49 U.S.C. Section 31309. The state of Missouri
19 shall protect the privacy of its citizens when handling any
20 written, digital, or electronic data, and shall not participate
21 in any standardized identification system using driver's and
22 nondriver's license records except as provided in this section.

23 8. Other than to process a request by a license or card
24 holder or applicant, no person shall access, distribute, or allow
25 access to or distribution of any written, digital, or electronic
26 data collected or retained under this section without the express
27 permission of the applicant or a court order, except that such
28 information may be shared with a law enforcement agency, judge,

1 prosecuting attorney, or officer of the court, or with another
2 state for the limited purposes set out in section 302.600 or for
3 conducting driver history checks in compliance with the Motor
4 Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first
5 violation of this subsection shall be a class A misdemeanor. A
6 second violation of this subsection shall be a class E felony. A
7 third or subsequent violation of this subsection shall be a class
8 D felony.

9 9. Any person harmed or damaged by any violation of this
10 section may bring a civil action for damages, including
11 noneconomic and punitive damages, as well as injunctive relief,
12 in the circuit court where that person resided at the time of the
13 violation or in the circuit court of Cole County to recover such
14 damages from the department of revenue and any persons
15 participating in such violation. Sovereign immunity shall not be
16 available as a defense for the department of revenue in such an
17 action. In the event the plaintiff prevails on any count of his
18 or her claim, the plaintiff shall be entitled to recover
19 reasonable attorney fees from the defendants.

20 10. The department of revenue may promulgate rules
21 necessary to implement the provisions of this section. Any rule
22 or portion of a rule, as that term is defined in section 536.010,
23 that is created under the authority delegated in this section
24 shall become effective only if it complies with and is subject to
25 all of the provisions of chapter 536 and, if applicable, section
26 536.028. This section and chapter 536 are nonseverable and if
27 any of the powers vested with the general assembly pursuant to
28 chapter 536 to review, to delay the effective date, or to

1 disapprove and annul a rule are subsequently held
2 unconstitutional, then the grant of rulemaking authority and any
3 rule proposed or adopted after August 28, 2017, shall be invalid
4 and void.

5 11. Biometric data, digital images, source documents, and
6 licensee signatures, or any copies of the same, required to be
7 collected or retained to comply with the requirements of the
8 federal REAL ID Act of 2005 shall be digitally retained for no
9 longer than the minimum duration required to maintain compliance,
10 and immediately thereafter shall be securely destroyed so as to
11 make them irretrievable.

12 12. No agency, department, or official of this state or of
13 any political subdivision thereof shall use, collect, obtain,
14 share, or retain radio frequency identification data from a REAL
15 ID compliant driver's license or identification card issued by a
16 state, nor use the same to uniquely identify any individual.

17 13. Notwithstanding any provision of law to the contrary,
18 the department of revenue shall not amend procedures for applying
19 for a driver's license or identification card, nor promulgate any
20 rule or regulation, for purposes of complying with modifications
21 made to the federal REAL ID Act of 2005 after August 28, 2017,
22 imposing additional requirements on applications, document
23 retention, or issuance of compliant licenses or cards, including
24 any rules or regulations promulgated under the authority granted
25 under the federal REAL ID Act of 2005, as amended, or any
26 requirements adopted by the American Association of Motor Vehicle
27 Administrators for furtherance thereof.

28 14. If the federal REAL ID Act of 2005 is modified or

1 repealed such that driver's licenses and identification cards
2 issued by this state that are not compliant with the federal REAL
3 ID Act of 2005 are once again sufficient for federal
4 identification purposes, the department shall not issue a
5 driver's license or identification card that complies with the
6 federal REAL ID Act of 2005 and shall securely destroy, within
7 thirty days, any source documents retained by the department for
8 the purpose of compliance with such Act.

9 15. The provisions of this section shall expire five years
10 after August 28, 2017.

11 302.171. 1. The director shall verify that an applicant
12 for a driver's license is a Missouri resident or national of the
13 United States or a noncitizen with a lawful immigration status,
14 and a Missouri resident before accepting the application. The
15 director shall not issue a driver's license for a period that
16 exceeds the duration of an applicant's lawful immigration status
17 in the United States. The director may establish procedures to
18 verify the Missouri residency or United States naturalization or
19 lawful immigration status and Missouri residency of the applicant
20 and establish the duration of any driver's license issued under
21 this section. An application for a license shall be made upon an
22 approved form furnished by the director. Every application shall
23 state the full name, Social Security number, age, height, weight,
24 color of eyes, sex, residence, mailing address of the applicant,
25 and the classification for which the applicant has been licensed,
26 and, if so, when and by what state, and whether or not such
27 license has ever been suspended, revoked, or disqualified, and,
28 if revoked, suspended or disqualified, the date and reason for

1 such suspension, revocation or disqualification and whether the
2 applicant is making a one dollar donation to promote an organ
3 donation program as prescribed in subsection 2 of this section.
4 A driver's license, nondriver's license, or instruction permit
5 issued under this chapter shall contain the applicant's legal
6 name as it appears on a birth certificate or as legally changed
7 through marriage or court order. No name change by common usage
8 based on common law shall be permitted. The application shall
9 also contain such information as the director may require to
10 enable the director to determine the applicant's qualification
11 for driving a motor vehicle; and shall state whether or not the
12 applicant has been convicted in this or any other state for
13 violating the laws of this or any other state or any ordinance of
14 any municipality, relating to driving without a license, careless
15 driving, or driving while intoxicated, or failing to stop after
16 an accident and disclosing the applicant's identity, or driving a
17 motor vehicle without the owner's consent. The application shall
18 contain a certification by the applicant as to the truth of the
19 facts stated therein. Every person who applies for a license to
20 operate a motor vehicle who is less than twenty-one years of age
21 shall be provided with educational materials relating to the
22 hazards of driving while intoxicated, including information on
23 penalties imposed by law for violation of the intoxication-
24 related offenses of the state. Beginning January 1, 2001, if the
25 applicant is less than eighteen years of age, the applicant must
26 comply with all requirements for the issuance of an intermediate
27 driver's license pursuant to section 302.178. For persons
28 mobilized and deployed with the United States Armed Forces, an

1 application under this subsection shall be considered
2 satisfactory by the department of revenue if it is signed by a
3 person who holds general power of attorney executed by the person
4 deployed; provided the applicant meets all other requirements set
5 by the director.

6 2. An applicant for a license may make a donation of one
7 dollar to promote an organ donor program. The director of
8 revenue shall collect the donations and deposit all such
9 donations in the state treasury to the credit of the organ donor
10 program fund established in sections 194.297 to 194.304. Moneys
11 in the organ donor program fund shall be used solely for the
12 purposes established in sections 194.297 to 194.304 except that
13 the department of revenue shall retain no more than one percent
14 for its administrative costs. The donation prescribed in this
15 subsection is voluntary and may be refused by the applicant for
16 the license at the time of issuance or renewal of the license.
17 The director shall make available an informational booklet or
18 other informational sources on the importance of organ and tissue
19 donations to applicants for licensure as designed by the organ
20 donation advisory committee established in sections 194.297 to
21 194.304. The director shall inquire of each applicant at the
22 time the licensee presents the completed application to the
23 director whether the applicant is interested in making the one
24 dollar donation prescribed in this subsection and whether the
25 applicant is interested in inclusion in the organ donor registry
26 and shall also specifically inform the licensee of the ability to
27 consent to organ donation by [completing the form on the reverse
28 of the license that the applicant will receive in the manner]

1 placing a donor symbol sticker authorized and issued by the
2 department of health and senior services on the back of his or
3 her driver's license or identification card as prescribed by
4 subdivision (1) of subsection 1 of section 194.225. A symbol
5 [shall] may be placed on the front of the [document] license or
6 identification card indicating the applicant's desire to be
7 listed in the registry at the applicant's request at the time of
8 his or her application for a driver's license or identification
9 card, or the applicant may instead request an organ donor sticker
10 from the department of health and senior services by application
11 on the department of health and senior services' website. Upon
12 receipt of an organ donor sticker sent by the department of
13 health and senior services, the applicant shall place the sticker
14 on the back of his or her driver's license or identification card
15 to indicate that he or she has made an anatomical gift. The
16 director shall notify the department of health and senior
17 services of information obtained from applicants who indicate to
18 the director that they are interested in registry participation,
19 and the department of health and senior services shall enter the
20 complete name, address, date of birth, race, gender and a unique
21 personal identifier in the registry established in subsection 1
22 of section 194.304.

23 3. An applicant for a license may make a donation of one
24 dollar to promote a blindness education, screening and treatment
25 program. The director of revenue shall collect the donations and
26 deposit all such donations in the state treasury to the credit of
27 the blindness education, screening and treatment program fund
28 established in section 209.015. Moneys in the blindness

1 education, screening and treatment program fund shall be used
2 solely for the purposes established in section 209.015; except
3 that the department of revenue shall retain no more than one
4 percent for its administrative costs. The donation prescribed in
5 this subsection is voluntary and may be refused by the applicant
6 for the license at the time of issuance or renewal of the
7 license. The director shall inquire of each applicant at the
8 time the licensee presents the completed application to the
9 director whether the applicant is interested in making the one
10 dollar donation prescribed in this subsection.

11 4. Beginning July 1, 2005, the director shall deny the
12 driving privilege of any person who commits fraud or deception
13 during the examination process or who makes application for an
14 instruction permit, driver's license, or nondriver's license
15 which contains or is substantiated with false or fraudulent
16 information or documentation, or who knowingly conceals a
17 material fact or otherwise commits a fraud in any such
18 application. The period of denial shall be one year from the
19 effective date of the denial notice sent by the director. The
20 denial shall become effective ten days after the date the denial
21 notice is mailed to the person. The notice shall be mailed to
22 the person at the last known address shown on the person's
23 driving record. The notice shall be deemed received three days
24 after mailing unless returned by the postal authorities. No such
25 individual shall reapply for a driver's examination, instruction
26 permit, driver's license, or nondriver's license until the period
27 of denial is completed. No individual who is denied the driving
28 privilege under this section shall be eligible for a limited

1 driving privilege issued under section 302.309.

2 5. All appeals of denials under this section shall be made
3 as required by section 302.311.

4 6. The period of limitation for criminal prosecution under
5 this section shall be extended under subdivision (1) of
6 subsection 3 of section 556.036.

7 7. The director may promulgate rules and regulations
8 necessary to administer and enforce this section. No rule or
9 portion of a rule promulgated pursuant to the authority of this
10 section shall become effective unless it has been promulgated
11 pursuant to chapter 536.

12 8. Notwithstanding any provision of this chapter that
13 requires an applicant to provide proof of Missouri residency for
14 renewal of a noncommercial driver's license, noncommercial
15 instruction permit, or nondriver's license, an applicant who is
16 sixty-five years and older and who was previously issued a
17 Missouri noncommercial driver's license, noncommercial
18 instruction permit, or Missouri nondriver's license is exempt
19 from showing proof of Missouri residency.

20 9. Notwithstanding any provision of this chapter, for the
21 renewal of a noncommercial driver's license, noncommercial
22 instruction permit, or nondriver's license, a photocopy of an
23 applicant's United States birth certificate along with another
24 form of identification approved by the department of revenue,
25 including, but not limited to, United States military
26 identification or United States military discharge papers, shall
27 constitute sufficient proof of Missouri citizenship.

28 10. Notwithstanding any other provision of this chapter, if

1 an applicant does not meet the requirements of subsection 8 of
2 this section and does not have the required documents to prove
3 Missouri residency, United States naturalization, or lawful
4 immigration status, the department may issue a one-year driver's
5 license renewal. This one-time renewal shall only be issued to
6 an applicant who previously has held a Missouri noncommercial
7 driver's license, noncommercial instruction permit, or
8 nondriver's license for a period of fifteen years or more and who
9 does not have the required documents to prove Missouri residency,
10 United States naturalization, or lawful immigration status.
11 After the expiration of the one-year period, no further renewal
12 shall be provided without the applicant producing proof of
13 Missouri residency, United States naturalization, or lawful
14 immigration status.

15 302.720. 1. Except when operating under an instruction
16 permit as described in this section, no person may drive a
17 commercial motor vehicle unless the person has been issued a
18 commercial driver's license with applicable endorsements valid
19 for the type of vehicle being operated as specified in sections
20 302.700 to 302.780. A commercial driver's instruction permit
21 shall allow the holder of a valid license to operate a commercial
22 motor vehicle when accompanied by the holder of a commercial
23 driver's license valid for the vehicle being operated and who
24 occupies a seat beside the individual, or reasonably near the
25 individual in the case of buses, for the purpose of giving
26 instruction in driving the commercial motor vehicle. No person
27 may be issued a commercial driver's instruction permit until he
28 or she has passed written tests which comply with the minimum

1 federal standards. A commercial driver's instruction permit
2 shall be nonrenewable and valid for the vehicle being operated
3 for a period of not more than [six months] one year, and shall
4 not be issued until the permit holder has met all other
5 requirements of sections 302.700 to 302.780, except for the
6 driving test. [A permit holder, unless otherwise disqualified,
7 may be granted one six-month renewal within a one-year period.]
8 The fee for such permit or renewal shall be [five] ten dollars.
9 [In the alternative, a commercial driver's instruction permit
10 shall be issued for a thirty-day period to allow the holder of a
11 valid driver's license to operate a commercial motor vehicle if
12 the applicant has completed all other requirements except the
13 driving test. The permit may be renewed for one additional
14 thirty-day period and the fee for the permit and for renewal
15 shall be five dollars.] The fee for a duplicate commercial
16 driver's instruction permit shall be five dollars.

17 2. No person may be issued a commercial driver's license
18 until he has passed written and driving tests for the operation
19 of a commercial motor vehicle which complies with the minimum
20 federal standards established by the Secretary and has satisfied
21 all other requirements of the Commercial Motor Vehicle Safety Act
22 of 1986 (Title XII of Pub. Law 99-570), as well as any other
23 requirements imposed by state law. Beginning January 1, 2020,
24 all applicants for a commercial driver's license shall complete
25 any entry-level driver training program established and required
26 under 49 CFR 380.609. All applicants for a commercial driver's
27 license shall have maintained the appropriate class of commercial
28 driver's instruction permit issued by this state or any other

1 state for a minimum of fourteen calendar days prior to the date
2 of taking the skills test. Applicants for a hazardous materials
3 endorsement must also meet the requirements of the U.S. Patriot
4 Act of 2001 (Title X of Public Law 107-56) as specified and
5 required by regulations promulgated by the Secretary. Nothing
6 contained in this subsection shall be construed as prohibiting
7 the director from establishing alternate testing formats for
8 those who are functionally illiterate; provided, however, that
9 any such alternate test must comply with the minimum requirements
10 of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of
11 Pub. Law 99-570) as established by the Secretary.

12 (1) The written and driving tests shall be held at such
13 times and in such places as the superintendent may designate. A
14 twenty-five dollar examination fee shall be paid by the applicant
15 upon completion of any written or driving test, except the
16 examination fee shall be waived for applicants seventy years of
17 age or older renewing a license with a school bus endorsement.
18 The director shall delegate the power to conduct the examinations
19 required under sections 302.700 to 302.780 to any member of the
20 highway patrol or any person employed by the highway patrol
21 qualified to give driving examinations. The written test shall
22 only be administered in the English language. No translators
23 shall be allowed for applicants taking the test.

24 (2) The director shall adopt and promulgate rules and
25 regulations governing the certification of third-party testers by
26 the department of revenue. Such rules and regulations shall
27 substantially comply with the requirements of 49 CFR 383, Section
28 383.75. A certification to conduct third-party testing shall be

1 valid for one year, and the department shall charge a fee of one
2 hundred dollars to issue or renew the certification of any third-
3 party tester.

4 (3) Beginning August 28, 2006, the director shall [only]
5 issue or renew third-party tester certification to community
6 colleges established under chapter 178 or to private companies
7 who own, lease, or maintain their own fleet and administer in-
8 house testing to their employees, or to school districts and
9 their agents that administer in-house testing to the school
10 district's or agent's employees. Any third-party tester who
11 violates any of the rules and regulations adopted and promulgated
12 pursuant to this section shall be subject to having his
13 certification revoked by the department. The department shall
14 provide written notice and an opportunity for the third-party
15 tester to be heard in substantially the same manner as provided
16 in chapter 536. If any applicant submits evidence that he has
17 successfully completed a test administered by a third-party
18 tester, the actual driving test for a commercial driver's license
19 may then be waived.

20 (4) Every applicant for renewal of a commercial driver's
21 license shall provide such certifications and information as
22 required by the Secretary and if such person transports a
23 hazardous material must also meet the requirements of the U.S.
24 Patriot Act of 2001 (Title X of Public Law 107-56) as specified
25 and required by regulations promulgated by the Secretary. Such
26 person shall be required to take the written test for such
27 endorsement. A twenty-five dollar examination fee shall be paid
28 upon completion of such tests.

1 (5) The director shall have the authority to waive the
2 driving skills test and written tests for any qualified current
3 or former military service member applicant for a commercial
4 driver's instruction permit or a commercial driver's license who
5 is currently licensed at the time of application for a commercial
6 driver's instruction permit or license. The director shall
7 impose conditions and limitations and require certification and
8 evidence to restrict the applicants from whom the department may
9 accept the alternative requirements for the skills [test] and
10 written tests described in federal [regulation] regulations 49
11 CFR 383.71 and 49 CFR 383.77. [An applicant must certify that,
12 during the two-year period immediately preceding application for
13 a commercial driver's license, all of the following apply:

14 (a) The applicant has not had more than one license;

15 (b) The applicant has not had any license suspended,
16 revoked, or cancelled;

17 (c) The applicant has not had any convictions for any type
18 of motor vehicle for the disqualifying offenses contained in this
19 chapter or federal rule 49 CFR 383.51(b);

20 (d) The applicant has not had more than one conviction for
21 any type of motor vehicle for serious traffic violations;

22 (e) The applicant has not had any conviction for a
23 violation of state or local law relating to motor vehicle traffic
24 control, but not including any parking violation, arising in
25 connection with any traffic accident, and has no record of an
26 accident in which he or she was at fault;

27 (f) The applicant has been regularly employed within the
28 last ninety days in a military position requiring operation of a

1 commercial motor vehicle and has operated the vehicle for at
2 least sixty days during the two years immediately preceding
3 application for a commercial driver's license. The vehicle must
4 be representative of the commercial motor vehicle the driver
5 applicant operates or expects to operate;

6 (g) The applicant, if on active duty, must provide a
7 notarized affidavit signed by a commanding officer as proof of
8 driving experience as indicated in paragraph (f) of this
9 subdivision;

10 (h) The applicant, if honorably discharged from military
11 service, must provide a form-DD214 or other proof of military
12 occupational specialty;

13 (i)] The applicant must meet all federal and state
14 qualifications to operate a commercial vehicle[;], and

15 [(j)] the applicant will be required to complete all
16 applicable knowledge tests, except when an applicant provides
17 proof of approved military training for waiving the knowledge and
18 skills tests as specified in this subdivision.

19 3. A commercial driver's license or commercial driver's
20 instruction permit may not be issued to a person while the person
21 is disqualified from driving a commercial motor vehicle, when a
22 disqualification is pending in any state or while the person's
23 driver's license is suspended, revoked, or cancelled in any
24 state; nor may a commercial driver's license be issued unless the
25 person first surrenders in a manner prescribed by the director
26 any commercial driver's license issued by another state, which
27 license shall be returned to the issuing state for cancellation.

28 4. Beginning July 1, 2005, the director shall not issue an

1 instruction permit under this section unless the director
2 verifies that the applicant is lawfully present in the United
3 States before accepting the application. The director may, by
4 rule or regulation, establish procedures to verify the lawful
5 presence of the applicant under this section. No rule or portion
6 of a rule promulgated pursuant to the authority of this section
7 shall become effective unless it has been promulgated pursuant to
8 chapter 536.

9 5. Notwithstanding the provisions of this section or any
10 other law to the contrary, beginning August 28, 2008, the
11 director of the department of revenue shall certify as a third-
12 party tester any municipality that owns, leases, or maintains its
13 own fleet that requires certain employees as a condition of
14 employment to hold a valid commercial driver's license; and that
15 administered in-house testing to such employees prior to August
16 28, 2006.

17 6. Notwithstanding the provisions of this section or any
18 other law to the contrary, beginning December 1, 2019, the
19 director of the department of revenue shall certify as a third-
20 party tester any private education institution or other private
21 entity, provided the institution or entity meets the necessary
22 qualifications required by the state.

23 302.768. 1. Any applicant for a commercial driver's
24 license or commercial driver's instruction permit shall comply
25 with the Federal Motor Carrier Safety Administration application
26 requirements of 49 CFR Part 383.71 by certifying to one of the
27 following applicable statements relating to federal and state
28 driver qualification rules:

1 (1) Nonexcepted interstate: certifies the applicant is a
2 driver operating or expecting to operate in interstate or foreign
3 commerce, or is otherwise subject to and meets requirements of 49
4 CFR Part 391 and is required to obtain a medical examiner's
5 certificate as defined in 49 CFR Part 391.45;

6 (2) Excepted interstate: certifies the applicant is a
7 driver operating or expecting to operate entirely in interstate
8 commerce that is not subject to Part 391 and is subject to
9 Missouri driver qualifications and not required to obtain a
10 medical examiner's certificate;

11 (3) Nonexcepted intrastate: certifies the applicant is a
12 driver operating only in intrastate commerce and is subject to
13 Missouri driver qualifications;

14 (4) Excepted intrastate: certifies the applicant operates
15 or expects to operate only in intrastate commerce, and engaging
16 only in operations excepted from all parts of the Missouri driver
17 qualification requirements.

18 2. Any applicant who cannot meet certification requirements
19 under one of the categories defined in subsection 1 of this
20 section shall be denied issuance of a commercial driver's license
21 or commercial driver's instruction permit.

22 3. An applicant certifying to operation in nonexcepted
23 interstate or nonexcepted intrastate commerce shall provide the
24 state with an original or copy of a current medical examiner's
25 certificate or a medical examiner's certificate accompanied by a
26 medical variance or waiver, until such time as the medical
27 examiner's certificate information is received electronically
28 through the Federal Motor Carrier Safety Administration approved

1 verification system. The state shall retain the [original or
2 copy of the] documentation of physical qualification for a
3 minimum of three years beyond the date the certificate was
4 issued.

5 4. Applicants certifying to operation in nonexcepted
6 interstate commerce or nonexcepted intrastate commerce shall
7 provide [an] updated medical certificate or variance [documents]
8 information to maintain a certified status during the term of the
9 commercial driver's license or commercial driver's instruction
10 permit in order to retain commercial privileges.

11 5. The director shall post the medical examiner's
12 certificate of information, medical variance if applicable, the
13 applicant's self-certification and certification status to the
14 Missouri driver record within ten calendar days and such
15 information will become part of the CDLIS driver record.

16 6. Applicants certifying to operation in nonexcepted
17 interstate commerce or nonexcepted intrastate commerce who fail
18 to provide or maintain a current medical examiner's certificate,
19 or if the state has received notice of a medical variance or
20 waiver expiring or being rescinded, the state shall, within ten
21 calendar days, update the driver's medical certification status
22 to "not certified". The state shall notify the driver of the
23 change in certification status and require the driver to annually
24 comply with requirements for a commercial driver's license
25 downgrade within sixty days of the expiration of the applicant
26 certification.


27 7. The department of revenue may, by rule, establish the
28 cost and criteria for submission of updated medical certification


1 status information as required under this section.

2 8. Any person who falsifies any information in an
3 application for or update of medical certification status
4 information for a commercial driver's license shall not be
5 licensed to operate a commercial motor vehicle, or the person's
6 commercial driver's license shall be cancelled for a period of
7 one year after the director discovers such falsification.

8 9. The director may promulgate rules and regulations
9 necessary to administer and enforce this section. Any rule or
10 portion of a rule, as that term is defined in section 536.010,
11 that is created under the authority delegated in this section
12 shall become effective only if it complies with and is subject to
13 all of the provisions of chapter 536 and, if applicable, section
14 536.028. This section and chapter 536 are nonseverable and if
15 any of the powers vested with the general assembly pursuant to
16 chapter 536 to review, to delay the effective date, or to
17 disapprove and annul a rule are subsequently held
18 unconstitutional, then the grant of rulemaking authority and any
19 rule proposed or adopted after August 28, 2012, shall be invalid
20 and void.

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