

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 47

AN ACT

To repeal sections 136.055, 144.020, 144.070, 193.265, 196.311, 196.316, 256.700, 259.080, 260.262, 260.273, 260.380, 260.392, 260.475, 301.142, 301.469, 302.178, 302.181, 323.100, 413.225, 444.768, 444.772, 640.100, 643.079, and 644.057, RSMo, and to enact in lieu thereof thirty-one new sections relating to financial obligations to public entities, with existing penalty provisions.

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

Section A. Sections 136.055, 144.020, 144.070, 193.265,
 2 196.311, 196.316, 256.700, 259.080, 260.262, 260.273, 260.380,
 3 260.392, 260.475, 301.142, 301.469, 302.178, 302.181, 323.100,
 4 413.225, 444.768, 444.772, 640.100, 643.079, and 644.057, RSMo,
 5 are repealed and thirty-one new sections enacted in lieu
 6 thereof, to be known as sections 136.055, 144.020, 144.070,
 7 193.265, 196.311, 196.316, 256.700, 259.080, 260.262, 260.273,
 8 260.380, 260.392, 260.475, 301.142, 301.469, 302.178, 302.181,
 9 323.100, 413.225, 444.768, 444.772, 620.3900, 620.3905,
 10 620.3910, 620.3915, 620.3920, 620.3925, 620.3930, 640.100,
 11 643.079, and 644.057, to read as follows:

136.055. 1. Except as provided in subsection 8 of
 2 this section, any person who is selected or appointed by the
 3 state director of revenue as provided in subsection 2 of
 4 this section to act as an agent of the department of
 5 revenue, whose duties shall be the processing of motor
 6 vehicle title and registration transactions and the
 7 collection of sales and use taxes when required under

8 sections 144.070 and 144.440, and who receives no salary
9 from the department of revenue, shall be authorized to
10 collect from the party requiring such services additional
11 fees as compensation in full and for all services rendered
12 on the following basis:

13 (1) For each motor vehicle or trailer registration
14 issued, renewed or transferred, ~~[six]~~ nine dollars and
15 ~~[twelve]~~ eighteen dollars for those licenses sold or
16 biennially renewed pursuant to section 301.147;

17 (2) For each application or transfer of title, ~~[six]~~
18 nine dollars;

19 (3) For each instruction permit, nondriver license,
20 chauffeur's, operator's or driver's license issued for a
21 period of three years or less, ~~[six]~~ nine dollars and
22 ~~[twelve]~~ eighteen dollars for licenses or instruction
23 permits issued or renewed for a period exceeding three years;

24 (4) For each notice of lien processed, ~~[six]~~ nine
25 dollars;

26 (5) Notary fee or electronic transmission per
27 processing, two dollars.

28 2. The director of revenue shall award fee office
29 contracts under this section through a competitive bidding
30 process. The competitive bidding process shall give
31 priority to organizations and entities that are exempt from
32 taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4),
33 except those civic organizations that would be considered
34 action organizations under 26 C.F.R. Section 1.501(c)(3)-
35 1(c)(3), of the Internal Revenue Code of 1986, as amended,
36 with special consideration given to those organizations and
37 entities that reinvest a minimum of seventy-five percent of
38 the net proceeds to charitable organizations in Missouri,
39 and political subdivisions, including but not limited to,
40 municipalities, counties, and fire protection districts.

41 Notwithstanding any law to the contrary, the director of
42 revenue shall not award any fee office contract under this
43 section to any entity affiliated in any manner with a
44 current employee of the department of revenue or with a
45 former employee of the department of revenue for the one-
46 year period following the former employee's termination of
47 employment with the department. For purposes of this
48 subsection, "affiliated in any manner" includes owning the
49 entity that is applying for a fee office contract or serving
50 as an officer or board member of such entity. The director
51 of the department of revenue may promulgate rules and
52 regulations necessary to carry out the provisions of this
53 subsection. Any rule or portion of a rule, as that term is
54 defined in section 536.010, that is created under the
55 authority delegated in this subsection shall become
56 effective only if it complies with and is subject to all of
57 the provisions of chapter 536 and, if applicable, section
58 536.028. This section and chapter 536 are nonseverable and
59 if any of the powers vested with the general assembly
60 pursuant to chapter 536 to review, to delay the effective
61 date, or to disapprove and annul a rule are subsequently
62 held unconstitutional, then the grant of rulemaking
63 authority and any rule proposed or adopted after August 28,
64 2009, shall be invalid and void.

65 3. Except as otherwise provided in subsection 9 of
66 this section, all fees authorized under this section
67 collected by a [tax-exempt organization] contract fee office
68 may be retained and used by the [organization] entity
69 operating the contract fee office, and all fees authorized
70 under this section collected by a fee office operated by the
71 department of revenue shall be considered state revenue.

72 4. All fees charged shall not exceed those in this
73 section. The fees [imposed by] authorized under this

74 section [shall] may be collected by all [permanent] contract
75 fee offices and shall be collected by all full-time or
76 temporary offices [maintained] operated by the department of
77 revenue.

78 5. Any person acting as agent of the department of
79 revenue for the sale and issuance of registrations,
80 licenses, and other documents related to motor vehicles
81 shall have an insurable interest in all license plates,
82 licenses, tabs, forms and other documents held on behalf of
83 the department.

84 6. The fees authorized by this section shall not be
85 collected by motor vehicle dealers acting as agents of the
86 department of revenue under section 32.095 or those motor
87 vehicle dealers authorized to collect and remit sales tax
88 under subsection 10 of section 144.070.

89 7. Notwithstanding any other provision of law to the
90 contrary, the state auditor may audit all records maintained
91 and established by the fee office in the same manner as the
92 auditor may audit any agency of the state, and the
93 department shall ensure that this audit requirement is a
94 necessary condition for the award of all fee office
95 contracts. No confidential records shall be divulged in
96 such a way to reveal personally identifiable information.

97 8. The fees described in subsection 1 of this section
98 shall not be collected from any person who qualifies as a
99 homeless child or homeless youth, as defined in subsection 1
100 of section 167.020, or as an unaccompanied youth as defined
101 in 42 U.S.C. Section 11434a(6). Such person's status as a
102 homeless child or youth or unaccompanied youth shall be
103 verified by a letter signed by one of the following persons:

104 (1) A director or designee of a governmental or
105 nonprofit agency that receives public or private funding to
106 provide services to homeless persons;

107 (2) A local education agency liaison for homeless
108 children and youth designated under 42 U.S.C. Section
109 11432(g) (1) (J) (ii), or a school social worker or counselor;
110 or

111 (3) A licensed attorney representing the minor in any
112 legal matter.

113 9. Notwithstanding any other provision of law to the
114 contrary, one dollar of any fee authorized and charged under
115 subdivision (1), (2), (3), or (4) of subsection 1 of this
116 section by a fee office not operated by the department of
117 revenue shall be remitted to the license office distribution
118 fund established under subsection 10 of this section. Money
119 remitted to the license office distribution fund under this
120 subsection shall be held in trust for the entities awarded
121 fee contracts under this section and shall not be considered
122 state revenue. In the event a court of competent
123 jurisdiction issues a final judgment specifying that money
124 remitted under this subsection is subject to Article IV,
125 Section 30(b) of the Missouri Constitution, the provisions
126 of this subsection shall be null and void.

127 10. (1) There is hereby created in the state treasury
128 the "License Office Distribution Fund", which shall consist
129 of moneys collected as provided under subsection 9 of this
130 section. The state treasurer shall be custodian of the
131 fund. In accordance with sections 30.170 and 30.180, the
132 state treasurer may approve disbursements. The fund shall
133 be a dedicated fund and shall be used solely for the
134 purposes specified in this subsection.

135 (2) Notwithstanding the provisions of section 33.080
136 to the contrary, any moneys remaining in the fund at the end
137 of the biennium shall not revert to the credit of the
138 general revenue fund.

139 (3) The state treasurer shall invest moneys in the
140 fund in the same manner as other funds are invested. Any
141 interest and moneys earned on such investments shall be
142 credited to the fund.

143 (4) Beginning after December 31, 2024, but no later
144 than February 15, 2025, quarterly disbursements shall be
145 made from the fund to the fee offices awarded contracts
146 under this section. Except as otherwise specified in
147 subdivision (5) of this subsection, the disbursement to each
148 fee office shall be equal. The total funds disbursed
149 following each quarter shall be equal to the amount of
150 moneys received by the fund under subsection 9 of this
151 section during the quarter.

152 (5) Quarterly disbursements under this subsection
153 shall be distributed to the entity holding each fee office
154 contract when the quarterly disbursement occurs, provided
155 that in the case that a contract fee office transitions
156 between two contractors during the quarter, the disbursement
157 for that fee office shall be divided between the contractors
158 in proportion to the number of transactions the office
159 processed under each contractor during the quarter for which
160 the transfer is taking place.

161 (6) Quarterly disbursements under this subsection
162 shall be made as follows:

163 (a) Disbursements for transactions occurring from
164 January first to March thirty-first shall occur no later
165 than May fifteenth of each year;

166 (b) Disbursements for transactions occurring from
167 April first to June thirtieth shall occur no later than
168 August fifteenth of each year;

169 (c) Disbursements for transactions occurring from July
170 first to September thirtieth shall occur no later than
171 November fifteenth of each year; and

172 (d) Disbursements for transactions occurring from
173 October first to December thirty-first shall occur no later
174 than February fifteenth of the following calendar year each
175 year.

144.020. 1. A tax is hereby levied and imposed for
2 the privilege of titling new and used motor vehicles,
3 trailers, boats, and outboard motors purchased or acquired
4 for use on the highways or waters of this state which are
5 required to be titled under the laws of the state of
6 Missouri and, except as provided in subdivision (9) of this
7 subsection, upon all sellers for the privilege of engaging
8 in the business of selling tangible personal property or
9 rendering taxable service at retail in this state. The rate
10 of tax shall be as follows:

11 (1) Upon every retail sale in this state of tangible
12 personal property, excluding motor vehicles, trailers,
13 motorcycles, mopeds, motortricycles, boats and outboard
14 motors required to be titled under the laws of the state of
15 Missouri and subject to tax under subdivision (9) of this
16 subsection, a tax equivalent to four percent of the purchase
17 price paid or charged, or in case such sale involves the
18 exchange of property, a tax equivalent to four percent of
19 the consideration paid or charged, including the fair market
20 value of the property exchanged at the time and place of the
21 exchange, except as otherwise provided in section 144.025;

22 (2) A tax equivalent to four percent of the amount
23 paid for admission and seating accommodations, or fees paid
24 to, or in any place of amusement, entertainment or
25 recreation, games and athletic events, except amounts paid
26 for any instructional class;

27 (3) A tax equivalent to four percent of the basic rate
28 paid or charged on all sales of electricity or electrical

29 current, water and gas, natural or artificial, to domestic,
30 commercial or industrial consumers;

31 (4) (a) A tax equivalent to four percent on the basic
32 rate paid or charged on all sales of local and long distance
33 telecommunications service to telecommunications subscribers
34 and to others through equipment of telecommunications
35 subscribers for the transmission of messages and
36 conversations and upon the sale, rental or leasing of all
37 equipment or services pertaining or incidental thereto;
38 except that, the payment made by telecommunications
39 subscribers or others, pursuant to section 144.060, and any
40 amounts paid for access to the internet or interactive
41 computer services shall not be considered as amounts paid
42 for telecommunications services;

43 (b) If local and long distance telecommunications
44 services subject to tax under this subdivision are
45 aggregated with and not separately stated from charges for
46 telecommunications service or other services not subject to
47 tax under this subdivision, including, but not limited to,
48 interstate or international telecommunications services,
49 then the charges for nontaxable services may be subject to
50 taxation unless the telecommunications provider can identify
51 by reasonable and verifiable standards such portion of the
52 charges not subject to such tax from its books and records
53 that are kept in the regular course of business, including,
54 but not limited to, financial statement, general ledgers,
55 invoice and billing systems and reports, and reports for
56 regulatory tariffs and other regulatory matters;

57 (c) A telecommunications provider shall notify the
58 director of revenue of its intention to utilize the
59 standards described in paragraph (b) of this subdivision to
60 determine the charges that are subject to sales tax under
61 this subdivision. Such notification shall be in writing and

62 shall meet standardized criteria established by the
63 department regarding the form and format of such notice;

64 (d) The director of revenue may promulgate and enforce
65 reasonable rules and regulations for the administration and
66 enforcement of the provisions of this subdivision. Any rule
67 or portion of a rule, as that term is defined in section
68 536.010, that is created under the authority delegated in
69 this section shall become effective only if it complies with
70 and is subject to all of the provisions of chapter 536 and,
71 if applicable, section 536.028. This section and chapter
72 536 are nonseverable and if any of the powers vested with
73 the general assembly pursuant to chapter 536 to review, to
74 delay the effective date, or to disapprove and annul a rule
75 are subsequently held unconstitutional, then the grant of
76 rulemaking authority and any rule proposed or adopted after
77 August 28, 2019, shall be invalid and void;

78 (5) A tax equivalent to four percent of the basic rate
79 paid or charged for all sales of services for transmission
80 of messages of telegraph companies;

81 (6) A tax equivalent to four percent on the amount of
82 sales or charges for all rooms, meals and drinks furnished
83 at any hotel, motel, tavern, inn, restaurant, eating house,
84 drugstore, dining car, tourist cabin, tourist camp or other
85 place in which rooms, meals or drinks are regularly served
86 to the public. The tax imposed under this subdivision shall
87 not apply to any automatic mandatory gratuity for a large
88 group imposed by a restaurant when such gratuity is reported
89 as employee tip income and the restaurant withholds income
90 tax under section 143.191 on such gratuity;

91 (7) A tax equivalent to four percent of the amount
92 paid or charged for intrastate tickets by every person
93 operating a railroad, sleeping car, dining car, express car,
94 boat, airplane and such buses and trucks as are licensed by

95 the division of motor carrier and railroad safety of the
96 department of economic development of Missouri, engaged in
97 the transportation of persons for hire;

98 (8) A tax equivalent to four percent of the amount
99 paid or charged for rental or lease of tangible personal
100 property, provided that if the lessor or renter of any
101 tangible personal property had previously purchased the
102 property under the conditions of sale at retail or leased or
103 rented the property and the tax was paid at the time of
104 purchase, lease or rental, the lessor, sublessor, renter or
105 subrenter shall not apply or collect the tax on the
106 subsequent lease, sublease, rental or subrental receipts
107 from that property. The purchase, rental or lease of motor
108 vehicles, trailers, motorcycles, mopeds, motortricycles,
109 boats, and outboard motors shall be taxed and the tax paid
110 as provided in this section and section 144.070. In no
111 event shall the rental or lease of boats and outboard motors
112 be considered a sale, charge, or fee to, for or in places of
113 amusement, entertainment or recreation nor shall any such
114 rental or lease be subject to any tax imposed to, for, or in
115 such places of amusement, entertainment or recreation.

116 Rental and leased boats or outboard motors shall be taxed
117 under the provisions of the sales tax laws as provided under
118 such laws for motor vehicles and trailers. Tangible
119 personal property which is exempt from the sales or use tax
120 under section 144.030 upon a sale thereof is likewise exempt
121 from the sales or use tax upon the lease or rental thereof;

122 (9) A tax equivalent to four percent of the purchase
123 price, as defined in section 144.070, of new and used motor
124 vehicles, trailers, boats, and outboard motors purchased or
125 acquired for use on the highways or waters of this state
126 which are required to be registered under the laws of the
127 state of Missouri. This tax is imposed on the person

128 titling such property, and shall be paid according to the
129 procedures in section 144.070 or 144.440.

130 2. All tickets sold which are sold under the
131 provisions of this chapter which are subject to the sales
132 tax shall have printed, stamped or otherwise endorsed
133 thereon, the words "This ticket is subject to a sales tax."

144.070. 1. At the time the owner of any new or used
2 motor vehicle, trailer, boat, or outboard motor which was
3 acquired in a transaction subject to sales tax under the
4 Missouri sales tax law makes application to the director of
5 revenue for an official certificate of title and the
6 registration of the motor vehicle, trailer, boat, or
7 outboard motor as otherwise provided by law, the owner shall
8 present to the director of revenue evidence satisfactory to
9 the director of revenue showing the purchase price exclusive
10 of any charge incident to the extension of credit paid by or
11 charged to the applicant in the acquisition of the motor
12 vehicle, trailer, boat, or outboard motor, or that no sales
13 tax was incurred in its acquisition, and if sales tax was
14 incurred in its acquisition, the applicant shall pay or
15 cause to be paid to the director of revenue the sales tax
16 provided by the Missouri sales tax law in addition to the
17 registration fees now or hereafter required according to
18 law, and the director of revenue shall not issue a
19 certificate of title for any new or used motor vehicle,
20 trailer, boat, or outboard motor subject to sales tax as
21 provided in the Missouri sales tax law until the tax levied
22 for the sale of the same under sections 144.010 to 144.510
23 has been paid as provided in this section or is registered
24 under the provisions of subsection 5 of this section.

25 2. As used in subsection 1 of this section, the term
26 "purchase price" shall mean the total amount of the contract
27 price agreed upon between the seller and the applicant in

28 the acquisition of the motor vehicle, trailer, boat, or
29 outboard motor, regardless of the medium of payment therefor.

30 3. In the event that the purchase price is unknown or
31 undisclosed, or that the evidence thereof is not
32 satisfactory to the director of revenue, the same shall be
33 fixed by appraisalment by the director.

34 4. The director of the department of revenue shall
35 endorse upon the official certificate of title issued by the
36 director upon such application an entry showing that such
37 sales tax has been paid or that the motor vehicle, trailer,
38 boat, or outboard motor represented by such certificate is
39 exempt from sales tax and state the ground for such
40 exemption.

41 5. Any person, company, or corporation engaged in the
42 business of renting or leasing motor vehicles, trailers,
43 boats, or outboard motors, which are to be used exclusively
44 for rental or lease purposes, and not for resale, may apply
45 to the director of revenue for authority to operate as a
46 leasing or rental company and pay an annual fee of two
47 hundred fifty dollars for such authority. Any company
48 approved by the director of revenue may pay the tax due on
49 any motor vehicle, trailer, boat, or outboard motor as
50 required in section 144.020 at the time of registration
51 thereof or in lieu thereof may pay a sales tax as provided
52 in sections 144.010, 144.020, 144.070 and 144.440. A sales
53 tax shall be charged to and paid by a leasing company which
54 does not exercise the option of paying in accordance with
55 section 144.020, on the amount charged for each rental or
56 lease agreement while the motor vehicle, trailer, boat, or
57 outboard motor is domiciled in this state. Any motor
58 vehicle, trailer, boat, or outboard motor which is leased as
59 the result of a contract executed in this state shall be
60 presumed to be domiciled in this state.

61 6. Every applicant to be a registered fleet owner as
62 described in subsections 6 to 10 of section 301.032 shall
63 furnish with the application to operate as a registered
64 fleet owner a corporate surety bond or irrevocable letter of
65 credit, as defined in section 400.5-102, issued by any state
66 or federal financial institution in the penal sum of one
67 hundred thousand dollars, on a form approved by the
68 department. The bond or irrevocable letter of credit shall
69 be conditioned upon the registered fleet owner complying
70 with the provisions of any statutes applicable to registered
71 fleet owners, and the bond shall be an indemnity for any
72 loss sustained by reason of the acts of the person bonded
73 when such acts constitute grounds for the suspension or
74 revocation of the registered fleet owner license. The bond
75 shall be executed in the name of the state of Missouri for
76 the benefit of all aggrieved parties or the irrevocable
77 letter of credit shall name the state of Missouri as the
78 beneficiary; except that, the aggregate liability of the
79 surety or financial institution to the aggrieved parties
80 shall, in no event, exceed the amount of the bond or
81 irrevocable letter of credit. The proceeds of the bond or
82 irrevocable letter of credit shall be paid upon receipt by
83 the department of a final judgment from a Missouri court of
84 competent jurisdiction against the principal and in favor of
85 an aggrieved party.

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

- 90 (1) Has filed a written consent with the director
91 authorizing any of its divisions to apply for such authority;
92 (2) Is authorized to do business in Missouri;

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

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

100 (5) Operates each of its divisions on a basis separate
101 from each of its other divisions. However, when the
102 transfer of a motor vehicle, trailer, boat or outboard motor
103 occurs within a corporation which holds a license to operate
104 as a motor vehicle or boat dealer pursuant to sections
105 301.550 to 301.573 the provisions in subdivision (3) of this
106 subsection shall not apply.

107 8. If the owner of any motor vehicle, trailer, boat,
108 or outboard motor desires to charge and collect sales tax as
109 provided in this section, the owner shall make application
110 to the director of revenue for a permit to operate as a
111 motor vehicle, trailer, boat, or outboard motor leasing
112 company. The director of revenue shall promulgate rules and
113 regulations determining the qualifications of such a
114 company, and the method of collection and reporting of sales
115 tax charged and collected. Such regulations shall apply
116 only to owners of motor vehicles, trailers, boats, or
117 outboard motors, electing to qualify as motor vehicle,
118 trailer, boat, or outboard motor leasing companies under the
119 provisions of subsection 5 of this section, and no motor
120 vehicle renting or leasing, trailer renting or leasing, or
121 boat or outboard motor renting or leasing company can come
122 under sections 144.010, 144.020, 144.070 and 144.440 unless
123 all motor vehicles, trailers, boats, and outboard motors
124 held for renting and leasing are included.

125 9. Any person, company, or corporation engaged in the
126 business of renting or leasing three thousand five hundred
127 or more motor vehicles which are to be used exclusively for
128 rental or leasing purposes and not for resale, and that has
129 applied to the director of revenue for authority to operate
130 as a leasing company may also operate as a registered fleet
131 owner as prescribed in section 301.032.

132 10. Beginning July 1, 2010, any motor vehicle dealer
133 licensed under section 301.560 engaged in the business of
134 selling motor vehicles or trailers ~~may~~ shall apply to the
135 director of revenue for authority to collect and remit the
136 sales tax required under this section on all motor vehicles
137 sold by the motor vehicle dealer. A motor vehicle dealer
138 receiving authority to collect and remit the tax is subject
139 to all provisions under sections 144.010 to 144.525. Any
140 motor vehicle dealer authorized to collect and remit sales
141 taxes on motor vehicles under this subsection shall be
142 entitled to deduct and retain an amount equal to two percent
143 of the motor vehicle sales tax pursuant to section 144.140.
144 Any amount of the tax collected under this subsection that
145 is retained by a motor vehicle dealer pursuant to section
146 144.140 shall not constitute state revenue. In no event
147 shall revenues from the general revenue fund or any other
148 state fund be utilized to compensate motor vehicle dealers
149 for their role in collecting and remitting sales taxes on
150 motor vehicles. In the event this subsection or any portion
151 thereof is held to violate Article IV, Section 30(b) of the
152 Missouri Constitution, no motor vehicle dealer shall be
153 authorized to collect and remit sales taxes on motor
154 vehicles under this section. No motor vehicle dealer shall
155 seek compensation from the state of Missouri or its agencies
156 if a court of competent jurisdiction declares that the

157 retention of two percent of the motor vehicle sales tax is
158 unconstitutional and orders the return of such revenues.

159 11. (1) Every motor vehicle dealer licensed under
160 section 301.560, as soon as technologically possible
161 following the development and maintenance of a modernized,
162 integrated system for the titling of vehicles, issuance and
163 renewal of vehicle registrations, issuance and renewal of
164 driver's licenses and identification cards, and perfection
165 and release of liens and encumbrances on vehicles, to be
166 funded by the motor vehicle administration technology fund
167 as created in section 301.558, shall collect and remit the
168 sales tax required under this section on all motor vehicles
169 that such dealer sells. In collecting and remitting this
170 sales tax, motor vehicle dealers shall be subject to all
171 applicable provisions under sections 144.010 to 144.527.

172 (2) The director of revenue may promulgate all
173 necessary rules and regulations for the administration of
174 this subsection. Any rule or portion of a rule, as that
175 term is defined in section 536.010, that is created under
176 the authority delegated in this subsection shall become
177 effective only if it complies with and is subject to all of
178 the provisions of chapter 536 and, if applicable, section
179 536.028. This subsection and chapter 536 are nonseverable
180 and if any of the powers vested with the general assembly
181 pursuant to chapter 536 to review, to delay the effective
182 date, or to disapprove and annul a rule are subsequently
183 held unconstitutional, then the grant of rulemaking
184 authority and any rule proposed or adopted after August 28,
185 2023, shall be invalid and void.

193.265. 1. For the issuance of a certification or
2 copy of a death record, the applicant shall pay a fee of
3 fourteen dollars for the first certification or copy and a
4 fee of eleven dollars for each additional copy ordered at

5 that time. For the issuance of a certification or copy of a
6 birth, marriage, divorce, or fetal death record, the
7 applicant shall pay a fee of fifteen dollars. No fee shall
8 be required or collected for a certification of birth,
9 death, or marriage if the request for certification is made
10 by the children's division, the division of youth services,
11 a guardian ad litem, or a juvenile officer on behalf of a
12 child or person under twenty-one years of age who has come
13 under the jurisdiction of the juvenile court under section
14 211.031. All fees collected under this subsection shall be
15 deposited to the state department of revenue. Beginning
16 August 28, 2004, for each vital records fee collected, the
17 director of revenue shall credit four dollars to the general
18 revenue fund, five dollars to the children's trust fund, one
19 dollar shall be credited to the endowed care cemetery audit
20 fund, one dollar for each certification or copy of death
21 records to the Missouri state coroners' training fund
22 established in section 58.208, and three dollars for the
23 first copy of death records and five dollars for birth,
24 marriage, divorce, and fetal death records shall be credited
25 to the Missouri public health services fund established in
26 section 192.900. Money in the endowed care cemetery audit
27 fund shall be available by appropriation to the division of
28 professional registration to pay its expenses in
29 administering sections 214.270 to 214.410. All interest
30 earned on money deposited in the endowed care cemetery audit
31 fund shall be credited to the endowed care cemetery fund.
32 Notwithstanding the provisions of section 33.080 to the
33 contrary, money placed in the endowed care cemetery audit
34 fund shall not be transferred and placed to the credit of
35 general revenue until the amount in the fund at the end of
36 the biennium exceeds three times the amount of the
37 appropriation from the endowed care cemetery audit fund for

38 the preceding fiscal year. The money deposited in the
39 public health services fund under this section shall be
40 deposited in a separate account in the fund, and moneys in
41 such account, upon appropriation, shall be used to automate
42 and improve the state vital records system, and develop and
43 maintain an electronic birth and death registration system.
44 For any search of the files and records, when no record is
45 found, the state shall be entitled to a fee equal to the
46 amount for a certification of a vital record for a five-year
47 search to be paid by the applicant. For the processing of
48 each legitimation, adoption, court order or recording after
49 the registrant's twelfth birthday, the state shall be
50 entitled to a fee equal to the amount for a certification of
51 a vital record. Except whenever a certified copy or copies
52 of a vital record is required to perfect any claim of any
53 person on relief, or any dependent of any person who was on
54 relief for any claim upon the government of the state or
55 United States, the state registrar shall, upon request,
56 furnish a certified copy or so many certified copies as are
57 necessary, without any fee or compensation therefor.

58 2. For the issuance of a certification of a death
59 record by the local registrar, the applicant shall pay a fee
60 of fourteen dollars for the first certification or copy and
61 a fee of eleven dollars for each additional copy ordered at
62 that time. For each fee collected under this subsection,
63 one dollar shall be deposited to the state department of
64 revenue and the remainder shall be deposited to the official
65 city or county health agency. The director of revenue shall
66 credit all fees deposited to the state department of revenue
67 under this subsection to the Missouri state coroners'
68 training fund established in section 58.208.

69 3. For the issuance of a certification or copy of a
70 birth, marriage, divorce, or fetal death record, the

71 applicant shall pay a fee of fifteen dollars; except that,
72 in any county with a charter form of government and with
73 more than six hundred thousand but fewer than seven hundred
74 thousand inhabitants, a donation of one dollar may be
75 collected by the local registrar over and above any fees
76 required by law when a certification or copy of any marriage
77 license or birth certificate is provided, with such
78 donations collected to be forwarded monthly by the local
79 registrar to the county treasurer of such county and the
80 donations so forwarded to be deposited by the county
81 treasurer into the housing resource commission fund to
82 assist homeless families and provide financial assistance to
83 organizations addressing homelessness in such county. The
84 local registrar shall include a check-off box on the
85 application form for such copies. All fees collected under
86 this subsection, other than the donations collected in any
87 county with a charter form of government and with more than
88 six hundred thousand but fewer than seven hundred thousand
89 inhabitants for marriage licenses and birth certificates,
90 shall be deposited to the official city or county health
91 agency.

92 4. A certified copy of a death record by the local
93 registrar can only be issued within twenty-four hours of
94 receipt of the record by the local registrar. Computer-
95 generated certifications of death records may be issued by
96 the local registrar after twenty-four hours of receipt of
97 the records. The fees paid to the official county health
98 agency shall be retained by the local agency for local
99 public health purposes.

100 5. No fee under this section shall be required or
101 collected from a parent or guardian of a homeless child or
102 homeless youth, as defined in subsection 1 of section
103 167.020, or an unaccompanied youth, as defined in 42 U.S.C.

104 Section 11434a(6), for the issuance of a certification, or
105 copy of such certification, of birth of such child or
106 youth. An unaccompanied youth shall be eligible to receive
107 a certification or copy of his or her own birth record
108 without the consent or signature of his or her parent or
109 guardian; provided, that only one certificate under this
110 provision shall be provided without cost to the
111 unaccompanied or homeless youth. For the issuance of any
112 additional certificates, the statutory fee shall be paid.

113 6. (1) Notwithstanding any provision of law to the
114 contrary, no fee shall be required or collected for a
115 certification of birth if the request is made by a victim of
116 domestic violence or abuse, as those terms are defined in
117 section 455.010, and the victim provides documentation
118 signed by an employee, agent, or volunteer of a victim
119 service provider, an attorney, or a health care or mental
120 health professional, from whom the victim has sought
121 assistance relating to the domestic violence or abuse. Such
122 documentation shall state that, under penalty of perjury,
123 the employee, agent, or volunteer of a victim service
124 provider, the attorney, or the health care or mental health
125 professional believes that the victim has been involved in
126 an incident of domestic violence or abuse.

127 (2) A victim may be eligible only one time for a fee
128 waiver under this subsection.

196.311. Unless otherwise indicated by the context,
2 when used in sections 196.311 to 196.361:

3 (1) "Consumer" means any person who purchases eggs for
4 [his or her] such person's own family use or consumption; or
5 any restaurant, hotel, boardinghouse, bakery, or other
6 institution or concern which purchases eggs for serving to
7 guests or patrons thereof, or for its own use in cooking,
8 baking, or manufacturing their products;

9 (2) "Container" means any box, case, basket, carton,
10 sack, bag, or other receptacle. "Subcontainer" means any
11 container when being used within another container;

12 (3) "Dealer" means any person who purchases eggs from
13 the producers thereof, or another dealer, for the purpose of
14 selling such eggs to another dealer, a processor, or
15 retailer;

16 (4) "Denatured" means eggs (a) made unfit for human
17 food by treatment or the addition of a foreign substance, or
18 (b) with one-half or more of the shell's surface covered by
19 a permanent black, dark purple or dark blue dye;

20 (5) "Director" means the director of the department of
21 agriculture;

22 (6) "Eggs" means the shell eggs of a domesticated
23 chicken, turkey, duck, quail, goose, or guinea that are
24 intended for human consumption;

25 (7) "Inedible eggs" means eggs which are defined as
26 such in the rules and regulations of the director adopted
27 under sections 196.311 to 196.361, which definition shall
28 conform to the specifications adopted therefor by the United
29 States Department of Agriculture;

30 (8) "Person" means and includes any individual, firm,
31 partnership, exchange, association, trustee, receiver,
32 corporation or any other business organization, and any
33 member, officer or employee thereof;

34 (9) "Processor" means any person engaged in breaking
35 eggs or manufacturing or processing egg liquids, whole egg
36 meats, yolks, whites, or any mixture of yolks and whites,
37 with or without the addition of other ingredients, whether
38 chilled, frozen, condensed, concentrated, dried, powdered or
39 desiccated;

40 (10) "Retailer" means any person who sells eggs to a
41 consumer;

42 (11) "Sell" means offer for sale, expose for sale,
43 have in possession for sale, exchange, barter, or trade.

196.316. 1. All persons engaged in buying, selling,
2 trading or trafficking in, or processing eggs, except those
3 listed in section 196.313, shall be required to be licensed
4 under sections 196.311 to 196.361. Such persons shall file
5 an annual application for such license on forms to be
6 prescribed by the director, and shall obtain an annual
7 license for each separate place of business from the
8 director. The following types of licenses shall be issued:

9 (1) A "retailer's license" shall be required of any
10 person defined as a retailer in section 196.311. A holder
11 of a retailer's license shall not, by virtue of such
12 license, be permitted or authorized to buy eggs from any
13 person other than a licensed dealer, and any retailer
14 desiring to buy eggs from persons other than licensed
15 dealers shall obtain a dealer's license in addition to a
16 retailer's license. Fees for such license shall not exceed
17 one hundred dollars annually per license;

18 (2) A "dealer's license" shall be required of any
19 person defined as a dealer in section 196.311. A holder of
20 a dealer's license shall not, by virtue of such license, be
21 authorized or permitted to sell eggs to consumers, and any
22 dealer desiring to sell eggs to consumers shall obtain a
23 retailer's license in addition to a dealer's license. Fees
24 for such license shall not exceed one hundred seventy-five
25 dollars annually per license;

26 (3) A "processor's license" shall be required of any
27 person defined as a processor in section 196.311. A holder
28 of a processor's license shall not, by virtue of such
29 license, be authorized or permitted to sell eggs in the
30 shell to other persons, and any person desiring to sell eggs
31 in the shell to other persons shall obtain a dealer's

32 license in addition to a processor's license. Fees for such
 33 license shall not exceed two hundred fifty dollars annually
 34 per license.

35 [2. The annual license fee shall be:

| | | | |
|----|-----|---|----------|
| 36 | (1) | Retailers | \$ 5.00 |
| 37 | (2) | Dealers—License fees for dealers shall | |
| 38 | | be determined on the basis of cases (30 | |
| 39 | | dozen per case) of eggs sold in the | |
| 40 | | shell in any one week, as follows: | |
| 41 | (a) | 1 to 25 cases | \$ 5.00 |
| 42 | (b) | 26 to 50 cases | 12.50 |
| 43 | (c) | 51 to 100 cases | 25.00 |
| 44 | (d) | more than 100 cases | 50.00 |
| 45 | (3) | Processors—License fees for processors | |
| 46 | | shall be determined on the basis of | |
| 47 | | cases (30 dozen per case) of eggs, or | |
| 48 | | the equivalent in liquid or frozen | |
| 49 | | eggs, processed in any one day, as | |
| 50 | | follows: | |
| 51 | (a) | Less than 50 cases | \$ 25.00 |
| 52 | (b) | More than 50 and less than 250 cases | 50.00 |
| 53 | (c) | More than 250 and less than 1000 cases | 75.00 |
| 54 | (d) | More than 1000 cases | 100.00 |

55 2. The director of agriculture shall have the
 56 authority to assess egg licensing fees to assist in
 57 defraying operating expenses. A schedule of licensing fees
 58 shall be fixed by rule or regulation promulgated under
 59 chapter 536 by the director of the department of agriculture.

60 3. All licenses shall be conspicuously posted in the
 61 place of business to which it applies. The license year

62 shall be twelve months, or any fraction thereof, beginning
63 July first and ending June thirtieth.

64 4. No license shall be transferable, but it may be
65 moved from one place to another by the consent of the
66 director.

67 5. All moneys received from license fees collected
68 hereunder shall be deposited in the state treasury to the
69 credit of the agriculture protection fund created in section
70 261.200.

256.700. 1. Any operator desiring to engage in
2 surface mining who applies for a permit under section
3 444.772 shall, in addition to all other fees authorized
4 under such section, annually submit a geologic resources
5 fee. Such fee shall be deposited in the geologic resources
6 fund established and expended under section 256.705. For
7 any operator of a gravel mining operation where the annual
8 tonnage of gravel mined by such operator is less than five
9 thousand tons, there shall be no fee under this section.

10 2. The director of the department of natural resources
11 may require a geologic resources fee for each permit not to
12 exceed one hundred dollars. The director may also require a
13 geologic resources fee for each site listed on a permit not
14 to exceed one hundred dollars for each site. The director
15 may also require a geologic resources fee for each acre
16 permitted by the operator under section 444.772 not to
17 exceed ten dollars per acre. If such fee is assessed, the
18 fee per acre on all acres bonded by a single operator that
19 exceeds a total of three hundred acres shall be reduced by
20 fifty percent. In no case shall the geologic resources fee
21 portion for any permit issued under section 444.772 be more
22 than three thousand five hundred dollars.

23 3. Beginning August 28, 2007, the geologic resources
24 fee shall be set at a permit fee of fifty dollars, a site

25 fee of fifty dollars, and an acre fee of six dollars. Fees
26 may be raised as allowed in this subsection by a regulation
27 change promulgated by the director of the department of
28 natural resources. Prior to such a regulation change, the
29 director shall consult the industrial minerals advisory
30 council created under section 256.710 in order to determine
31 the need for such an increase in fees.

32 4. Fees imposed under this section shall become
33 effective August 28, 2007, and shall expire on December 31,
34 ~~[2025]~~ 2031. No other provisions of sections 256.700 to
35 256.710 shall expire.

36 5. The department of natural resources may promulgate
37 rules to implement the provisions of sections 256.700 to
38 256.710. Any rule or portion of a rule, as that term is
39 defined in section 536.010, that is created under the
40 authority delegated in this section shall become effective
41 only if it complies with and is subject to all of the
42 provisions of chapter 536 and, if applicable, section
43 536.028. This section and chapter 536 are nonseverable and
44 if any of the powers vested with the general assembly under
45 chapter 536 to review, to delay the effective date, or to
46 disapprove and annul a rule are subsequently held
47 unconstitutional, then the grant of rulemaking authority and
48 any rule proposed or adopted after August 28, 2007, shall be
49 invalid and void.

259.080. 1. It shall be unlawful to commence
2 operations for the drilling of a well for oil or gas, or to
3 commence operations to deepen any well to a different
4 geological formation, or to commence injection activities
5 for enhanced recovery of oil or gas or for disposal of
6 fluids, without first giving the state geologist notice of
7 intention to drill or intention to inject and first

8 obtaining a permit from the state geologist under such rules
9 and regulations as may be prescribed by the council.

10 2. The department of natural resources may conduct a
11 comprehensive review, and propose a new fee structure, or
12 propose changes to the oil and gas fee structure, which may
13 include but need not be limited to permit application fees,
14 operating fees, closure fees, and late fees, and an
15 extraction or severance fee. The comprehensive review shall
16 include stakeholder meetings in order to solicit stakeholder
17 input from each of the following groups: oil and gas
18 industry representatives, the advisory committee, and any
19 other interested parties. Upon completion of the
20 comprehensive review, the department shall submit a proposed
21 fee structure or changes to the oil and gas fee structure
22 with stakeholder agreement to the oil and gas council. The
23 council shall review such recommendations at the forthcoming
24 regular or special meeting, but shall not vote on the fee
25 structure until a subsequent meeting. If the council
26 approves, by vote of two-thirds majority, the fee structure
27 recommendations, the council shall authorize the department
28 to file a notice of proposed rulemaking containing the
29 recommended fee structure, and after considering public
30 comments may authorize the department to file the final
31 order of rulemaking for such rule with the joint committee
32 on administrative rules under sections 536.021 and 536.024
33 no later than December first of the same year. If such
34 rules are not disapproved by the general assembly in the
35 manner set out in this section, they shall take effect on
36 January first of the following year, at which point the
37 existing fee structure shall expire. Any regulation
38 promulgated under this subsection shall be deemed beyond the
39 scope and authority provided in this subsection, or
40 detrimental to permit applicants, if the general assembly,

41 within the first sixty calendar days of the regular session
42 immediately following the filing of such regulation,
43 disapproves the regulation by concurrent resolution. If the
44 general assembly so disapproved any regulation filed under
45 this subsection, the department and the council shall not
46 implement the proposed fee structure and shall continue to
47 use the previous fee structure. The authority of the
48 council to further revise the fee structure as provided in
49 this subsection shall expire on August 28, [2025] 2031. If
50 the council's authority to revise the fee structure as
51 provided by this subsection expires, the fee structure in
52 place at the time of expiration shall remain in place.

53 3. Failure to pay the fees, or any portion thereof,
54 established under this section or to submit required
55 reports, forms or information by the due date shall result
56 in the imposition of a late fee established by the council.
57 The department may issue an administrative order requiring
58 payment of unpaid fees or may request that the attorney
59 general bring an action in the appropriate circuit court to
60 collect any unpaid fee, late fee, interest, or attorney's
61 fees and costs incurred directly in fee collection. Such
62 action may be brought in the circuit court of Cole County,
63 or, in the case of well fees, in the circuit court of the
64 county in which the well is located.

260.262. A person selling lead-acid batteries at
2 retail or offering lead-acid batteries for retail sale in
3 the state shall:

4 (1) Accept, at the point of transfer, in a quantity at
5 least equal to the number of new lead-acid batteries
6 purchased, used lead-acid batteries from customers, if
7 offered by customers;

8 (2) Post written notice which must be at least four
9 inches by six inches in size and must contain the universal
10 recycling symbol and the following language:

11 (a) It is illegal to discard a motor vehicle battery
12 or other lead-acid battery;

13 (b) Recycle your used batteries; and

14 (c) State law requires us to accept used motor vehicle
15 batteries, or other lead-acid batteries for recycling, in
16 exchange for new batteries purchased; and

17 (3) Manage used lead-acid batteries in a manner
18 consistent with the requirements of the state hazardous
19 waste law;

20 (4) Collect at the time of sale a fee of fifty cents
21 for each lead-acid battery sold. Such fee shall be added to
22 the total cost to the purchaser at retail after all
23 applicable sales taxes on the battery have been computed.
24 The fee imposed, less six percent of fees collected, which
25 shall be retained by the seller as collection costs, shall
26 be paid to the department of revenue in the form and manner
27 required by the department and shall include the total
28 number of batteries sold during the preceding month. The
29 department of revenue shall promulgate rules and regulations
30 necessary to administer the fee collection and enforcement.
31 The terms "sold at retail" and "retail sales" do not include
32 the sale of batteries to a person solely for the purpose of
33 resale, if the subsequent retail sale in this state is to
34 the ultimate consumer and is subject to the fee. However,
35 this fee shall not be paid on batteries sold for use in
36 agricultural operations upon written certification by the
37 purchaser; and

38 (5) The department of revenue shall administer,
39 collect, and enforce the fee authorized pursuant to this
40 section pursuant to the same procedures used in the

41 administration, collection, and enforcement of the general
42 state sales and use tax imposed pursuant to chapter 144
43 except as provided in this section. The proceeds of the
44 battery fee, less four percent of the proceeds, which shall
45 be retained by the department of revenue as collection
46 costs, shall be transferred by the department of revenue
47 into the hazardous waste fund, created pursuant to section
48 260.391. The fee created in subdivision (4) and this
49 subdivision shall be effective October 1, 2005. The
50 provisions of subdivision (4) and this subdivision shall
51 terminate December 31, [2023] 2029.

260.273. 1. Any person purchasing a new tire may
2 present to the seller the used tire or remains of such used
3 tire for which the new tire purchased is to replace.

4 2. A fee for each new tire sold at retail shall be
5 imposed on any person engaging in the business of making
6 retail sales of new tires within this state. The fee shall
7 be charged by the retailer to the person who purchases a
8 tire for use and not for resale. Such fee shall be imposed
9 at the rate of fifty cents for each new tire sold. Such fee
10 shall be added to the total cost to the purchaser at retail
11 after all applicable sales taxes on the tires have been
12 computed. The fee imposed, less six percent of fees
13 collected, which shall be retained by the tire retailer as
14 collection costs, shall be paid to the department of revenue
15 in the form and manner required by the department of revenue
16 and shall include the total number of new tires sold during
17 the preceding month. The department of revenue shall
18 promulgate rules and regulations necessary to administer the
19 fee collection and enforcement. The terms "sold at retail"
20 and "retail sales" do not include the sale of new tires to a
21 person solely for the purpose of resale, if the subsequent

22 retail sale in this state is to the ultimate consumer and is
23 subject to the fee.

24 3. The department of revenue shall administer, collect
25 and enforce the fee authorized pursuant to this section
26 pursuant to the same procedures used in the administration,
27 collection and enforcement of the general state sales and
28 use tax imposed pursuant to chapter 144 except as provided
29 in this section. The proceeds of the new tire fee, less
30 four percent of the proceeds, which shall be retained by the
31 department of revenue as collection costs, shall be
32 transferred by the department of revenue into an appropriate
33 subaccount of the solid waste management fund, created
34 pursuant to section 260.330.

35 4. Up to five percent of the revenue available may be
36 allocated, upon appropriation, to the department of natural
37 resources to be used cooperatively with the department of
38 elementary and secondary education for the purposes of
39 developing environmental educational materials, programs,
40 and curriculum that assist in the department's
41 implementation of sections 260.200 to 260.345.

42 5. Up to fifty percent of the moneys received pursuant
43 to this section may, upon appropriation, be used to
44 administer the programs imposed by this section. Up to forty-
45 five percent of the moneys received under this section may,
46 upon appropriation, be used for the grants authorized in
47 subdivision (2) of subsection 6 of this section. All
48 remaining moneys shall be allocated, upon appropriation, for
49 the projects authorized in section 260.276, except that any
50 unencumbered moneys may be used for public health,
51 environmental, and safety projects in response to
52 environmental or public health emergencies and threats as
53 determined by the director.

54 6. The department shall promulgate, by rule, a
55 statewide plan for the use of moneys received pursuant to
56 this section to accomplish the following:

57 (1) Removal of scrap tires from illegal tire dumps;

58 (2) Providing grants to persons that will use products
59 derived from scrap tires, or use scrap tires as a fuel or
60 fuel supplement; and

61 (3) Resource recovery activities conducted by the
62 department pursuant to section 260.276.

63 7. The fee imposed in subsection 2 of this section
64 shall begin the first day of the month which falls at least
65 thirty days but no more than sixty days immediately
66 following August 28, 2005, and shall terminate December 31,
67 [2025] 2031.

 260.380. 1. After six months from the effective date
2 of the standards, rules and regulations adopted by the
3 commission pursuant to section 260.370, hazardous waste
4 generators located in Missouri shall:

5 (1) Promptly file and maintain with the department, on
6 registration forms it provides for this purpose, information
7 on hazardous waste generation and management as specified by
8 rules and regulations. Hazardous waste generators shall pay
9 a one hundred dollar registration fee upon initial
10 registration, and a one hundred dollar registration renewal
11 fee annually thereafter to maintain an active registration.
12 Such fees shall be deposited in the hazardous waste fund
13 created in section 260.391;

14 (2) Containerize and label all hazardous wastes as
15 specified by standards, rules and regulations;

16 (3) Segregate all hazardous wastes from all
17 nonhazardous wastes and from noncompatible wastes, materials
18 and other potential hazards as specified by standards, rules
19 and regulations;

20 (4) Provide safe storage and handling, including spill
21 protection, as specified by standards, rules and
22 regulations, for all hazardous wastes from the time of their
23 generation to the time of their removal from the site of
24 generation;

25 (5) Unless provided otherwise in the rules and
26 regulations, utilize only a hazardous waste transporter
27 holding a license pursuant to sections 260.350 to 260.430
28 for the removal of all hazardous wastes from the premises
29 where they were generated;

30 (6) Unless provided otherwise in the rules and
31 regulations, provide a separate manifest to the transporter
32 for each load of hazardous waste transported from the
33 premises where it was generated. The generator shall
34 specify the destination of such load on the manifest. The
35 manner in which the manifest shall be completed, signed and
36 filed with the department shall be in accordance with rules
37 and regulations;

38 (7) Utilize for treatment, resource recovery, disposal
39 or storage of all hazardous wastes, only a hazardous waste
40 facility authorized to operate pursuant to sections 260.350
41 to 260.430 or the federal Resource Conservation and Recovery
42 Act, or a state hazardous waste management program
43 authorized pursuant to the federal Resource Conservation and
44 Recovery Act, or any facility exempted from the permit
45 required pursuant to section 260.395;

46 (8) Collect and maintain such records, perform such
47 monitoring or analyses, and submit such reports on any
48 hazardous waste generated, its transportation and final
49 disposition, as specified in sections 260.350 to 260.430 and
50 rules and regulations adopted pursuant to sections 260.350
51 to 260.430;

52 (9) Make available to the department upon request
53 samples of waste and all records relating to hazardous waste
54 generation and management for inspection and copying and
55 allow the department to make unhampered inspections at any
56 reasonable time of hazardous waste generation and management
57 facilities located on the generator's property and hazardous
58 waste generation and management practices carried out on the
59 generator's property;

60 (10) (a) Pay annually, on or before January first of
61 each year, effective January 1, 1982, a fee to the state of
62 Missouri to be placed in the hazardous waste fund. The fee
63 shall be five dollars per ton or portion thereof of
64 hazardous waste registered with the department as specified
65 in subdivision (1) of this subsection for the twelve-month
66 period ending June thirtieth of the previous year. However,
67 the fee shall not exceed fifty-two thousand dollars per
68 generator site per year nor be less than one hundred fifty
69 dollars per generator site per year.

70 (b) All moneys payable pursuant to the provisions of
71 this subdivision shall be promptly transmitted to the
72 department of revenue, which shall deposit the same in the
73 state treasury to the credit of the hazardous waste fund
74 created in section 260.391.

75 (c) The hazardous waste management commission shall
76 establish and submit to the department of revenue procedures
77 relating to the collection of the fees authorized by this
78 subdivision. Such procedures shall include, but not be
79 limited to, necessary records identifying the quantities of
80 hazardous waste registered, the form and submission of
81 reports to accompany the payment of fees, the time and
82 manner of payment of fees, which shall not be more often
83 than quarterly.

84 (d) Notwithstanding any statutory fee amounts or
85 maximums to the contrary, the director of the department of
86 natural resources may conduct a comprehensive review and
87 propose changes to the fee structure set forth in this
88 section. The comprehensive review shall include stakeholder
89 meetings in order to solicit stakeholder input from each of
90 the following groups: cement kiln representatives, chemical
91 companies, large and small hazardous waste generators, and
92 any other interested parties. Upon completion of the
93 comprehensive review, the department shall submit a proposed
94 fee structure with stakeholder agreement to the hazardous
95 waste management commission. The commission shall review
96 such recommendations at the forthcoming regular or special
97 meeting, but shall not vote on the fee structure until a
98 subsequent meeting. If the commission approves, by vote of
99 two-thirds majority or five of seven commissioners, the fee
100 structure recommendations, the commission shall authorize
101 the department to file a notice of proposed rulemaking
102 containing the recommended fee structure, and after
103 considering public comments may authorize the department to
104 file the order of rulemaking for such rule with the joint
105 committee on administrative rules pursuant to sections
106 536.021 and 536.024 no later than December first of the same
107 year. If such rules are not disapproved by the general
108 assembly in the manner set out below, they shall take effect
109 on January first of the following calendar year and the fee
110 structure set out in this section shall expire upon the
111 effective date of the commission-adopted fee structure,
112 contrary to subsection 4 of this section. Any regulation
113 promulgated under this subsection shall be deemed to be
114 beyond the scope and authority provided in this subsection,
115 or detrimental to permit applicants, if the general
116 assembly, within the first sixty calendar days of the

117 regular session immediately following the filing of such
118 regulation disapproves the regulation by concurrent
119 resolution. If the general assembly so disapproves any
120 regulation filed under this subsection, the department and
121 the commission shall not implement the proposed fee
122 structure and shall continue to use the previous fee
123 structure. The authority of the commission to further
124 revise the fee structure as provided by this subsection
125 shall expire on August 28, [2024. Any fee, bond, or
126 assessment structure established pursuant to the process in
127 this section shall expire on August 28, 2024] 2030. If the
128 commission's authority to revise the fee structure as
129 provided by this subsection expires, the fee structure in
130 place at the time of expiration shall remain in place.

131 2. Missouri treatment, storage, or disposal facilities
132 shall pay annually, on or before January first of each year,
133 a fee to the department equal to two dollars per ton or
134 portion thereof for all hazardous waste received from
135 outside the state. This fee shall be based on the hazardous
136 waste received for the twelve-month period ending June
137 thirtieth of the previous year.

138 3. Exempted from the requirements of this section are
139 individual householders and farmers who generate only small
140 quantities of hazardous waste and any person the commission
141 determines generates only small quantities of hazardous
142 waste on an infrequent basis, except that:

143 (1) Householders, farmers and exempted persons shall
144 manage all hazardous wastes they may generate in a manner so
145 as not to adversely affect the health of humans, or pose a
146 threat to the environment, or create a public nuisance; and

147 (2) The department may determine that a specific
148 quantity of a specific hazardous waste requires special
149 management. Upon such determination and after public notice

150 by press release or advertisement thereof, including
151 instructions for handling and delivery, generators exempted
152 pursuant to this subsection shall deliver, but without a
153 manifest or the requirement to use a licensed hazardous
154 waste transporter, such waste to:

155 (a) Any storage, treatment or disposal site authorized
156 to operate pursuant to sections 260.350 to 260.430 or the
157 federal Resource Conservation and Recovery Act, or a state
158 hazardous waste management program authorized pursuant to
159 the federal Resource Conservation and Recovery Act which the
160 department designates for this purpose; or

161 (b) A collection station or vehicle which the
162 department may arrange for and designate for this purpose.

163 4. Failure to pay the fee, or any portion thereof,
164 prescribed in this section by the due date shall result in
165 the imposition of a penalty equal to fifteen percent of the
166 original fee. The fee prescribed in this section shall
167 expire December 31, 2018, except that the department shall
168 levy and collect this fee for any hazardous waste generated
169 prior to such date and reported to the department.

260.392. 1. As used in sections 260.392 to 260.399,
2 the following terms mean:

3 (1) "Cask", all the components and systems associated
4 with the container in which spent fuel, high-level
5 radioactive waste, highway route controlled quantity, or
6 transuranic radioactive waste are stored;

7 (2) "High-level radioactive waste", the highly
8 radioactive material resulting from the reprocessing of
9 spent nuclear fuel including liquid waste produced directly
10 in reprocessing and any solid material derived from such
11 liquid waste that contains fission products in sufficient
12 concentrations, and other highly radioactive material that
13 the United States Nuclear Regulatory Commission has

14 determined to be high-level radioactive waste requiring
15 permanent isolation;

16 (3) "Highway route controlled quantity", as defined in
17 49 CFR Part 173.403, as amended, a quantity of radioactive
18 material within a single package. Highway route controlled
19 quantity shipments of thirty miles or less within the state
20 are exempt from the provisions of this section;

21 (4) "Low-level radioactive waste", any radioactive
22 waste not classified as high-level radioactive waste,
23 transuranic radioactive waste, or spent nuclear fuel by the
24 United States Nuclear Regulatory Commission, consistent with
25 existing law. Shipment of all sealed sources meeting the
26 definition of low-level radioactive waste, shipments of low-
27 level radioactive waste that are within a radius of no more
28 than fifty miles from the point of origin, and all naturally
29 occurring radioactive material given written approval for
30 landfill disposal by the Missouri department of natural
31 resources under 10 CSR 80- 3.010 are exempt from the
32 provisions of this section. Any low-level radioactive waste
33 that has a radioactive half-life equal to or less than one
34 hundred twenty days is exempt from the provisions of this
35 section;

36 (5) "Shipper", the generator, owner, or company
37 contracting for transportation by truck or rail of the spent
38 fuel, high-level radioactive waste, highway route controlled
39 quantity shipments, transuranic radioactive waste, or low-
40 level radioactive waste;

41 (6) "Spent nuclear fuel", fuel that has been withdrawn
42 from a nuclear reactor following irradiation, the
43 constituent elements of which have not been separated by
44 reprocessing;

45 (7) "State-funded institutions of higher education",
46 any campus of any university within the state of Missouri

47 that receives state funding and has a nuclear research
48 reactor;

49 (8) "Transuranic radioactive waste", defined in 40 CFR
50 Part 191.02, as amended, as waste containing more than one
51 hundred nanocuries of alpha-emitting transuranic isotopes
52 with half-lives greater than twenty years, per gram of
53 waste. For the purposes of this section, transuranic waste
54 shall not include:

55 (a) High-level radioactive wastes;

56 (b) Any waste determined by the Environmental
57 Protection Agency with the concurrence of the Environmental
58 Protection Agency administrator that does not need the
59 degree of isolation required by this section; or

60 (c) Any waste that the United States Nuclear
61 Regulatory Commission has approved for disposal on a case-by-
62 case basis in accordance with 10 CFR Part 61, as amended.

63 2. Any shipper that ships high-level radioactive
64 waste, transuranic radioactive waste, highway route
65 controlled quantity shipments, spent nuclear fuel, or low-
66 level radioactive waste through or within the state shall be
67 subject to the fees established in this subsection, provided
68 that no state-funded institution of higher education that
69 ships nuclear waste shall pay any such fee. These higher
70 education institutions shall reimburse the Missouri state
71 highway patrol directly for all costs related to shipment
72 escorts. The fees for all other shipments shall be:

73 (1) One thousand eight hundred dollars for each truck
74 transporting through or within the state high-level
75 radioactive waste, transuranic radioactive waste, spent
76 nuclear fuel or highway route controlled quantity
77 shipments. All truck shipments of high-level radioactive
78 waste, transuranic radioactive waste, spent nuclear fuel, or
79 highway route controlled quantity shipments are subject to a

80 surcharge of twenty-five dollars per mile for every mile
81 over two hundred miles traveled within the state;

82 (2) One thousand three hundred dollars for the first
83 cask and one hundred twenty-five dollars for each additional
84 cask for each rail shipment through or within the state of
85 high-level radioactive waste, transuranic radioactive waste,
86 or spent nuclear fuel;

87 (3) One hundred twenty-five dollars for each truck or
88 train transporting low-level radioactive waste through or
89 within the state.

90 The department of natural resources may accept an annual
91 shipment fee as negotiated with a shipper or accept payment
92 per shipment.

93 3. All revenue generated from the fees established in
94 subsection 2 of this section shall be deposited into the
95 environmental radiation monitoring fund established in
96 section 260.750 and shall be used by the department of
97 natural resources to achieve the following objectives and
98 for purposes related to the shipment of high-level
99 radioactive waste, transuranic radioactive waste, highway
100 route controlled quantity shipments, spent nuclear fuel, or
101 low-level radioactive waste, including, but not limited to:

102 (1) Inspections, escorts, and security for waste
103 shipment and planning;

104 (2) Coordination of emergency response capability;

105 (3) Education and training of state, county, and local
106 emergency responders;

107 (4) Purchase and maintenance of necessary equipment
108 and supplies for state, county, and local emergency
109 responders through grants or other funding mechanisms;

110 (5) Emergency responses to any transportation incident
111 involving the high-level radioactive waste, transuranic
112 radioactive waste, highway route controlled quantity

113 shipments, spent nuclear fuel, or low-level radioactive
114 waste;

115 (6) Oversight of any environmental remediation
116 necessary resulting from an incident involving a shipment of
117 high-level radioactive waste, transuranic radioactive waste,
118 highway route controlled quantity shipments, spent nuclear
119 fuel, or low-level radioactive waste. Reimbursement for
120 oversight of any such incident shall not reduce or eliminate
121 the liability of any party responsible for the incident;
122 such party may be liable for full reimbursement to the state
123 or payment of any other costs associated with the cleanup of
124 contamination related to a transportation incident;

125 (7) Administrative costs attributable to the state
126 agencies which are incurred through their involvement as it
127 relates to the shipment of high-level radioactive waste,
128 transuranic radioactive waste, highway route controlled
129 quantity shipments, spent nuclear fuel, or low-level
130 radioactive waste through or within the state.

131 4. Nothing in this section shall preclude any other
132 state agency from receiving reimbursement from the
133 department of natural resources and the environmental
134 radiation monitoring fund for services rendered that achieve
135 the objectives and comply with the provisions of this
136 section.

137 5. Any unencumbered balance in the environmental
138 radiation monitoring fund that exceeds three hundred
139 thousand dollars in any given fiscal year shall be returned
140 to shippers on a pro rata basis, based on the shipper's
141 contribution into the environmental radiation monitoring
142 fund for that fiscal year.

143 6. The department of natural resources, in
144 coordination with the department of health and senior
145 services and the department of public safety, may promulgate

146 rules necessary to carry out the provisions of this
147 section. Any rule or portion of a rule, as that term is
148 defined in section 536.010, that is created under the
149 authority delegated in this section shall become effective
150 only if it complies with and is subject to all of the
151 provisions of chapter 536 and, if applicable, section
152 536.028. This section and chapter 536 are nonseverable and
153 if any of the powers vested with the general assembly
154 pursuant to chapter 536 to review, to delay the effective
155 date, or to disapprove and annul a rule are subsequently
156 held unconstitutional, then the grant of rulemaking
157 authority and any rule proposed or adopted after August 28,
158 2009, shall be invalid and void.

159 7. All funds deposited in the environmental radiation
160 monitoring fund through fees established in subsection 2 of
161 this section shall be utilized, subject to appropriation by
162 the general assembly, for the administration and enforcement
163 of this section by the department of natural resources. All
164 interest earned by the moneys in the fund shall accrue to
165 the fund.

166 8. All fees shall be paid to the department of natural
167 resources prior to shipment.

168 9. Notice of any shipment of high-level radioactive
169 waste, transuranic radioactive waste, highway route
170 controlled quantity shipments, or spent nuclear fuel through
171 or within the state shall be provided by the shipper to the
172 governor's designee for advanced notification, as described
173 in 10 CFR Parts 71 and 73, as amended, prior to such
174 shipment entering the state. Notice of any shipment of low-
175 level radioactive waste through or within the state shall be
176 provided by the shipper to the Missouri department of
177 natural resources before such shipment enters the state.

178 10. Any shipper who fails to pay a fee assessed under
179 this section, or fails to provide notice of a shipment,
180 shall be liable in a civil action for an amount not to
181 exceed ten times the amount assessed and not paid. The
182 action shall be brought by the attorney general at the
183 request of the department of natural resources. If the
184 action involves a facility domiciled in the state, the
185 action shall be brought in the circuit court of the county
186 in which the facility is located. If the action does not
187 involve a facility domiciled in the state, the action shall
188 be brought in the circuit court of Cole County.

189 11. Beginning on December 31, 2009, and every two
190 years thereafter, the department of natural resources shall
191 prepare and submit a report on activities of the
192 environmental radiation monitoring fund to the general
193 assembly. This report shall include information on fee
194 income received and expenditures made by the state to
195 enforce and administer the provisions of this section.

196 12. The provisions of this section shall not apply to
197 high-level radioactive waste, transuranic radioactive waste,
198 highway route controlled quantity shipments, spent nuclear
199 fuel, or low-level radioactive waste shipped by or for the
200 federal government for military or national defense purposes.

201 13. The program authorized under this section shall
202 automatically sunset on August 28, **[2024]** 2030.

260.475. 1. Every hazardous waste generator located
2 in Missouri shall pay, in addition to the fees imposed in
3 section 260.380, a fee of twenty-five dollars per ton
4 annually on all hazardous waste which is discharged,
5 deposited, dumped or placed into or on the soil as a final
6 action, and two dollars per ton on all other hazardous waste
7 transported off site. No fee shall be imposed upon any
8 hazardous waste generator who registers less than ten tons

9 of hazardous waste annually pursuant to section 260.380, or
10 upon:

11 (1) Hazardous waste which must be disposed of as
12 provided by a remedial plan for an abandoned or uncontrolled
13 hazardous waste site;

14 (2) Fly ash waste, bottom ash waste, slag waste and
15 flue gas emission control waste generated primarily from the
16 combustion of coal or other fossil fuels;

17 (3) Solid waste from the extraction, beneficiation and
18 processing of ores and minerals, including phosphate rock
19 and overburden from the mining of uranium ore and smelter
20 slag waste from the processing of materials into reclaimed
21 metals;

22 (4) Cement kiln dust waste;

23 (5) Waste oil; or

24 (6) Hazardous waste that is:

25 (a) Reclaimed or reused for energy and materials;

26 (b) Transformed into new products which are not wastes;

27 (c) Destroyed or treated to render the hazardous waste
28 nonhazardous; or

29 (d) Waste discharged to a publicly owned treatment
30 works.

31 2. The fees imposed in this section shall be reported
32 and paid to the department on an annual basis not later than
33 the first of January. The payment shall be accompanied by a
34 return in such form as the department may prescribe.

35 3. All moneys collected or received by the department
36 pursuant to this section shall be transmitted to the
37 department of revenue for deposit in the state treasury to
38 the credit of the hazardous waste fund created pursuant to
39 section 260.391. Following each annual reporting date, the
40 state treasurer shall certify the amount deposited in the
41 fund to the commission.

42 4. If any generator or transporter fails or refuses to
43 pay the fees imposed by this section, or fails or refuses to
44 furnish any information reasonably requested by the
45 department relating to such fees, there shall be imposed, in
46 addition to the fee determined to be owed, a penalty of
47 fifteen percent of the fee shall be deposited in the
48 hazardous waste fund.

49 5. If the fees or any portion of the fees imposed by
50 this section are not paid by the date prescribed for such
51 payment, there shall be imposed interest upon the unpaid
52 amount at the rate of ten percent per annum from the date
53 prescribed for its payment until payment is actually made,
54 all of which shall be deposited in the hazardous waste fund.

55 6. The state treasurer is authorized to deposit all of
56 the moneys in the hazardous waste fund in any of the
57 qualified depositories of the state. All such deposits
58 shall be secured in such a manner and shall be made upon
59 such terms and conditions as are now or may hereafter be
60 provided for by law relative to state deposits. Interest
61 received on such deposits shall be credited to the hazardous
62 waste fund.

63 7. This fee shall expire December 31, 2018, except
64 that the department shall levy and collect this fee for any
65 hazardous waste generated prior to such date and reported to
66 the department.

67 8. Notwithstanding any statutory fee amounts or
68 maximums to the contrary, the director of the department of
69 natural resources may conduct a comprehensive review and
70 propose changes to the fee structure set forth in this
71 section. The comprehensive review shall include stakeholder
72 meetings in order to solicit stakeholder input from each of
73 the following groups: cement kiln representatives, chemical
74 companies, large and small hazardous waste generators, and

75 any other interested parties. Upon completion of the
76 comprehensive review, the department shall submit a proposed
77 fee structure with stakeholder agreement to the hazardous
78 waste management commission. The commission shall review
79 such recommendations at the forthcoming regular or special
80 meeting, but shall not vote on the fee structure until a
81 subsequent meeting. If the commission approves, by vote of
82 two-thirds majority or five of seven commissioners, the fee
83 structure recommendations, the commission shall authorize
84 the department to file a notice of proposed rulemaking
85 containing the recommended fee structure, and after
86 considering public comments may authorize the department to
87 file the order of rulemaking for such rule with the joint
88 committee on administrative rules pursuant to sections
89 536.021 and 536.024 no later than December first of the same
90 year. If such rules are not disapproved by the general
91 assembly in the manner set out below, they shall take effect
92 on January first of the following calendar year and the fee
93 structure set out in this section shall expire upon the
94 effective date of the commission-adopted fee structure,
95 contrary to subsection 7 of this section. Any regulation
96 promulgated under this subsection shall be deemed to be
97 beyond the scope and authority provided in this subsection,
98 or detrimental to permit applicants, if the general
99 assembly, within the first sixty calendar days of the
100 regular session immediately following the filing of such
101 regulation disapproves the regulation by concurrent
102 resolution. If the general assembly so disapproves any
103 regulation filed under this subsection, the department and
104 the commission shall not implement the proposed fee
105 structure and shall continue to use the previous fee
106 structure. The authority of the commission to further
107 revise the fee structure as provided by this subsection

108 shall expire on August 28, [2024. Any fee, bond, or
109 assessment structure established pursuant to the process in
110 this section shall expire on August 28, 2024] 2030. If the
111 commission's authority to revise the fee structure as
112 provided by this subsection expires, the fee structure in
113 place at the time of expiration shall remain in place.

301.142. 1. As used in sections 301.141 to 301.143,
2 the following terms mean:

3 (1) "Department", the department of revenue;

4 (2) "Director", the director of the department of
5 revenue;

6 (3) "Other authorized health care practitioner"
7 includes advanced practice registered nurses licensed
8 pursuant to chapter 335, physician assistants licensed
9 pursuant to chapter 334, chiropractors licensed pursuant to
10 chapter 331, podiatrists licensed pursuant to chapter 330,
11 assistant physicians, physical therapists licensed pursuant
12 to chapter 334, and optometrists licensed pursuant to
13 chapter 336;

14 (4) "Physically disabled", a natural person who is
15 blind, as defined in section 8.700, or a natural person with
16 medical disabilities which prohibits, limits, or severely
17 impairs one's ability to ambulate or walk, as determined by
18 a licensed physician or other authorized health care
19 practitioner as follows:

20 (a) The person cannot ambulate or walk fifty or less
21 feet without stopping to rest due to a severe and disabling
22 arthritic, neurological, orthopedic condition, or other
23 severe and disabling condition; or

24 (b) The person cannot ambulate or walk without the use
25 of, or assistance from, a brace, cane, crutch, another
26 person, prosthetic device, wheelchair, or other assistive
27 device; or

28 (c) Is restricted by a respiratory or other disease to
29 such an extent that the person's forced respiratory
30 expiratory volume for one second, when measured by
31 spirometry, is less than one liter, or the arterial oxygen
32 tension is less than sixty mm/hg on room air at rest; or

33 (d) Uses portable oxygen; or

34 (e) Has a cardiac condition to the extent that the
35 person's functional limitations are classified in severity
36 as class III or class IV according to standards set by the
37 American Heart Association; or

38 (f) A person's age, in and of itself, shall not be a
39 factor in determining whether such person is physically
40 disabled or is otherwise entitled to disabled license plates
41 and/or disabled windshield hanging placards within the
42 meaning of sections 301.141 to 301.143;

43 (5) "Physician", a person licensed to practice
44 medicine pursuant to chapter 334;

45 (6) "Physician's statement", a statement personally
46 signed by a duly authorized person which certifies that a
47 person is disabled as defined in this section;

48 (7) "Temporarily disabled person", a disabled person
49 as defined in this section whose disability or incapacity is
50 expected to last no more than one hundred eighty days;

51 (8) "Temporary windshield placard", a placard to be
52 issued to persons who are temporarily disabled persons as
53 defined in this section, certification of which shall be
54 indicated on the physician's statement;

55 (9) "Windshield placard", a placard to be issued to
56 persons who are physically disabled as defined in this
57 section, certification of which shall be indicated on the
58 physician's statement.

59 2. Other authorized health care practitioners may
60 furnish to a disabled or temporarily disabled person a

61 physician's statement for only those physical health care
62 conditions for which such health care practitioner is
63 legally authorized to diagnose and treat.

64 3. A physician's statement shall:

65 (1) Be on a form prescribed by the director of revenue;

66 (2) Set forth the specific diagnosis and medical
67 condition which renders the person physically disabled or
68 temporarily disabled as defined in this section;

69 (3) Include the physician's or other authorized health
70 care practitioner's license number; and

71 (4) Be personally signed by the issuing physician or
72 other authorized health care practitioner.

73 4. If it is the professional opinion of the physician
74 or other authorized health care practitioner issuing the
75 statement that the physical disability of the applicant,
76 user, or member of the applicant's household is permanent,
77 it shall be noted on the statement. Otherwise, the
78 physician or other authorized health care practitioner shall
79 note on the statement the anticipated length of the
80 disability which period may not exceed one hundred eighty
81 days. If the physician or health care practitioner fails to
82 record an expiration date on the physician's statement, the
83 director shall issue a temporary windshield placard for a
84 period of thirty days.

85 5. A physician or other authorized health care
86 practitioner who issues or signs a physician's statement so
87 that disabled plates or a disabled windshield placard may be
88 obtained shall maintain in such disabled person's medical
89 chart documentation that such a certificate has been issued,
90 the date the statement was signed, the diagnosis or
91 condition which existed that qualified the person as
92 disabled pursuant to this section and shall contain

93 sufficient documentation so as to objectively confirm that
94 such condition exists.

95 6. The medical or other records of the physician or
96 other authorized health care practitioner who issued a
97 physician's statement shall be open to inspection and review
98 by such practitioner's licensing board, in order to verify
99 compliance with this section. Information contained within
100 such records shall be confidential unless required for
101 prosecution, disciplinary purposes, or otherwise required to
102 be disclosed by law.

103 7. Owners of motor vehicles who are residents of the
104 state of Missouri, and who are physically disabled, owners
105 of motor vehicles operated at least fifty percent of the
106 time by a physically disabled person, or owners of motor
107 vehicles used to primarily transport physically disabled
108 members of the owner's household may obtain disabled person
109 license plates. Such owners, upon application, accompanied
110 by the documents and fees provided for in this section, a
111 current physician's statement which has been issued within
112 ninety days proceeding the date the application is made and
113 proof of compliance with the state motor vehicle laws
114 relating to registration and licensing of motor vehicles,
115 shall be issued motor vehicle license plates for vehicles,
116 other than commercial vehicles with a gross weight in excess
117 of twenty-four thousand pounds, upon which shall be
118 inscribed the international wheelchair accessibility symbol
119 and the word "DISABLED" in addition to a combination of
120 letters and numbers. Such license plates shall be made with
121 fully reflective material with a common color scheme and
122 design, shall be clearly visible at night, and shall be
123 aesthetically attractive, as prescribed by section 301.130.
124 If at any time an individual who obtained disabled license
125 plates issued under this subsection no longer occupies a

126 residence with a physically disabled person, or no longer
127 owns a vehicle that is operated at least fifty percent of
128 the time by a physically disabled person, such individual
129 shall surrender the disabled license plates to the
130 department within thirty days of becoming ineligible for
131 their use.

132 8. The director shall further issue, upon request, to
133 such applicant one, and for good cause shown, as the
134 director may define by rule and regulations, not more than
135 two, removable disabled windshield hanging placards for use
136 when the disabled person is occupying a vehicle or when a
137 vehicle not bearing the permanent handicap plate is being
138 used to pick up, deliver, or collect the physically disabled
139 person issued the disabled motor vehicle license plate or
140 disabled windshield hanging placard.

141 9. No additional fee shall be paid to the director for
142 the issuance of the special license plates provided in this
143 section, except for special personalized license plates and
144 other license plates described in this subsection. Priority
145 for any specific set of special license plates shall be
146 given to the applicant who received the number in the
147 immediately preceding license period subject to the
148 applicant's compliance with the provisions of this section
149 and any applicable rules or regulations issued by the
150 director. If determined feasible by the advisory committee
151 established in section 301.129, any special license plate
152 issued pursuant to this section may be adapted to also
153 include the international wheelchair accessibility symbol
154 and the word "DISABLED" as prescribed in this section and
155 such plate may be issued to any applicant who meets the
156 requirements of this section and the other appropriate
157 provision of this chapter, subject to the requirements and
158 fees of the appropriate provision of this chapter.

159 10. Any physically disabled person, or the parent or
160 guardian of any such person, or any not-for-profit group,
161 organization, or other entity which transports more than one
162 physically disabled person, may apply to the director of
163 revenue for a removable windshield placard. The placard may
164 be used in motor vehicles which do not bear the permanent
165 handicap symbol on the license plate. Such placards must be
166 hung from the front, middle rearview mirror of a parked
167 motor vehicle and may not be hung from the mirror during
168 operation. These placards may only be used during the
169 period of time when the vehicle is being used by a disabled
170 person, or when the vehicle is being used to pick up,
171 deliver, or collect a disabled person, and shall be
172 surrendered to the department, within thirty days, if a
173 group, organization, or entity that obtained the removable
174 windshield placard due to the transportation of more than
175 one physically disabled person no longer transports more
176 than one disabled person. When there is no rearview mirror,
177 the placard shall be displayed on the dashboard on the
178 driver's side.

179 11. The removable windshield placard shall conform to
180 the specifications, in respect to size, color, and content,
181 as set forth in federal regulations published by the
182 Department of Transportation. The removable windshield
183 placard shall be renewed every **[four]** eight years. The
184 department shall have the authority to automatically renew
185 current valid disabled placards for a duration of eight
186 years, or for the duration that correlates with the
187 applicant's current physician's statement expiration date,
188 until all permanent disabled placards are on an eight-year
189 renewal cycle. The director may stagger the expiration
190 dates to equalize workload. Only one removable placard may
191 be issued to an applicant who has been issued disabled

192 person license plates. Upon request, one additional
193 windshield placard may be issued to an applicant who has not
194 been issued disabled person license plates.

195 12. A temporary windshield placard shall be issued to
196 any physically disabled person, or the parent or guardian of
197 any such person who otherwise qualifies except that the
198 physical disability, in the opinion of the physician, is not
199 expected to exceed a period of one hundred eighty days. The
200 temporary windshield placard shall conform to the
201 specifications, in respect to size, color, and content, as
202 set forth in federal regulations published by the Department
203 of Transportation. The fee for the temporary windshield
204 placard shall be two dollars. Upon request, and for good
205 cause shown, one additional temporary windshield placard may
206 be issued to an applicant. Temporary windshield placards
207 shall be issued upon presentation of the physician's
208 statement provided by this section and shall be displayed in
209 the same manner as removable windshield placards. A person
210 or entity shall be qualified to possess and display a
211 temporary removable windshield placard for six months and
212 the placard may be renewed once for an additional six months
213 if a physician's statement pursuant to this section is
214 supplied to the director of revenue at the time of renewal.

215 13. Application for license plates or windshield
216 placards issued pursuant to this section shall be made to
217 the director of revenue and shall be accompanied by a
218 statement signed by a licensed physician or other authorized
219 health care practitioner which certifies that the applicant,
220 user, or member of the applicant's household is a physically
221 disabled person as defined by this section.

222 14. The placard shall be renewable only by the person
223 or entity to which the placard was originally issued. Any
224 placard issued pursuant to this section shall only be used

225 when the physically disabled occupant for whom the disabled
226 plate or placard was issued is in the motor vehicle at the
227 time of parking or when a physically disabled person is
228 being delivered or collected. A disabled license plate
229 and/or a removable windshield hanging placard are not
230 transferable and may not be used by any other person whether
231 disabled or not.

232 15. At the time the disabled plates or windshield
233 hanging placards are issued, the director shall issue a
234 registration certificate which shall include the applicant's
235 name, address, and other identifying information as
236 prescribed by the director, or if issued to an agency, such
237 agency's name and address. This certificate shall further
238 contain the disabled license plate number or, for windshield
239 hanging placards, the registration or identifying number
240 stamped on the placard. The validated registration receipt
241 given to the applicant shall serve as the registration
242 certificate.

243 16. The director shall, upon issuing any disabled
244 registration certificate for license plates and/or
245 windshield hanging placards, provide information which
246 explains that such plates or windshield hanging placards are
247 nontransferable, and the restrictions explaining who and
248 when a person or vehicle which bears or has the disabled
249 plates or windshield hanging placards may be used or be
250 parked in a disabled reserved parking space, and the
251 penalties prescribed for violations of the provisions of
252 this act.

253 17. Every new applicant for a disabled license plate
254 or placard shall be required to present a new physician's
255 statement dated no more than ninety days prior to such
256 application. Renewal applicants will be required to submit
257 a physician's statement dated no more than ninety days prior

258 to such application upon their first renewal occurring on or
259 after August 1, 2005. Upon completing subsequent renewal
260 applications, a physician's statement dated no more than
261 ninety days prior to such application shall be required
262 every eighth year. Such physician's statement shall state
263 the expiration date for the temporary windshield placard.
264 If the physician fails to record an expiration date on the
265 physician's statement, the director shall issue the
266 temporary windshield placard for a period of thirty days.
267 The director may stagger the requirement of a physician's
268 statement on all renewals for the initial implementation of
269 an eight-year period.

270 18. The director of revenue upon receiving a
271 physician's statement pursuant to this subsection shall
272 check with the state board of registration for the healing
273 arts created in section 334.120, or the Missouri state board
274 of nursing established in section 335.021, with respect to
275 physician's statements signed by advanced practice
276 registered nurses, or the Missouri state board of
277 chiropractic examiners established in section 331.090, with
278 respect to physician's statements signed by licensed
279 chiropractors, or with the board of optometry established in
280 section 336.130, with respect to physician's statements
281 signed by licensed optometrists, or the state board of
282 podiatric medicine created in section 330.100, with respect
283 to physician's statements signed by physicians of the foot
284 or podiatrists to determine whether the physician is duly
285 licensed and registered pursuant to law. If such applicant
286 obtaining a disabled license plate or placard presents proof
287 of disability in the form of a statement from the United
288 States Veterans' Administration verifying that the person is
289 permanently disabled, the applicant shall be exempt from the
290 eight-year certification requirement of this subsection for

291 renewal of the plate or placard. Initial applications shall
292 be accompanied by the physician's statement required by this
293 section. Notwithstanding the provisions of paragraph (f) of
294 subdivision (4) of subsection 1 of this section, any person
295 seventy-five years of age or older who provided the
296 physician's statement with the original application shall
297 not be required to provide a physician's statement for the
298 purpose of renewal of disabled persons license plates or
299 windshield placards.

300 19. The boards shall cooperate with the director and
301 shall supply information requested pursuant to this
302 subsection. The director shall, in cooperation with the
303 boards which shall assist the director, establish a list of
304 all Missouri physicians and other authorized health care
305 practitioners and of any other information necessary to
306 administer this section.

307 20. Where the owner's application is based on the fact
308 that the vehicle is used at least fifty percent of the time
309 by a physically disabled person, the applicant shall submit
310 a statement stating this fact, in addition to the
311 physician's statement. The statement shall be signed by
312 both the owner of the vehicle and the physically disabled
313 person. The applicant shall be required to submit this
314 statement with each application for license plates. No
315 person shall willingly or knowingly submit a false statement
316 and any such false statement shall be considered perjury and
317 may be punishable pursuant to section 301.420.

318 21. The director of revenue shall retain all
319 physicians' statements and all other documents received in
320 connection with a person's application for disabled license
321 plates and/or disabled windshield placards.

322 22. The director of revenue shall enter into
323 reciprocity agreements with other states or the federal

324 government for the purpose of recognizing disabled person
325 license plates or windshield placards issued to physically
326 disabled persons.

327 23. When a person to whom disabled person license
328 plates or a removable or temporary windshield placard or
329 both have been issued dies, the personal representative of
330 the decedent or such other person who may come into or
331 otherwise take possession of the disabled license plates or
332 disabled windshield placard shall return the same to the
333 director of revenue under penalty of law. Failure to return
334 such plates or placards shall constitute a class B
335 misdemeanor.

336 24. The director of revenue may order any person
337 issued disabled person license plates or windshield placards
338 to submit to an examination by a chiropractor, osteopath, or
339 physician, or to such other investigation as will determine
340 whether such person qualifies for the special plates or
341 placards.

342 25. If such person refuses to submit or is found to no
343 longer qualify for special plates or placards provided for
344 in this section, the director of revenue shall collect the
345 special plates or placards, and shall furnish license plates
346 to replace the ones collected as provided by this chapter.

347 26. In the event a removable or temporary windshield
348 placard is lost, stolen, or mutilated, the lawful holder
349 thereof shall, within five days, file with the director of
350 revenue an application and an affidavit stating such fact,
351 in order to purchase a new placard. The fee for the
352 replacement windshield placard shall be four dollars.

353 27. Fraudulent application, renewal, issuance,
354 procurement or use of disabled person license plates or
355 windshield placards shall be a class A misdemeanor. It is a
356 class B misdemeanor for a physician, chiropractor,

357 podiatrist or optometrist to certify that an individual or
358 family member is qualified for a license plate or windshield
359 placard based on a disability, the diagnosis of which is
360 outside their scope of practice or if there is no basis for
361 the diagnosis.

301.469. 1. Any vehicle owner may receive license
2 plates as prescribed in this section, for any motor vehicle
3 such person owns, either solely or jointly, other than an
4 apportioned motor vehicle or a commercial motor vehicle
5 licensed in excess of twenty-four thousand pounds gross
6 weight, after an annual payment of an emblem-use
7 authorization fee to the Missouri conservation heritage
8 foundation. The foundation hereby authorizes the use of its
9 official emblems to be affixed on multiyear license plates
10 as provided in this section. Any vehicle owner may annually
11 apply for the use of the emblems.

12 2. Upon annual application and payment of a twenty-
13 five dollar emblem-use authorization fee to the Missouri
14 conservation heritage foundation, the foundation shall issue
15 to the vehicle owner, without further charge, an emblem-use
16 authorization statement, which shall be presented to the
17 director of the department of revenue at the time of
18 registration of a motor vehicle.

19 3. Upon presentation of the annual statement, payment
20 of a fifteen dollar fee in addition to the regular
21 registration fees and documents which may be required by
22 law, the director of the department of revenue shall issue a
23 license plate, which shall bear an emblem of the Missouri
24 conservation heritage foundation in a form prescribed by the
25 director, to the vehicle owner. Such license plates shall
26 be made with fully reflective material with a common color
27 scheme and design, shall be clearly visible at night, and
28 shall be aesthetically attractive, as prescribed by section

29 301.130. Notwithstanding the provisions of section 301.144,
30 no additional fee shall be charged for the personalization
31 of license plates pursuant to this section.

32 4. Application for the emblem-use authorization and
33 payment of the twenty-five-dollar contribution may also be
34 made at the time of registration to the director of the
35 department of revenue, who shall deposit the contribution to
36 the credit of the Missouri conservation heritage foundation.

37 5. A vehicle owner, who was previously issued a plate
38 with a Missouri conservation heritage foundation emblem
39 authorized by this section but who does not provide an
40 emblem-use authorization statement at a subsequent time of
41 registration, shall be issued a new plate which does not
42 bear the foundation emblem, as otherwise provided by law.

43 [5.] 6. The director of the department of revenue may
44 promulgate rules and regulations for the administration of
45 this section. Any rule or portion of a rule, as that term
46 is defined in section 536.010, that is promulgated under the
47 authority delegated in this section shall become effective
48 only if it has been promulgated pursuant to the provisions
49 of chapter 536. All rulemaking authority delegated prior to
50 August 28, 1999, is of no force and effect; however, nothing
51 in this section shall be interpreted to repeal or affect the
52 validity of any rule filed or adopted prior to August 28,
53 1999, if it fully complied with the provisions of chapter
54 536. This section and chapter 536 are nonseverable and if
55 any of the powers vested with the general assembly pursuant
56 to chapter 536 to review, to delay the effective date, or to
57 disapprove and annul a rule are subsequently held
58 unconstitutional, then the grant of rulemaking authority and
59 any rule proposed or adopted after August 28, 1999, shall be
60 invalid and void.

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

13 (1) Successfully complete the examination required by
14 section 302.173;

15 (2) Pay the fee required by subsection 4 of this
16 section;

17 (3) Have had a temporary instruction permit issued
18 pursuant to subsection 1 of section 302.130 for at least a
19 six-month period or a valid license from another state; and

20 (4) Have a parent, grandparent, legal guardian, or, if
21 the applicant is a participant in a federal residential job
22 training program, a driving instructor employed by a federal
23 residential job training program, sign the application
24 stating that the applicant has completed at least forty
25 hours of supervised driving experience under a temporary
26 instruction permit issued pursuant to subsection 1 of
27 section 302.130, or, if the applicant is an emancipated
28 minor, the person over twenty-one years of age who
29 supervised such driving. For purposes of this section, the
30 term "emancipated minor" means a person who is at least
31 sixteen years of age, but less than eighteen years of age,
32 who:

33 (a) Marries with the consent of the legal custodial
34 parent or legal guardian pursuant to section 451.080;

35 (b) Has been declared emancipated by a court of
36 competent jurisdiction;

37 (c) Enters active duty in the Armed Forces;

38 (d) Has written consent to the emancipation from the
39 custodial parent or legal guardian; [or]

40 (e) Through employment or other means provides for
41 such person's own food, shelter and other cost-of-living
42 expenses; or

43 (f) Qualifies as a homeless child or homeless youth,
44 as defined in subsection 1 of section 167.020, or as an
45 unaccompanied youth as defined in 42 U.S.C. Section
46 11434a(6), and whose status as such is verified as provided
47 under subsection 10 of this section;

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

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

54 2. An intermediate driver's license grants the
55 licensee the same privileges to operate that classification
56 of motor vehicle as a license issued pursuant to section
57 302.177, except that no person shall operate a motor vehicle
58 on the highways of this state under such an intermediate
59 driver's license between the hours of 1:00 a.m. and 5:00
60 a.m. unless accompanied by a person described in subsection
61 1 of section 302.130; except the licensee may operate a
62 motor vehicle without being accompanied if the travel is to
63 or from a school or educational program or activity, a
64 regular place of employment or in emergency situations as
65 defined by the director by regulation.

66 3. Each intermediate driver's license shall be
67 restricted by requiring that the driver and all passengers
68 in the licensee's vehicle wear safety belts at all times.
69 This safety belt restriction shall not apply to a person
70 operating a motorcycle. For the first six months after
71 issuance of the intermediate driver's license, the holder of
72 the license shall not operate a motor vehicle with more than
73 one passenger who is under the age of nineteen who is not a
74 member of the holder's immediate family. As used in this
75 subsection, an intermediate driver's license holder's
76 immediate family shall include brothers, sisters,
77 stepbrothers or stepsisters of the driver, including adopted
78 or foster children residing in the same household of the
79 intermediate driver's license holder. After the expiration
80 of the first six months, the holder of an intermediate
81 driver's license shall not operate a motor vehicle with more
82 than three passengers who are under nineteen years of age
83 and who are not members of the holder's immediate family.
84 The passenger restrictions of this subsection shall not be
85 applicable to any intermediate driver's license holder who
86 is operating a motor vehicle being used in agricultural work-
87 related activities.

88 4. Notwithstanding the provisions of section 302.177
89 to the contrary, the fee for an intermediate driver's
90 license shall be five dollars and such license shall be
91 valid for a period of two years. Such fee shall be waived
92 for any person qualifying as an emancipated minor under
93 subdivision (4) of subsection 1 of this section.

94 5. Any intermediate driver's licensee accumulating six
95 or more points in a twelve-month period may be required to
96 participate in and successfully complete a driver-
97 improvement program approved by the state highways and
98 transportation commission. The driver-improvement program

99 ordered by the director of revenue shall not be used in lieu
100 of point assessment.

101 6. (1) An intermediate driver's licensee who has, for
102 the preceding twelve-month period, had no alcohol-related
103 enforcement contacts, as defined in section 302.525 and no
104 traffic convictions for which points are assessed, upon
105 reaching the age of eighteen years or within the thirty days
106 immediately preceding their eighteenth birthday may apply
107 for and receive without further examination, other than a
108 vision test as prescribed by section 302.173, a license
109 issued pursuant to this chapter granting full driving
110 privileges. Such person shall pay the required fee for such
111 license as prescribed in section 302.177.

112 (2) If an intermediate driver's license expires on a
113 Saturday, Sunday, or legal holiday, such license shall
114 remain valid for the five business days immediately
115 following the expiration date. In no case shall a licensee
116 whose intermediate driver's license expires on a Saturday,
117 Sunday, or legal holiday be guilty of an offense of driving
118 with an expired or invalid driver's license if such offense
119 occurred within five business days immediately following an
120 expiration date that occurs on a Saturday, Sunday, or legal
121 holiday.

122 (3) The director of revenue shall deny an application
123 for a full driver's license until the person has had no
124 traffic convictions for which points are assessed for a
125 period of twelve months prior to the date of application for
126 license or until the person is eligible to apply for a six-
127 year driver's license as provided for in section 302.177,
128 provided the applicant is otherwise eligible for full
129 driving privileges. An intermediate driver's license shall
130 expire when the licensee is eligible and receives a full

131 driver's license as prescribed in subdivision (1) of this
132 section.

133 7. No person upon reaching the age of eighteen years
134 whose intermediate driver's license and driving privilege is
135 denied, suspended, cancelled or revoked in this state or any
136 other state for any reason may apply for a full driver's
137 license until such license or driving privilege is fully
138 reinstated. Any such person whose intermediate driver's
139 license has been revoked pursuant to the provisions of
140 sections 302.010 to 302.540 shall, upon receipt of
141 reinstatement of the revocation from the director, pass the
142 complete driver examination, apply for a new license, and
143 pay the proper fee before again operating a motor vehicle
144 upon the highways of this state.

145 8. A person shall be exempt from the intermediate
146 licensing requirements if the person has reached the age of
147 eighteen years and meets all other licensing requirements.

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

154 10. A person's status as a homeless child or youth or
155 unaccompanied youth under paragraph (f) of subdivision (4)
156 of subsection 1 of this section shall be verified by a
157 letter signed by one of the following persons:

158 (1) A director or designee of a governmental or
159 nonprofit agency that receives public or private funding to
160 provide services to homeless persons;

161 (2) A local education agency liaison for homeless
162 children and youth designated under 42 U.S.C. Section

163 11432(g)(1)(J)(ii), or a school social worker or counselor;
164 or

165 (3) A licensed attorney representing the minor in any
166 legal matter.

167 11. Any rule or portion of a rule, as that term is
168 defined in section 536.010, that is created under the
169 authority delegated in this section shall become effective
170 only if it complies with and is subject to all of the
171 provisions of chapter 536 and, if applicable, section
172 536.028. This section and chapter 536 are nonseverable and
173 if any of the powers vested with the general assembly
174 pursuant to chapter 536 to review, to delay the effective
175 date or to disapprove and annul a rule are subsequently held
176 unconstitutional, then the grant of rulemaking authority and
177 any rule proposed or adopted after August 28, 2000, shall be
178 invalid and void.

302.181. 1. The license issued pursuant to the
2 provisions of sections 302.010 to 302.340 shall be in such
3 form as the director shall prescribe, but the license shall
4 be a card made of plastic or other comparable material. All
5 licenses shall be manufactured of materials and processes
6 that will prohibit, as nearly as possible, the ability to
7 reproduce, alter, counterfeit, forge, or duplicate any
8 license without ready detection. The license shall also
9 bear the expiration date of the license, the classification
10 of the license, the name, date of birth, residence address
11 including the county of residence or a code number
12 corresponding to such county established by the department,
13 and brief description and colored digitized image of the
14 licensee, and a facsimile of the signature of the licensee.
15 The director shall provide by administrative rule the
16 procedure and format for a licensee to indicate on the back
17 of the license together with the designation for an

18 anatomical gift as provided in section 194.240 the name and
19 address of the person designated pursuant to sections
20 404.800 to 404.865 as the licensee's attorney in fact for
21 the purposes of a durable power of attorney for health care
22 decisions. No license shall be valid until it has been so
23 signed by the licensee. If any portion of the license is
24 prepared by a private firm, any contract with such firm
25 shall be made in accordance with the competitive purchasing
26 procedures as established by the state director of the
27 division of purchasing.

28 2. All digital images produced for licenses shall
29 become the property of the department of revenue.

30 3. The license issued shall be carried at all times by
31 the holder thereof while driving a motor vehicle, and shall
32 be displayed upon demand of any officer of the highway
33 patrol, or any police officer or peace officer, or any other
34 duly authorized person, for inspection when demand is made
35 therefor. Failure of any operator of a motor vehicle to
36 exhibit his or her license to any duly authorized officer
37 shall be presumptive evidence that such person is not a duly
38 licensed operator.

39 4. The director of revenue shall not issue a license
40 without a facial digital image of the license applicant,
41 except as provided pursuant to subsection 7 of this
42 section. A digital image of the applicant's full facial
43 features shall be taken in a manner prescribed by the
44 director. No digital image shall be taken wearing anything
45 which cloaks the facial features of the individual.

46 5. The department of revenue may issue a temporary
47 license or a full license without the photograph or with the
48 last photograph or digital image in the department's records
49 to members of the Armed Forces, except that where such
50 temporary license is issued it shall be valid only until the

51 applicant shall have had time to appear and have his or her
52 picture taken and a license with his or her photograph
53 issued.

54 6. The department of revenue shall issue upon request
55 a nondriver's license card containing essentially the same
56 information and photograph or digital image, except as
57 provided pursuant to subsection 7 of this section, as the
58 driver's license upon payment of six dollars. All
59 nondriver's licenses shall expire on the applicant's
60 birthday in the sixth year after issuance. A person who has
61 passed his or her seventieth birthday shall upon application
62 be issued a nonexpiring nondriver's license card.

63 Notwithstanding any other provision of this chapter, a
64 nondriver's license containing a concealed carry endorsement
65 shall expire three years from the date the certificate of
66 qualification was issued pursuant to section 571.101, as
67 section 571.101 existed prior to August 28, 2013. The fee
68 for nondriver's licenses issued for a period exceeding three
69 years is six dollars or three dollars for nondriver's
70 licenses issued for a period of three years or less. The
71 nondriver's license card shall be used for identification
72 purposes only and shall not be valid as a license. No fee
73 shall be required or collected from a homeless child or
74 homeless youth, as defined in subsection 1 of section
75 167.020, or unaccompanied youth, as defined in 42 U.S.C.
76 Section 11434a(6), for a first nondriver's license card
77 issued under this subsection. Such person's status as a
78 homeless child or youth or unaccompanied youth shall be
79 verified by a letter signed by one of the following persons:

80 (1) A director or designee of a governmental or
81 nonprofit agency that receives public or private funding to
82 provide services to homeless persons;

83 (2) A local education agency liaison for homeless
84 children and youth designated under 42 U.S.C. Section
85 11432(g) (1) (J) (ii), or a school social worker or counselor;
86 or

87 (3) A licensed attorney representing the minor in any
88 legal matter.

89 7. If otherwise eligible, an applicant may receive a
90 driver's license or nondriver's license without a photograph
91 or digital image of the applicant's full facial features
92 except that such applicant's photograph or digital image
93 shall be taken and maintained by the director and not
94 printed on such license. In order to qualify for a license
95 without a photograph or digital image pursuant to this
96 section the applicant must:

97 (1) Present a form provided by the department of
98 revenue requesting the applicant's photograph be omitted
99 from the license or nondriver's license due to religious
100 affiliations. The form shall be signed by the applicant and
101 another member of the religious tenant verifying the
102 photograph or digital image exemption on the license or
103 nondriver's license is required as part of their religious
104 affiliation. The required signatures on the prescribed form
105 shall be properly notarized;

106 (2) Provide satisfactory proof to the director that
107 the applicant has been a United States citizen for at least
108 five years and a resident of this state for at least one
109 year, except that an applicant moving to this state
110 possessing a valid driver's license from another state
111 without a photograph shall be exempt from the one-year state
112 residency requirement. The director may establish rules
113 necessary to determine satisfactory proof of citizenship and
114 residency pursuant to this section;

115 (3) Applications for a driver's license or nondriver's
116 license without a photograph or digital image must be made
117 in person at a license office determined by the director.
118 The director is authorized to limit the number of offices
119 that may issue a driver's or nondriver's license without a
120 photograph or digital image pursuant to this section.

121 8. The department of revenue shall make available, at
122 one or more locations within the state, an opportunity for
123 individuals to have their full facial photograph taken by an
124 employee of the department of revenue, or their designee,
125 who is of the same sex as the individual being photographed,
126 in a segregated location.

127 9. Beginning July 1, 2005, the director shall not
128 issue a driver's license or a nondriver's license for a
129 period that exceeds an applicant's lawful presence in the
130 United States. The director may, by rule or regulation,
131 establish procedures to verify the lawful presence of the
132 applicant and establish the duration of any driver's license
133 or nondriver's license issued under this section.

134 10. (1) Notwithstanding any biometric data
135 restrictions contained in section 302.170, the department of
136 revenue is hereby authorized to design and implement a
137 secure digital driver's license program that allows
138 applicants applying for a driver's license in accordance
139 with this chapter to obtain a secure digital driver's
140 license in addition to the physical card-based license
141 specified in this section.

142 (2) A digital driver's license as described in this
143 subsection shall be accepted for all purposes for which a
144 license, as defined in section 302.010, is used.

145 (3) The department may contract with one or more
146 entities to develop the secure digital driver's license
147 system. The department or entity may develop a mobile

148 software application capable of being utilized through a
149 person's electronic device to access the person's secure
150 digital driver's license.

151 (4) The department shall suspend, disable, or
152 terminate a person's participation in the secure digital
153 driver's license program if:

154 (a) The person's driving privilege is suspended,
155 revoked, denied, withdrawn, or cancelled as provided in this
156 chapter; or

157 (b) The person reports that the person's electronic
158 device has been lost, stolen, or compromised.

159 11. The director of the department of revenue may
160 promulgate rules as necessary for the implementation of this
161 section. Any rule or portion of a rule, as that term is
162 defined in section 536.010 that is created under the
163 authority delegated in this section shall become effective
164 only if it complies with and is subject to all of the
165 provisions of chapter 536 and, if applicable, section
166 536.028. This section and chapter 536 are nonseverable and
167 if any of the powers vested with the general assembly
168 pursuant to chapter 536 to review, to delay the effective
169 date, or to disapprove and annul a rule are subsequently
170 held unconstitutional, then the grant of rulemaking
171 authority and any rule proposed or adopted after August 28,
172 2020, shall be invalid and void.

323.100. 1. The director of the department of
2 agriculture shall annually inspect and test all liquid
3 meters used for the measurement and retail sale of liquefied
4 petroleum gas and shall condemn all meters which are found
5 to be inaccurate. All meters shall meet the tolerances and
6 specifications of the National Institute of Standards and
7 Technology Handbook 44, 1994 edition and supplements
8 thereto. It is unlawful to use a meter for retail

9 measurement and sale which has been condemned. All
10 condemned meters shall be conspicuously marked "inaccurate",
11 and the mark shall not be removed or defaced except upon
12 authorization of the director of the department of
13 agriculture or [his] the director's authorized
14 representative. It is the duty of each person owning or in
15 possession of a meter to pay to the director of the
16 department of agriculture at the time of each test a testing
17 fee [of ten dollars. On January 1, 2014, the testing fee
18 shall be twenty-five dollars. On January 1, 2015, the
19 testing fee shall be set at fifty dollars. On January 1,
20 2016, and annually thereafter,]. The director shall
21 ascertain the total expenses for administering this section
22 and shall set the testing fee at a rate to cover the
23 expenses for the ensuing year but not to exceed [seventy-
24 five] four hundred dollars.

25 2. On the first day of October, 2014, and each year
26 thereafter, the director of the department of agriculture
27 shall submit a report to the general assembly that states
28 the current testing fee, the expenses for administering this
29 section for the previous calendar year, any proposed change
30 to the testing fee, and estimated expenses for administering
31 this section during the ensuing year. The proposed change
32 to the testing fee shall not yield revenue greater than the
33 total cost of administering this section during the ensuing
34 year.

35 3. Beginning August 28, 2013, and each year
36 thereafter, the director of the department of agriculture
37 shall publish the testing fee schedule on the departmental
38 website. The website shall be updated within thirty days of
39 a change in the testing fee schedule set forth in this
40 section.

413.225. 1. There is established a fee for
2 registration, inspection and calibration services performed
3 by the division of weights and measures. The fees are due
4 at the time the service is rendered and shall be paid to the
5 director by the person receiving the service. The director
6 shall collect fees according to the following schedule and
7 shall deposit them with the state treasurer into the
8 agriculture protection fund as set forth in section 261.200:

9 (1) [From August 28, 2013, until the next January
10 first, laboratory fees for metrology calibrations shall be
11 at the rate of sixty dollars per hour for tolerance testing
12 or precision calibration. Time periods over one hour shall
13 be computed to the nearest one-quarter hour. On the first
14 day of January, 2014, and each year thereafter,] The
15 director of agriculture shall ascertain the total receipts
16 and expenses for the metrology calibrations during the
17 preceding year and shall fix a fee schedule for the ensuing
18 year [at a rate per hour] as will yield revenue not more
19 than the total cost of operating the metrology laboratory
20 during the ensuing year, but not to exceed [one hundred
21 twenty-five] five hundred dollars per calibration;

22 (2) All device test fees charged shall include, but
23 not be limited to, the following devices:

- 24 (a) Small scales;
- 25 (b) Vehicle scales;
- 26 (c) Livestock scales;
- 27 (d) Hopper scales;
- 28 (e) Railroad scales;
- 29 (f) Monorail scales;
- 30 (g) In-motion scales including but not limited to
31 vehicle, railroad and belt conveyor scales;
- 32 (h) Taximeters;
- 33 (i) [Timing devices;

- 34 (j) Fabric-measuring devices;
- 35 (k) Wire- and cordage-measuring devices;
- 36 (l) Milk for quantity determination;
- 37 [(m)] (j) Vehicle tank meters;
- 38 [(n)] (k) Compressed natural gas meters;
- 39 [(o)] (l) Liquefied natural gas meters;
- 40 [(p)] (m) Electrical charging stations; and
- 41 [(q)] (n) Hydrogen fuel meters;

42 (3) Devices that require participation in on-site
43 field evaluations for National Type Evaluation Program
44 Certification and all tests of in-motion scales shall be
45 charged a fee, plus mileage from the inspector's official
46 domicile to and from the inspection site. The time shall
47 begin when the state inspector performing the inspection
48 arrives at the site to be inspected and shall end when the
49 final report is signed by the owner/operator and the
50 inspector departs;

51 (4) Every person shall register each location of such
52 person's place of business where devices or instruments are
53 used to ascertain the moisture content of grains and seeds
54 offered for sale, processing or storage in this state with
55 the director and shall pay a registration fee for each
56 location so registered and a fee for each additional device
57 or instrument at such location. Thereafter, by January
58 thirty-first of each year, each person who is required to
59 register pursuant to this subdivision shall pay an annual
60 fee for each location so registered and an additional fee
61 for each additional machine at each location. The fee on
62 newly purchased devices shall be paid within thirty days
63 after the date of purchase. Application for registration of
64 a place of business shall be made on forms provided by the
65 director and shall require information concerning the make,
66 model and serial number of the device and such other

67 information as the director shall deem necessary. Provided,
68 however, this subsection shall not apply to moisture-
69 measuring devices used exclusively for the purpose of
70 obtaining information necessary to manufacturing processes
71 involving plant products. In addition to fees required by
72 this subdivision, a fee shall be charged for each device
73 subject to retest.

74 2. On the first day of January, 1995, and each year
75 thereafter, the director of agriculture shall ascertain the
76 total receipts and expenses for the testing of weighing and
77 measuring devices referred to in subdivisions (2), (3), and
78 (4) of subsection 1 of this section and shall fix the fees
79 [or rate per hour] for such weighing and measuring devices
80 to derive revenue not more than the total cost of the
81 operation.

82 3. On the first day of October, 2014, and each year
83 thereafter, the director of the department of agriculture
84 shall submit a report to the general assembly that states
85 the current laboratory fees for metrology calibration, the
86 expenses for administering this section for the previous
87 calendar year, any proposed change to the laboratory fee
88 structure, and estimated expenses for administering this
89 section during the ensuing year. The proposed change to the
90 laboratory fee structure shall not yield revenue greater
91 than the total cost of administering this section during the
92 ensuing year.

93 4. Beginning August 28, 2013, and each year
94 thereafter, the director of the department of agriculture
95 shall publish the laboratory fee schedule on the
96 departmental website. The website shall be updated within
97 thirty days of a change in the laboratory fee schedule set
98 forth in this section.

99 5. Retests for any device within the same calendar
100 year will be charged at the same rate as the initial test.
101 Devices being retested in the same calendar year as a result
102 of rejection and repair are exempt from the requirements of
103 this subsection.

104 6. All device inspection fees shall be paid at the
105 time of service or within thirty days of the issuance of the
106 original invoice. Any fee not paid within **[ninety]** thirty
107 days after the date of the original invoice will be cause
108 for the director to deem the device as incorrect and it may
109 be condemned and taken out of service, and may be seized by
110 the director until all fees are paid.

111 7. No fee provided for by this section shall be
112 required of any person owning or operating a moisture-
113 measuring device or instrument who uses such device or
114 instrument solely in agricultural or horticultural
115 operations on such person's own land, and not in performing
116 services, whether with or without compensation, for another
117 person.

444.768. 1. Notwithstanding any statutory fee amounts
2 or maximums to the contrary, the director of the department
3 of natural resources may conduct a comprehensive review and
4 propose changes to the fee, bond, or assessment structure as
5 set forth in this chapter. The comprehensive review shall
6 include stakeholder meetings in order to solicit stakeholder
7 input from regulated entities and any other interested
8 parties. Upon completion of the comprehensive review, the
9 department shall submit a proposed fee, bond, or assessment
10 structure with stakeholder agreement to the Missouri mining
11 commission. The commission shall review such
12 recommendations at a forthcoming regular or special meeting,
13 but shall not vote on the proposed structure until a
14 subsequent meeting. If the commission approves, by vote of

15 two-thirds majority, the fee, bond, or assessment structure
16 recommendations, the commission shall authorize the
17 department to file a notice of proposed rulemaking
18 containing the recommended structure, and after considering
19 public comments may authorize the department to file the
20 final order of rulemaking for such rule with the joint
21 committee on administrative rules pursuant to sections
22 536.021 and 536.024 no later than December first of the same
23 year. If such rules are not disapproved by the general
24 assembly in the manner set out below, they shall take effect
25 on January first of the following calendar year, at which
26 point the existing fee, bond, or assessment structure shall
27 expire upon the effective date of the commission-adopted fee
28 structure, contrary to subsection 12 of section 444.772.
29 Any regulation promulgated under this subsection shall be
30 deemed to be beyond the scope and authority provided in this
31 subsection, or detrimental to permit applicants, if the
32 general assembly within the first sixty days of the regular
33 session immediately following the filing of such regulation
34 disapproves the regulation by concurrent resolution. If the
35 general assembly so disapproves any regulation filed under
36 this subsection, the department and the commission shall not
37 implement the proposed fee, bond, or assessment structure
38 and shall continue to use the previous fee, bond, or
39 assessment structure. The authority for the commission to
40 further revise the fee, bond, or assessment structure as
41 provided in this subsection shall expire on August 28,
42 [2024. Any fee, bond, or assessment structure established
43 pursuant to the process in this section shall expire on
44 August 28, 2024] 2030. If the commission's authority to
45 revise the fee structure as provided by this subsection
46 expires, the fee structure in place at the time of
47 expiration shall remain in place.

48 2. Failure to pay any fee, bond, or assessment, or any
49 portion thereof, referenced in this section by the due date
50 may result in the imposition of a late fee equal to fifteen
51 percent of the unpaid amount, plus ten percent interest per
52 annum. Any order issued by the department under this
53 chapter may require payment of such amounts. The department
54 may bring an action in the appropriate circuit court to
55 collect any unpaid fee, late fee, interest, or attorney's
56 fees and costs incurred directly in fee collection. Such
57 action may be brought in the circuit court of the county in
58 which the facility is located, or in the circuit court of
59 Cole County.

 444.772. 1. Any operator desiring to engage in
2 surface mining shall make written application to the
3 director for a permit.

4 2. Application for permit shall be made on a form
5 prescribed by the commission and shall include:

6 (1) The name of all persons with any interest in the
7 land to be mined;

8 (2) The source of the applicant's legal right to mine
9 the land affected by the permit;

10 (3) The permanent and temporary post office address of
11 the applicant;

12 (4) Whether the applicant or any person associated
13 with the applicant holds or has held any other permits
14 pursuant to sections 444.500 to 444.790, and an
15 identification of such permits;

16 (5) The written consent of the applicant and any other
17 persons necessary to grant access to the commission or the
18 director to the area of land affected under application from
19 the date of application until the expiration of any permit
20 granted under the application and thereafter for such time
21 as is necessary to assure compliance with all provisions of

22 sections 444.500 to 444.790 or any rule or regulation
23 promulgated pursuant to them. Permit applications submitted
24 by operators who mine an annual tonnage of less than ten
25 thousand tons shall be required to include written consent
26 from the operator to grant access to the commission or the
27 director to the area of land affected;

28 (6) A description of the tract or tracts of land and
29 the estimated number of acres thereof to be affected by the
30 surface mining of the applicant for the next succeeding
31 twelve months; and

32 (7) Such other information that the commission may
33 require as such information applies to land reclamation.

34 3. The application for a permit shall be accompanied
35 by a map in a scale and form specified by the commission by
36 regulation.

37 4. The application shall be accompanied by a bond,
38 security or certificate meeting the requirements of section
39 444.778, a geologic resources fee authorized under section
40 256.700, and a permit fee approved by the commission not to
41 exceed one thousand dollars. The commission may also
42 require a fee for each site listed on a permit not to exceed
43 four hundred dollars for each site. If mining operations
44 are not conducted at a site for six months or more during
45 any year, the fee for such site for that year shall be
46 reduced by fifty percent. The commission may also require a
47 fee for each acre bonded by the operator pursuant to section
48 444.778 not to exceed twenty dollars per acre. If such fee
49 is assessed, the per-acre fee on all acres bonded by a
50 single operator that exceed a total of two hundred acres
51 shall be reduced by fifty percent. In no case shall the
52 total fee for any permit be more than three thousand
53 dollars. Permit and renewal fees shall be established by
54 rule, except for the initial fees as set forth in this

55 subsection, and shall be set at levels that recover the cost
56 of administering and enforcing sections 444.760 to 444.790,
57 making allowances for grants and other sources of funds.
58 The director shall submit a report to the commission and the
59 public each year that describes the number of employees and
60 the activities performed the previous calendar year to
61 administer sections 444.760 to 444.790. For any operator of
62 a gravel mining operation where the annual tonnage of gravel
63 mined by such operator is less than five thousand tons, the
64 total cost of submitting an application shall be three
65 hundred dollars. The issued permit shall be valid from the
66 date of its issuance until the date specified in the mine
67 plan unless sooner revoked or suspended as provided in
68 sections 444.760 to 444.790. Beginning August 28, 2007, the
69 fees shall be set at a permit fee of eight hundred dollars,
70 a site fee of four hundred dollars, and an acre fee of ten
71 dollars, with a maximum fee of three thousand dollars. Fees
72 may be raised as allowed in this subsection after a
73 regulation change that demonstrates the need for increased
74 fees.

75 5. An operator desiring to have his or her permit
76 amended to cover additional land may file an amended
77 application with the commission. Upon receipt of the
78 amended application, and such additional fee and bond as may
79 be required pursuant to the provisions of sections 444.760
80 to 444.790, the director shall, if the applicant complies
81 with all applicable regulatory requirements, issue an
82 amendment to the original permit covering the additional
83 land described in the amended application.

84 6. An operation may withdraw any land covered by a
85 permit, excepting affected land, by notifying the commission
86 thereof, in which case the penalty of the bond or security

87 filed by the operator pursuant to the provisions of sections
88 444.760 to 444.790 shall be reduced proportionately.

89 7. Where mining or reclamation operations on acreage
90 for which a permit has been issued have not been completed,
91 the permit shall be renewed. The operator shall submit a
92 permit renewal form furnished by the director for an
93 additional permit year and pay a fee equal to an application
94 fee calculated pursuant to subsection 4 of this section, but
95 in no case shall the renewal fee for any operator be more
96 than three thousand dollars. For any operator involved in
97 any gravel mining operation where the annual tonnage of
98 gravel mined by such operator is less than five thousand
99 tons, the permit as to such acreage shall be renewed by
100 applying on a permit renewal form furnished by the director
101 for an additional permit year and payment of a fee of three
102 hundred dollars. Upon receipt of the completed permit
103 renewal form and fee from the operator, the director shall
104 approve the renewal. With approval of the director and
105 operator, the permit renewal may be extended for a portion
106 of an additional year with a corresponding prorating of the
107 renewal fee.

108 8. Where one operator succeeds another at any
109 uncompleted operation, either by sale, assignment, lease or
110 otherwise, the commission may release the first operator
111 from all liability pursuant to sections 444.760 to 444.790
112 as to that particular operation if both operators have been
113 issued a permit and have otherwise complied with the
114 requirements of sections 444.760 to 444.790 and the
115 successor operator assumes as part of his or her obligation
116 pursuant to sections 444.760 to 444.790 all liability for
117 the reclamation of the area of land affected by the former
118 operator.

119 9. The application for a permit shall be accompanied
120 by a plan of reclamation that meets the requirements of
121 sections 444.760 to 444.790 and the rules and regulations
122 promulgated pursuant thereto, and shall contain a verified
123 statement by the operator setting forth the proposed method
124 of operation, reclamation, and a conservation plan for the
125 affected area including approximate dates and time of
126 completion, and stating that the operation will meet the
127 requirements of sections 444.760 to 444.790, and any rule or
128 regulation promulgated pursuant to them.

129 10. At the time that a permit application is deemed
130 complete by the director, the operator shall publish a
131 notice of intent to operate a surface mine in any newspaper
132 qualified pursuant to section 493.050 to publish legal
133 notices in any county where the land is located. If the
134 director does not respond to a permit application within
135 forty-five calendar days, the application shall be deemed to
136 be complete. Notice in the newspaper shall be posted once a
137 week for four consecutive weeks beginning no more than ten
138 days after the application is deemed complete. The operator
139 shall also send notice of intent to operate a surface mine
140 by certified mail to the governing body of the counties or
141 cities in which the proposed area is located, and to the
142 last known addresses of all record landowners whose property
143 is:

144 (1) Within two thousand six hundred forty feet, or one-
145 half mile from the border of the proposed mine plan area; and

146 (2) Adjacent to the proposed mine plan area, land upon
147 which the mine plan area is located, or adjacent land having
148 a legal relationship with either the applicant or the owner
149 of the land upon which the mine plan area is located.

150 The notices shall include the name and address of the
151 operator, a legal description consisting of county, section,

152 township and range, the number of acres involved, a
153 statement that the operator plans to mine a specified
154 mineral during a specified time, and the address of the
155 commission. The notices shall also contain a statement that
156 any person with a direct, personal interest in one or more
157 of the factors the director may consider in issuing a permit
158 may request a public meeting or file written comments to the
159 director no later than fifteen days following the final
160 public notice publication date. If any person requests a
161 public meeting, the applicant shall cooperate with the
162 director in making all necessary arrangements for the public
163 meeting to be held in a reasonably convenient location and
164 at a reasonable time for interested participants, and the
165 applicant shall bear the expenses.

166 11. The director may approve a permit application or
167 permit amendment whose operation or reclamation plan
168 deviates from the requirements of sections 444.760 to
169 444.790 if it can be demonstrated by the operator that the
170 conditions present at the surface mining location warrant an
171 exception. The criteria accepted for consideration when
172 evaluating the merits of an exception or variance to the
173 requirements of sections 444.760 to 444.790 shall be
174 established by regulations.

175 12. Fees imposed pursuant to this section shall become
176 effective August 28, 2007, and shall expire on December 31,
177 [2024] 2030. No other provisions of this section shall
178 expire.

620.3900. 1. Sections 620.3900 to 620.3930 shall be
2 known and may be cited as the "Regulatory Sandbox Act".

3 2. For the purposes of sections 620.3900 to 620.3930,
4 the following terms shall mean:

5 (1) "Advisory committee", the general regulatory
6 sandbox program advisory committee created in section
7 620.3910;

8 (2) "Applicable agency", a department or agency of the
9 state that by law regulates a business activity and persons
10 engaged in such business activity, including the issuance of
11 licenses or other types of authorization, and which the
12 regulatory relief office determines would otherwise regulate
13 a sandbox participant. A participant may fall under
14 multiple applicable agencies if multiple agencies regulate
15 the business activity that is subject to the sandbox program
16 application. "Applicable agency" shall not include the
17 division of professional registration and its boards,
18 commissions, committees, and offices;

19 (3) "Applicant" or "sandbox applicant", a person or
20 business that applies to participate in the sandbox program;

21 (4) "Consumer", a person who purchases or otherwise
22 enters into a transaction or agreement to receive a product
23 or service offered through the sandbox program pursuant to a
24 demonstration by a program participant;

25 (5) "Demonstrate" or "demonstration", to temporarily
26 provide an offering of an innovative product or service in
27 accordance with the provisions of the sandbox program;

28 (6) "Department", the department of economic
29 development;

30 (7) "Innovation", the use or incorporation of a new
31 idea, a new or emerging technology, or a new use of existing
32 technology to address a problem, provide a benefit, or
33 otherwise offer a product, production method, or service;

34 (8) "Innovative offering", an offering of a product or
35 service that includes an innovation;

36 (9) "Product", a commercially distributed good that is:

37 (a) Tangible personal property; and

38 (b) The result of a production process;
39 (10) "Production", the method or process of creating
40 or obtaining a good, which may include assembling, breeding,
41 capturing, collecting, extracting, fabricating, farming,
42 fishing, gathering, growing, harvesting, hunting,
43 manufacturing, mining, processing, raising, or trapping a
44 good;
45 (11) "Regulatory relief office", the office
46 responsible for administering the sandbox program within the
47 department;
48 (12) "Sandbox participant" or "participant", a person
49 or business whose application to participate in the sandbox
50 program is approved in accordance with the provisions of
51 section 620.3915;
52 (13) "Sandbox program", the general regulatory sandbox
53 program created in sections 620.3900 to 620.3930 that allows
54 a person to temporarily demonstrate an innovative offering
55 of a product or service under a waiver or suspension of one
56 or more state regulations;
57 (14) "Sandbox program director", the director of the
58 regulatory relief office;
59 (15) "Service", any commercial activity, duty, or
60 labor performed for another person or business. "Service"
61 shall not include a product or service when its use would
62 impact rates, statutorily authorized service areas, or
63 system safety or reliability of an electrical corporation or
64 gas corporation, as defined in section 386.020, as
65 determined by the public service commission, or of any rural
66 electric cooperative organized or operating under the
67 provisions of chapter 394, or to any corporation organized
68 on a nonprofit or a cooperative basis as described in
69 subsection 1 of section 394.200, or to any electrical
70 corporation operating under a cooperative business plan as

71 described in subsection 2 of section 393.110, or of any
72 municipally owned utility organized or operating under the
73 provisions of chapter 91, or of any joint municipal utility
74 commission organized or operating under the provisions of
75 sections 393.700 to 393.770.

620.3905. 1. There is hereby created within the
2 department of economic development the "Regulatory Relief
3 Office", which shall be administered by the sandbox program
4 director. The sandbox program director shall report to the
5 director of the department and may appoint staff, subject to
6 the approval of the director of the department.

7 2. The regulatory relief office shall:

8 (1) Administer the sandbox program pursuant to
9 sections 620.3900 to 620.3930;

10 (2) Act as a liaison between private businesses and
11 applicable agencies that regulate such businesses to
12 identify state regulations that could potentially be waived
13 or suspended under the sandbox program;

14 (3) Consult with each applicable agency; and

15 (4) Establish a program to enable a person to obtain
16 monitored access to the market in the state along with legal
17 protections for a product or service related to the
18 regulations that are being waived as a part of participation
19 in the sandbox program, in order to demonstrate an
20 innovative product or service without obtaining a license or
21 other authorization that might otherwise be required.

22 3. The regulatory relief office shall:

23 (1) Review state laws and regulations that may
24 unnecessarily inhibit the creation and success of new
25 companies or industries and provide recommendations to the
26 governor and the general assembly on modifying or repealing
27 such state laws and regulations;

28 (2) Create a framework for analyzing the risk level of
29 the health, safety, and financial well-being of consumers
30 related to permanently removing or temporarily waiving
31 regulations inhibiting the creation or success of new and
32 existing companies or industries;

33 (3) Propose and enter into reciprocity agreements
34 between states that use or are proposing to use similar
35 regulatory sandbox programs as described in sections
36 620.3900 to 620.3930, provided that such reciprocity
37 agreement is supported by a majority vote of the advisory
38 committee and the regulatory relief office is directed by an
39 order of the governor to pursue such reciprocity agreement;

40 (4) Enter into agreements with or adopt best practices
41 of corresponding federal regulatory agencies or other states
42 that are administering similar programs;

43 (5) Consult with businesses in the state about
44 existing or potential proposals for the sandbox program; and

45 (6) In accordance with the provisions of chapter 536
46 and the provisions of sections 620.3900 to 620.3930, make
47 rules regarding the administration of the sandbox program,
48 including making rules regarding the application process and
49 the reporting requirements of sandbox participants. Any
50 rule or portion of a rule, as that term is defined in
51 section 536.010, that is created under the authority
52 delegated in this section shall become effective only if it
53 complies with and is subject to all of the provisions of
54 chapter 536 and, if applicable, section 536.028. This
55 section and chapter 536 are nonseverable and if any of the
56 powers vested with the general assembly pursuant to chapter
57 536 to review, to delay the effective date, or to disapprove
58 and annul a rule are subsequently held unconstitutional,
59 then the grant of rulemaking authority and any rule proposed
60 or adopted after August 28, 2023, shall be invalid and void.

61 4. (1) The regulatory relief office shall create and
62 maintain on the department's website a web page that invites
63 residents and businesses in the state to make suggestions
64 regarding laws and regulations that could be modified or
65 eliminated to reduce the regulatory burden on residents and
66 businesses in the state.

67 (2) On at least a quarterly basis, the regulatory
68 relief office shall compile the relevant suggestions from
69 the web page created pursuant to subdivision (1) of this
70 subsection and provide a written report to the governor and
71 the general assembly.

72 (3) In creating the report described in subdivision
73 (2) of this subsection, the regulatory relief office:

74 (a) Shall provide the identity of residents and
75 businesses that make suggestions on the web page if those
76 residents and businesses wish to comment publicly, and shall
77 ensure that the private information of residents and
78 businesses that make suggestions on the web page is not made
79 public if they do not wish to comment publicly; and

80 (b) May evaluate the suggestions and provide analysis
81 and suggestions regarding which state laws and regulations
82 could be modified or eliminated to reduce the regulatory
83 burden on residents and businesses in the state while still
84 protecting consumers.

85 5. (1) By October first of each year, the department
86 shall submit an annual report to the governor, the general
87 assembly, and to each state agency which shall include:

88 (a) Information regarding each participant in the
89 sandbox program, including industries represented by each
90 participant and the anticipated or actual cost savings that
91 each participant experienced;

92 (b) The anticipated or actual benefit to consumers
93 created by each demonstration in the sandbox program;

94 (c) Recommendations regarding any laws or regulations
95 that should be permanently modified or repealed;

96 (d) Information regarding any health and safety events
97 related to the activities of a participant in the sandbox
98 program;

99 (e) Recommendations for changes to the sandbox program
100 or other duties of the regulatory relief office;

101 (f) Concerns raised by consumers and stakeholders
102 regarding demonstrations; and

103 (g) Harms and benefits to the state as a result of
104 current demonstrations.

105 (2) The department may provide an interim report from
106 the sandbox program director to the governor and general
107 assembly on specific, time-sensitive issues for the
108 functioning of the sandbox program, for the health and
109 safety of consumers, for the success of participants in the
110 program, and for other issues of urgent need.

620.3910. 1. There is hereby created within the
2 department of economic development the "General Regulatory
3 Sandbox Program Advisory Committee", to be composed of the
4 following members:

5 (1) The director of the department of economic
6 development or his or her designee;

7 (2) The director of the department of commerce and
8 insurance or his or her designee;

9 (3) The attorney general or his or her designee;

10 (4) Two members of the public to be appointed by the
11 governor;

12 (5) A member of the public or of an institution of
13 higher education, to be appointed by the governor;

14 (6) A member of an institution of higher education, to
15 be appointed by the director of the department of higher
16 education and workforce development;

17 (7) Two members of the house of representatives, one
18 to be appointed by the speaker of the house of
19 representatives and one to be appointed by the minority
20 leader of the house of representatives; and

21 (8) Two members of the senate, one to be appointed by
22 the president pro tempore of the senate and one to be
23 appointed by the minority leader of the senate.

24 2. (1) Advisory committee members shall be appointed
25 to a four-year term. Members who cease holding elective
26 office shall be replaced by the speaker or minority leader
27 of the house of representatives or the president pro tempore
28 or minority floor leader of the senate, as applicable. The
29 sandbox program director may establish the terms of initial
30 appointments so that approximately half of the advisory
31 committee is appointed every two years.

32 (2) The sandbox program director shall select a chair
33 of the advisory committee every two years in consultation
34 with the members of the advisory committee.

35 (3) No appointee of the governor, speaker of the house
36 of representatives, or president pro tempore of the senate
37 may serve more than two consecutive complete terms.

38 3. A majority of the advisory committee shall
39 constitute a quorum for the purpose of conducting business,
40 and the action of a majority of a quorum shall constitute
41 the action of the advisory committee, except as provided in
42 subsection 4 of this section.

43 4. The advisory committee may, at its own discretion,
44 meet to override a decision of the regulatory relief office
45 on the admission or denial of an applicant to the sandbox
46 program, provided such override is decided with a two-thirds
47 majority vote of the members of the advisory committee, and
48 further provided that such vote shall be taken within
49 fifteen business days of the regulatory relief office's

50 decision, and further provided that the risks posed to
51 consumer health and safety do not outweigh the intended
52 benefits.

53 5. The advisory committee shall advise and make
54 recommendations to the regulatory relief office on whether
55 to approve applications to the sandbox program pursuant to
56 section 620.3915.

57 6. The regulatory relief office shall provide
58 administrative staff support for the advisory committee.

59 7. The members of the advisory committee shall serve
60 without compensation, but may be reimbursed for any actual
61 and necessary expenses incurred in the performance of the
62 advisory committee's official duties.

63 8. Meetings of the advisory committee shall be
64 considered public meetings for the purposes of chapter 610.
65 However, a meeting of the committee shall be a closed
66 meeting if the purpose of the meeting is to discuss an
67 application for participation in the regulatory sandbox
68 program and failing to hold a closed meeting would reveal
69 information that constitutes proprietary or confidential
70 trade secrets. Upon approval by a majority vote by members
71 of the advisory committee, the advisory committee shall be
72 allowed to conduct remote meetings, and individual members
73 shall be allowed to attend meetings remotely. The advisory
74 committee shall provide the public the ability to view any
75 such remote meetings.

620.3915. 1. An applicant for the sandbox program
2 shall provide to the regulatory relief office an application
3 in a form prescribed by the regulatory relief office that:

4 (1) Confirms the applicant is subject to the
5 jurisdiction of the state;

6 (2) Confirms the applicant has established physical
7 residence or a virtual location in the state from which the

8 demonstration of an innovative offering will be developed
9 and performed, and where all required records, documents,
10 and data will be maintained;

11 (3) Contains relevant personal and contact information
12 for the applicant, including legal names, addresses,
13 telephone numbers, email addresses, website addresses, and
14 other information required by the regulatory relief office;

15 (4) Discloses criminal convictions of the applicant or
16 other participating personnel, if any; and

17 (5) Contains a description of the innovative offering
18 to be demonstrated, including statements regarding:

19 (a) How the innovative offering is subject to
20 licensing, legal prohibition, or other authorization
21 requirements outside of the sandbox program;

22 (b) Each regulation that the applicant seeks to have
23 waived or suspended while participating in the sandbox
24 program;

25 (c) How the innovative offering would benefit
26 consumers;

27 (d) How the innovative offering is different from
28 other innovative offerings available in the state;

29 (e) The risks that might exist for consumers who use
30 or purchase the innovative offering;

31 (f) How participating in the sandbox program would
32 enable a successful demonstration of the innovative offering
33 of an innovative product or service;

34 (g) A description of the proposed demonstration plan,
35 including estimated time periods for beginning and ending
36 the demonstration;

37 (h) Recognition that the applicant will be subject to
38 all laws and regulations pertaining to the applicant's
39 innovative offering after the conclusion of the
40 demonstration;

41 (i) How the applicant will end the demonstration and
42 protect consumers if the demonstration fails;

43 (j) A list of each applicable agency, if any, that the
44 applicant knows regulates the applicant's business; and

45 (k) Any other required information as determined by
46 the regulatory relief office.

47 2. An applicant shall remit to the regulatory relief
48 office an application fee of three hundred dollars per
49 application for each innovative offering. Such application
50 fees shall be used by the regulatory relief office solely
51 for the purpose of implementing the provisions of sections
52 620.3900 to 620.3930.

53 3. An applicant shall file a separate application for
54 each innovative offering that the applicant wishes to
55 demonstrate.

56 4. An applicant for the sandbox program may contact
57 the regulatory relief office to request a consultation
58 regarding the sandbox program before submitting an
59 application. The regulatory relief office may provide
60 assistance to an applicant in preparing an application for
61 submission.

62 5. (1) After an application is filed, the regulatory
63 relief office shall:

64 (a) Consult with each applicable agency that regulates
65 the applicant's business regarding whether more information
66 is needed from the applicant; and

67 (b) Seek additional information from the applicant
68 that the regulatory relief office determines is necessary.

69 (2) No later than fifteen business days after the day
70 on which a completed application is received by the
71 regulatory relief office, the regulatory relief office shall:

72 (a) Review the application and refer the application
73 to each applicable agency that regulates the applicant's
74 business; and

75 (b) Provide to the applicant:

76 a. An acknowledgment of receipt of the application; and

77 b. The identity and contact information of each
78 applicable agency to which the application has been referred
79 for review.

80 (3) No later than sixty days after the day on which an
81 applicable agency receives a completed application for
82 review, the applicable agency shall provide a written report
83 to the sandbox program director with the applicable agency's
84 findings. Such report shall:

85 (a) Describe any identifiable, likely, and significant
86 harm to the health, safety, or financial well-being of
87 consumers that the relevant regulation protects against; and

88 (b) Make a recommendation to the regulatory relief
89 office that the applicant either be admitted or denied
90 entrance into the sandbox program.

91 (4) An applicable agency may request an additional ten
92 business days to deliver the written report required by
93 subdivision (3) of this subsection by providing notice to
94 the sandbox program director, which request shall
95 automatically be granted. An applicable agency may request
96 only one extension per application. The sandbox program
97 director may also provide an additional extension to the
98 applicable agency for cause.

99 (5) If an applicable agency recommends an applicant
100 under this section be denied entrance into the sandbox
101 program, the written report required by subdivision (3) of
102 this subsection shall include a description of the reasons
103 for such recommendation, including the reason a temporary
104 waiver or suspension of the relevant regulations would

105 potentially significantly harm the health, safety, or
106 financial well-being of consumers or the public and the
107 assessed likelihood of such harm occurring.

108 (6) If an applicable agency determines that the
109 consumer's or public's health, safety, or financial well-
110 being can be protected through less restrictive means than
111 the existing relevant laws or regulations, the applicable
112 agency shall provide a recommendation of how that can be
113 achieved.

114 (7) If an applicable agency fails to deliver the
115 written report required by subdivision (3) of this
116 subsection, the sandbox program director shall provide a
117 final notice to the applicable agency for delivery of the
118 written report. If the report is not delivered within five
119 days of such final notice, the sandbox program director
120 shall assume that the applicable agency does not object to
121 the temporary waiver or suspension of the relevant
122 regulations for an applicant seeking to participate in the
123 sandbox program.

124 6. (1) Notwithstanding any provision of this section
125 to the contrary, an applicable agency may, by written notice
126 to the regulatory relief office:

127 (a) Reject an application, provided such rejection
128 occurs within forty-five days after the day on which the
129 applicable agency receives a complete application for
130 review, or within fifty days if an extension has been
131 requested by the applicable agency, if the applicable agency
132 determines, in the applicable agency's sole discretion, that
133 the applicant's offering fails to comply with standards or
134 specifications:

135 a. Required by federal rule or regulation;

136 b. Previously approved for use by a federal agency; or

137 c. In which the rule or regulation is supported by way
138 of federal funding; or

139 (b) Reject an application preliminarily approved by
140 the regulatory relief office, if the applicable agency:

141 a. Recommends rejection of the application in the
142 applicable agency's written report submitted pursuant to
143 subdivision (3) of subsection 5 of this section; and

144 b. Provides in the written report submitted pursuant
145 to subdivision (3) of subsection 5 of this section a
146 description of the applicable agency's reasons approval of
147 the application would create a substantial risk of harm to
148 the health or safety of the public, or create unreasonable
149 expenses for taxpayers in the state.

150 (2) If any applicable agency rejects an application on
151 a nonpreliminary basis pursuant to subdivision (1) of this
152 subsection, the regulatory relief office shall not approve
153 the application.

154 7. (1) The sandbox program director shall provide all
155 applications and associated written reports to the advisory
156 committee upon receiving a written report from an applicable
157 agency.

158 (2) The sandbox program director may call the advisory
159 committee to meet as needed, but not less than once per
160 quarter if applications are available for review.

161 (3) After receiving and reviewing the application and
162 each associated written report, the advisory committee shall
163 provide to the sandbox program director the advisory
164 committee's recommendation as to whether the applicant
165 should be admitted as a sandbox participant.

166 (4) As part of the advisory committee's review of each
167 report, the advisory committee shall use criteria used by
168 applicable agencies to evaluate applications.

169 8. The regulatory relief office shall consult with
170 each applicable agency and the advisory committee before
171 admitting an applicant into the sandbox program. Such
172 consultation may include seeking information and giving
173 consideration to whether:

174 (1) The applicable agency has previously issued a
175 license or other authorization to the applicant; and

176 (2) The applicable agency has previously investigated,
177 sanctioned, or pursued legal action against the applicant
178 and the reasons for such actions.

179 9. In reviewing an application under this section, the
180 regulatory relief office and applicable agencies shall
181 consider whether:

182 (1) A competitor to the applicant is or has been a
183 sandbox participant and, if so, weigh that as a factor in
184 favor of allowing the applicant to also become a sandbox
185 participant;

186 (2) The applicant's plan will adequately protect
187 consumers from potential harm identified by an applicable
188 agency in the applicable agency's written report;

189 (3) The risk of harm to consumers is outweighed by the
190 potential benefits to consumers from the applicant's
191 participation in the sandbox program; and

192 (4) Certain state regulations that regulate an
193 innovative offering should not be waived or suspended even
194 if the applicant is approved as a sandbox participant,
195 including applicable anti-fraud or disclosure provisions.

196 10. An applicant shall become a sandbox participant if
197 the regulatory relief office approves the application for
198 the sandbox program and enters into a written agreement with
199 the applicant describing the specific regulations that are
200 waived or suspended as part of participation in the sandbox
201 program. Notwithstanding any other provision of this

202 section to the contrary, the regulatory relief office shall
203 not enter into a written agreement with an applicant that
204 exempts the applicant from any income, property, or sales
205 tax liability unless such applicant otherwise qualifies for
206 an exemption from such tax.

207 11. (1) The sandbox program director may deny at his
208 or her sole discretion any application submitted under this
209 section for any reason, including if the sandbox program
210 director determines that the preponderance of evidence
211 demonstrates that suspending or waiving enforcement of a
212 regulation would cause significant risk of harm to consumers
213 or residents of the state.

214 (2) If the sandbox program director denies an
215 application submitted under this section, the regulatory
216 relief office shall provide to the applicant a written
217 description of the reasons for not allowing the applicant to
218 become a sandbox participant.

219 (3) The denial of an application submitted under this
220 section shall not be subject to judicial or administrative
221 review.

222 (4) The acceptance or denial of an application
223 submitted under this section may be overridden by an
224 affirmative vote of a two-thirds majority of the advisory
225 committee at the discretion of the advisory committee,
226 provided such vote shall take place within fifteen business
227 days of the sandbox program director's decision.

228 Notwithstanding any other provision of this section to the
229 contrary, the advisory committee shall not override a
230 rejection made by an applicable agency.

231 (5) The sandbox program director shall deny an
232 application for participation in the sandbox program if the
233 applicant or any person who seeks to participate with the
234 applicant in demonstrating an innovative offering has been

235 convicted, entered into a plea of nolo contendere, or
236 entered a plea of guilty or nolo contendere held in
237 abeyance, for any crime involving significant theft, fraud,
238 or dishonesty if the crime bears a significant relationship
239 to the applicant's or other participant's ability to safely
240 and competently participate in the sandbox program.

241 12. When an applicant is approved for participation in
242 the sandbox program, the sandbox program director shall
243 provide notice of the approval on the department's website.

244 13. Applications to participate in the sandbox program
245 shall be considered public records for the purposes of
246 chapter 610, provided, however, that any information
247 contained in such applications that constitutes proprietary
248 or confidential trade secrets shall not be subject to
249 disclosure pursuant to chapter 610.

2 620.3920. 1. If the regulatory relief office approves
3 an application pursuant to section 620.3915, the sandbox
4 participant shall have twenty-four months after the day on
5 which the application was approved to demonstrate the
6 innovative offering described in the sandbox participant's
7 application.

8 2. An innovative offering that is demonstrated within
9 the sandbox program shall only be available to consumers who
10 are residents of Missouri or of another state. No
11 regulation shall be waived or suspended if waiving or
12 suspending such regulation would prevent a consumer from
13 seeking restitution in the event that the consumer is harmed.

14 3. Nothing in sections 620.3900 to 620.3930 shall
15 restrict a sandbox participant that holds a license or other
16 authorization in another jurisdiction from acting in that
17 jurisdiction in accordance with such license or other
authorization.

18 4. (1) During the demonstration period, a sandbox
19 participant shall not be subject to the enforcement of state
20 regulations identified in the written agreement between the
21 regulatory relief office and the sandbox participant.

22 (2) A prosecutor shall not file or pursue charges for
23 failing to comply with the regulation identified in the
24 written agreement between the regulatory relief office and
25 the sandbox participant that occurs during an approved
26 demonstration period.

27 (3) A state agency shall not file or pursue any
28 punitive action against a sandbox participant, including a
29 fine or license suspension or revocation, for the violation
30 of a regulation that is identified as being waived or
31 suspended in the written agreement between the regulatory
32 relief office and the sandbox participant that occurs during
33 the demonstration period.

34 5. Notwithstanding any provision of this section to
35 the contrary, a sandbox participant shall not have immunity
36 related to any criminal offense committed during the sandbox
37 participant's participation in the sandbox program.

38 6. By written notice, the regulatory relief office may
39 end a sandbox participant's participation in the sandbox
40 program at any time and for any reason, including if the
41 sandbox program director determines that a sandbox
42 participant is not operating in good faith to bring an
43 innovative offering to market; provided, however, that the
44 sandbox program director's decision may be overridden by an
45 affirmative vote of a two-thirds majority of the members of
46 the advisory committee.

47 7. The regulatory relief office and regulatory relief
48 office's employees shall not be liable for any business
49 losses or the recouping of application expenses or other
50 expenses related to the sandbox program, including for:

51 (1) Denying an applicant's application to participate
52 in the sandbox program for any reason; or

53 (2) Ending a sandbox participant's participation in
54 the sandbox program at any time and for any reason.

620.3925. 1. Before demonstrating an innovative
2 offering to a consumer, a sandbox participant shall disclose
3 the following information to the consumer:

4 (1) The name and contact information of the sandbox
5 participant;

6 (2) A statement that the innovative offering is
7 authorized pursuant to the sandbox program and, if
8 applicable, that the sandbox participant does not have a
9 license or other authorization to provide an innovative
10 offering under state laws that regulate offerings outside of
11 the sandbox program;

12 (3) A statement that specific regulations have been
13 waived for the sandbox participant for the duration of its
14 demonstration in the sandbox program, with a summary of such
15 waived regulations;

16 (4) A statement that the innovative offering is
17 undergoing testing and may not function as intended and may
18 expose the consumer to certain risks as identified by the
19 applicable agency's written report;

20 (5) A statement that the provider of the innovative
21 offering is not immune from civil liability for any losses
22 or damages caused by the innovative offering;

23 (6) A statement that the provider of the innovative
24 offering is not immune from criminal prosecution for
25 violations of state regulations that are not suspended or
26 waived as allowed within the sandbox program;

27 (7) A statement that the innovative offering is a
28 temporary demonstration that may be discontinued at the end
29 of the demonstration period;

30 (8) The expected end date of the demonstration period;
31 and

32 (9) A statement that a consumer may contact the
33 regulatory relief office and file a complaint regarding the
34 innovative offering being demonstrated, providing the
35 regulatory relief office's telephone number, email address,
36 and website address where a complaint may be filed.

37 2. The disclosures required by subsection 1 of this
38 section shall be provided to a consumer in a clear and
39 conspicuous form and, for an internet- or application-based
40 innovative offering, a consumer shall acknowledge receipt of
41 the disclosure before any transaction may be completed.

42 3. The regulatory relief office may require that a
43 sandbox participant make additional disclosures to a
44 consumer.

620.3930. 1. At least forty-five days before the end
2 of the twenty-four-month demonstration period, a sandbox
3 participant shall:

4 (1) Notify the regulatory relief office that the
5 sandbox participant will exit the sandbox program and
6 discontinue the sandbox participant's demonstration after
7 the day on which the twenty-four-month demonstration period
8 ends; or

9 (2) Seek an extension pursuant to subsection 4 of this
10 section.

11 2. If the regulatory relief office does not receive
12 notification as required by subsection 1 of this section,
13 the demonstration period shall end at the end of the twenty-
14 four-month demonstration period.

15 3. If a demonstration includes an innovative offering
16 that requires ongoing services or duties beyond the twenty-
17 four-month demonstration period, the sandbox participant may
18 continue to demonstrate the innovative offering but shall be

19 subject to enforcement of the regulations that were waived
20 or suspended as part of the sandbox program.

21 4. (1) No later than forty-five days before the end
22 of the twenty-four-month demonstration period, a sandbox
23 participant may request an extension of the demonstration
24 period.

25 (2) The regulatory relief office shall grant or deny a
26 request for an extension by the end of the twenty-four-month
27 demonstration period.

28 (3) The regulatory relief office may grant an
29 extension for not more than twelve months after the end of
30 the demonstration period.

31 (4) Sandbox participants may apply for additional
32 extensions in accordance with the criteria used to assess
33 their initial application, up to a cumulative maximum of
34 seven years inclusive of the original twenty-four-month
35 demonstration period.

36 (5) Notwithstanding the provisions of subsection 3 of
37 this section to the contrary, if a sandbox participant is
38 granted an extension pursuant to this subsection beyond the
39 twenty-four-month demonstration period, the demonstration
40 shall not be subject to enforcement of the regulations that
41 were waived or suspended as part of the sandbox program
42 until the end of the extended demonstration period.

43 5. (1) A sandbox participant shall retain records,
44 documents, and data produced in the ordinary course of
45 business regarding an innovative offering demonstrated in
46 the sandbox program for twenty-four months after exiting the
47 sandbox program.

48 (2) The regulatory relief office may request relevant
49 records, documents, and data from a sandbox participant,
50 and, upon the regulatory relief office's request, the
51 sandbox participant shall make such records, documents, and

52 data available for inspection by the regulatory relief
53 office.

54 (3) The failure to timely provide the records,
55 documents, and data required in this subsection shall result
56 in removal from the program.

57 6. If a sandbox participant ceases to provide an
58 innovative offering before the end of a demonstration
59 period, the sandbox participant shall notify the regulatory
60 relief office and each applicable agency and report on
61 actions taken by the sandbox participant to ensure consumers
62 have not been harmed as a result.

63 7. The regulatory relief office shall establish
64 quarterly reporting requirements for each sandbox
65 participant, including information about any consumer
66 complaints.

67 8. No later than thirty days after the day on which a
68 sandbox participant exits the sandbox program, the sandbox
69 participant shall submit a written report to the regulatory
70 relief office and each applicable agency describing an
71 overview of the sandbox participant's demonstration.
72 Failure to submit such a report shall result in the sandbox
73 participant and any entity that later employs a member of
74 the leadership team of the sandbox participant being
75 prohibited from future participation in the sandbox
76 program. Such report shall include any:

77 (1) Incidents of harm to consumers;

78 (2) Legal action filed against the sandbox participant
79 as a result of the participant's demonstration; or

80 (3) Complaint filed with an applicable agency as a
81 result of the sandbox participant's demonstration.

82 Any incident reports of harm to consumers, legal actions
83 filed against a sandbox participant, or complaints filed
84 with an applicable agency shall be compiled and made

85 publicly available on the regulatory sandbox webpage
86 provided, however, that any information contained in such
87 reports or complaints that constitutes proprietary or
88 confidential trade secrets shall not be subject to
89 disclosure pursuant to chapter 610.

90 9. No later than thirty days after the day on which an
91 applicable agency receives the quarterly report required by
92 subsection 7 of this section or a written report from a
93 sandbox participant as required by subsection 8 of this
94 section, the applicable agency shall provide a written
95 report to the regulatory relief office on the demonstration,
96 which describes any statutory or regulatory reform the
97 applicable agency recommends as a result of the
98 demonstration.

99 10. The regulatory relief office may remove a sandbox
100 participant from the sandbox program at any time if the
101 regulatory relief office determines that a sandbox
102 participant has engaged in, is engaging in, or is about to
103 engage in any practice or transaction that is in violation
104 of sections 620.3900 to 620.3930 or that constitutes a
105 violation of a law or regulation for which suspension or
106 waiver has not been granted pursuant to the sandbox
107 program. Information on any removal of a sandbox
108 participant for engaging in any practice or transaction that
109 constitutes a violation of law or regulation for which
110 suspension or waiver has not been granted pursuant to the
111 sandbox program shall be made publicly available on the
112 regulatory sandbox webpage, provided, however, that any
113 information that constitutes proprietary or confidential
114 trade secrets shall not be subject to disclosure pursuant to
115 chapter 610.

640.100. 1. The safe drinking water commission
2 created in section 640.105 shall promulgate rules necessary

3 for the implementation, administration and enforcement of
4 sections 640.100 to 640.140 and the federal Safe Drinking
5 Water Act as amended.

6 2. No standard, rule or regulation or any amendment or
7 repeal thereof shall be adopted except after a public
8 hearing to be held by the commission after at least thirty
9 days' prior notice in the manner prescribed by the
10 rulemaking provisions of chapter 536 and an opportunity
11 given to the public to be heard; the commission may solicit
12 the views, in writing, of persons who may be affected by,
13 knowledgeable about, or interested in proposed rules and
14 regulations, or standards. Any person heard or registered
15 at the hearing, or making written request for notice, shall
16 be given written notice of the action of the commission with
17 respect to the subject thereof. Any rule or portion of a
18 rule, as that term is defined in section 536.010, that is
19 promulgated to administer and enforce sections 640.100 to
20 640.140 shall become effective only if the agency has fully
21 complied with all of the requirements of chapter 536,
22 including but not limited to section 536.028, if applicable,
23 after June 9, 1998. All rulemaking authority delegated
24 prior to June 9, 1998, is of no force and effect and
25 repealed as of June 9, 1998, however, nothing in this
26 section shall be interpreted to repeal or affect the
27 validity of any rule adopted or promulgated prior to June 9,
28 1998. If the provisions of section 536.028 apply, the
29 provisions of this section are nonseverable and if any of
30 the powers vested with the general assembly pursuant to
31 section 536.028 to review, to delay the effective date, or
32 to disapprove and annul a rule or portion of a rule are held
33 unconstitutional or invalid, the purported grant of
34 rulemaking authority and any rule so proposed and contained
35 in the order of rulemaking shall be invalid and void, except

36 that nothing in this chapter or chapter 644 shall affect the
37 validity of any rule adopted and promulgated prior to June
38 9, 1998.

39 3. The commission shall promulgate rules and
40 regulations for the certification of public water system
41 operators, backflow prevention assembly testers and
42 laboratories conducting tests pursuant to sections 640.100
43 to 640.140. Any person seeking to be a certified backflow
44 prevention assembly tester shall satisfactorily complete
45 standard, nationally recognized written and performance
46 examinations designed to ensure that the person is competent
47 to determine if the assembly is functioning within its
48 design specifications. Any such state certification shall
49 satisfy any need for local certification as a backflow
50 prevention assembly tester. However, political subdivisions
51 may set additional testing standards for individuals who are
52 seeking to be certified as backflow prevention assembly
53 testers. Notwithstanding any other provision of law to the
54 contrary, agencies of the state or its political
55 subdivisions shall only require carbonated beverage
56 dispensers to conform to the backflow protection
57 requirements established in the National Sanitation
58 Foundation standard eighteen, and the dispensers shall be so
59 listed by an independent testing laboratory. The commission
60 shall promulgate rules and regulations for collection of
61 samples and analysis of water furnished by municipalities,
62 corporations, companies, state establishments, federal
63 establishments or individuals to the public. The department
64 of natural resources or the department of health and senior
65 services shall, at the request of any supplier, make any
66 analyses or tests required pursuant to the terms of section
67 192.320 and sections 640.100 to 640.140. The department
68 shall collect fees to cover the reasonable cost of

69 laboratory services, both within the department of natural
70 resources and the department of health and senior services,
71 laboratory certification and program administration as
72 required by sections 640.100 to 640.140. The laboratory
73 services and program administration fees pursuant to this
74 subsection shall not exceed two hundred dollars for a
75 supplier supplying less than four thousand one hundred
76 service connections, three hundred dollars for supplying
77 less than seven thousand six hundred service connections,
78 five hundred dollars for supplying seven thousand six
79 hundred or more service connections, and five hundred
80 dollars for testing surface water. Such fees shall be
81 deposited in the safe drinking water fund as specified in
82 section 640.110. The analysis of all drinking water
83 required by section 192.320 and sections 640.100 to 640.140
84 shall be made by the department of natural resources
85 laboratories, department of health and senior services
86 laboratories or laboratories certified by the department of
87 natural resources.

88 4. The department of natural resources shall establish
89 and maintain an inventory of public water supplies and
90 conduct sanitary surveys of public water systems. Such
91 records shall be available for public inspection during
92 regular business hours.

93 5. (1) For the purpose of complying with federal
94 requirements for maintaining the primacy of state
95 enforcement of the federal Safe Drinking Water Act, the
96 department is hereby directed to request appropriations from
97 the general revenue fund and all other appropriate sources
98 to fund the activities of the public drinking water program
99 and in addition to the fees authorized pursuant to
100 subsection 3 of this section, an annual fee for each
101 customer service connection with a public water system is

102 hereby authorized to be imposed upon all customers of public
103 water systems in this state. Each customer of a public
104 water system shall pay an annual fee for each customer
105 service connection.

106 (2) The annual fee per customer service connection for
107 unmetered customers and customers with meters not greater
108 than one inch in size shall be based upon the number of
109 service connections in the water system serving that
110 customer, and shall not exceed:

| | | |
|-----|-------------------------------|---------|
| 111 | 1 to 1,000 connections | \$ 3.24 |
| 112 | 1,001 to 4,000 connections | 3.00 |
| 113 | 4,001 to 7,000 connections | 2.76 |
| 114 | 7,001 to 10,000 connections | 2.40 |
| 115 | 10,001 to 20,000 connections | 2.16 |
| 116 | 20,001 to 35,000 connections | 1.92 |
| 117 | 35,001 to 50,000 connections | 1.56 |
| 118 | 50,001 to 100,000 connections | 1.32 |
| 119 | More than 100,000 connections | 1.08 |

120 (3) The annual user fee for customers having meters
121 greater than one inch but less than or equal to two inches
122 in size shall not exceed seven dollars and forty-four cents;
123 for customers with meters greater than two inches but less
124 than or equal to four inches in size shall not exceed forty-
125 one dollars and sixteen cents; and for customers with meters
126 greater than four inches in size shall not exceed eighty-two
127 dollars and forty-four cents.

128 (4) Customers served by multiple connections shall pay
129 an annual user fee based on the above rates for each

130 connection, except that no single facility served by
131 multiple connections shall pay a total of more than five
132 hundred dollars per year.

133 6. Fees imposed pursuant to subsection 5 of this
134 section shall become effective on August 28, 2006, and shall
135 be collected by the public water system serving the customer
136 beginning September 1, 2006, and continuing until such time
137 that the safe drinking water commission, at its discretion,
138 specifies a different amount under subsection 8 of this
139 section. The commission shall promulgate rules and
140 regulations on the procedures for billing, collection and
141 delinquent payment. Fees collected by a public water system
142 pursuant to subsection 5 of this section and fees
143 established by the commission pursuant to subsection 8 of
144 this section are state fees. The annual fee shall be
145 enumerated separately from all other charges, and shall be
146 collected in monthly, quarterly or annual increments. Such
147 fees shall be transferred to the director of the department
148 of revenue at frequencies not less than quarterly. Two
149 percent of the revenue arising from the fees shall be
150 retained by the public water system for the purpose of
151 reimbursing its expenses for billing and collection of such
152 fees.

153 7. Imposition and collection of the fees authorized in
154 subsection 5 and fees established by the commission pursuant
155 to subsection 8 of this section shall be suspended on the
156 first day of a calendar quarter if, during the preceding
157 calendar quarter, the federally delegated authority granted
158 to the safe drinking water program within the department of
159 natural resources to administer the Safe Drinking Water Act,
160 42 U.S.C. Section 300g-2, is withdrawn. The fee shall not
161 be reinstated until the first day of the calendar quarter

162 following the quarter during which such delegated authority
163 is reinstated.

164 8. Notwithstanding any statutory fee amounts or
165 maximums to the contrary, the department of natural
166 resources may conduct a comprehensive review and propose
167 changes to the fee structure set forth in this section. The
168 comprehensive review shall include stakeholder meetings in
169 order to solicit stakeholder input from public and private
170 water suppliers, and any other interested parties. Upon
171 completion of the comprehensive review, the department shall
172 submit a proposed fee structure with stakeholder agreement
173 to the safe drinking water commission. The commission shall
174 review such recommendations at a forthcoming regular or
175 special meeting, but shall not vote on the fee structure
176 until a subsequent meeting. If the commission approves, by
177 vote of two-thirds majority or six of nine commissioners,
178 the fee structure recommendations, the commission shall
179 authorize the department to file a notice of proposed
180 rulemaking containing the recommended fee structure, and
181 after considering public comments may authorize the
182 department to file the final order of rulemaking for such
183 rule with the joint committee on administrative rules
184 pursuant to sections 536.021 and 536.024 no later than
185 December first of the same year. If such rules are not
186 disapproved by the general assembly in the manner set out
187 below, they shall take effect on January first of the
188 following calendar year, at which point the existing fee
189 structure shall expire. Any regulation promulgated under
190 this subsection shall be deemed to be beyond the scope and
191 authority provided in this subsection, or detrimental to
192 permit applicants, if the general assembly within the first
193 sixty calendar days of the regular session immediately
194 following the filing of such regulation disapproves the

195 regulation by concurrent resolution. If the general
196 assembly so disapproves any regulation filed under this
197 subsection, the department and the commission shall not
198 implement the proposed fee structure and shall continue to
199 use the previous fee structure. The authority of the
200 commission to further revise the fee structure as provided
201 by this subsection shall expire on August 28, [2024] 2030.
202 If the commission's authority to revise the fee structure as
203 provided by this subsection expires, the fee structure in
204 place at the time of expiration shall remain in place.

643.079. 1. Any air contaminant source required to
2 obtain a permit issued under sections 643.010 to 643.355
3 shall pay annually beginning April 1, 1993, a fee as
4 provided herein. For the first year the fee shall be twenty-
5 five dollars per ton of each regulated air contaminant
6 emitted. Thereafter, the fee shall be set every three years
7 by the commission by rule and shall be at least twenty-five
8 dollars per ton of regulated air contaminant emitted but not
9 more than forty dollars per ton of regulated air contaminant
10 emitted in the previous calendar year. If necessary, the
11 commission may make annual adjustments to the fee by rule.
12 The fee shall be set at an amount consistent with the need
13 to fund the reasonable cost of administering sections
14 643.010 to 643.355, taking into account other moneys
15 received pursuant to sections 643.010 to 643.355. For the
16 purpose of determining the amount of air contaminant
17 emissions on which the fees authorized under this section
18 are assessed, a facility shall be considered one source as
19 described in subsection 2 of section 643.078, except that a
20 facility with multiple operating permits shall pay the
21 emission fees authorized under this section separately for
22 air contaminants emitted under each individual permit.

23 2. A source which produces charcoal from wood shall
24 pay an annual emission fee under this subsection in lieu of
25 the fee established in subsection 1 of this section. The
26 fee shall be based upon a maximum fee of twenty-five dollars
27 per ton and applied upon each ton of regulated air
28 contaminant emitted for the first four thousand tons of each
29 contaminant emitted in the amount established by the
30 commission pursuant to subsection 1 of this section, reduced
31 according to the following schedule:

32 (1) For fees payable under this subsection in the
33 years 1993 and 1994, the fee shall be reduced by one hundred
34 percent;

35 (2) For fees payable under this subsection in the
36 years 1995, 1996 and 1997, the fee shall be reduced by
37 eighty percent;

38 (3) For fees payable under this subsection in the
39 years 1998, 1999 and 2000, the fee shall be reduced by sixty
40 percent.

41 3. The fees imposed in subsection 2 of this section
42 shall not be imposed or collected after the year 2000 unless
43 the general assembly reimposes the fee.

44 4. Each air contaminant source with a permit issued
45 under sections 643.010 to 643.355 shall pay the fee for the
46 first four thousand tons of each regulated air contaminant
47 emitted each year but no air contaminant source shall pay
48 fees on total emissions of regulated air contaminants in
49 excess of twelve thousand tons in any calendar year. A
50 permitted air contaminant source which emitted less than one
51 ton of all regulated pollutants shall pay a fee equal to the
52 amount per ton set by the commission. An air contaminant
53 source which pays emission fees to a holder of a certificate
54 of authority issued pursuant to section 643.140 may deduct
55 such fees from any amount due under this section. The fees

56 imposed in this section shall not be applied to carbon oxide
57 emissions. The fees imposed in subsection 1 of this section
58 and this subsection shall not be applied to sulfur dioxide
59 emissions from any Phase I affected unit subject to the
60 requirements of Title IV, Section 404, of the federal Clean
61 Air Act, as amended, 42 U.S.C. Section 7651 et seq., any
62 sooner than January 1, 2000. The fees imposed on emissions
63 from Phase I affected units shall be consistent with and
64 shall not exceed the provisions of the federal Clean Air
65 Act, as amended, and the regulations promulgated
66 thereunder. Any such fee on emissions from any Phase I
67 affected unit shall be reduced by the amount of the service
68 fee paid by that Phase I affected unit pursuant to
69 subsection 8 of this section in that year. Any fees that
70 may be imposed on Phase I sources shall follow the
71 procedures set forth in subsection 1 of this section and
72 this subsection and shall not be applied retroactively.

73 5. Moneys collected under this section shall be
74 transmitted to the director of revenue for deposit in
75 appropriate subaccounts of the natural resources protection
76 fund created in section 640.220. A subaccount shall be
77 maintained for fees paid by air contaminant sources which
78 are required to be permitted under Title V of the federal
79 Clean Air Act, as amended, 42 U.S.C. Section 7661 et seq.,
80 and used, upon appropriation, to fund activities by the
81 department to implement the operating permits program
82 authorized by Title V of the federal Clean Air Act, as
83 amended. Another subaccount shall be maintained for fees
84 paid by air contaminant sources which are not required to be
85 permitted under Title V of the federal Clean Air Act as
86 amended, and used, upon appropriation, to fund other air
87 pollution control program activities. Another subaccount
88 shall be maintained for service fees paid under subsection 8

89 of this section by Phase I affected units which are subject
90 to the requirements of Title IV, Section 404, of the federal
91 Clean Air Act Amendments of 1990 (42 U.S.C. Section 7651c),
92 as amended, and used, upon appropriation, to fund air
93 pollution control program activities. The provisions of
94 section 33.080 to the contrary notwithstanding, moneys in
95 the fund shall not revert to general revenue at the end of
96 each biennium. Interest earned by moneys in the subaccounts
97 shall be retained in the subaccounts. The per-ton fees
98 established under subsection 1 of this section may be
99 adjusted annually, consistent with the need to fund the
100 reasonable costs of the program, but shall not be less than
101 twenty-five dollars per ton of regulated air contaminant nor
102 more than forty dollars per ton of regulated air
103 contaminant. The first adjustment shall apply to moneys
104 payable on April 1, 1994, and shall be based upon the
105 general price level for the twelve-month period ending on
106 August thirty-first of the previous calendar year.

107 6. The department may initiate a civil action in
108 circuit court against any air contaminant source which has
109 not remitted the appropriate fees within thirty days. In
110 any judgment against the source, the department shall be
111 awarded interest at a rate determined pursuant to section
112 408.030 and reasonable attorney's fees. In any judgment
113 against the department, the source shall be awarded
114 reasonable attorney's fees.

115 7. The department shall not suspend or revoke a permit
116 for an air contaminant source solely because the source has
117 not submitted the fees pursuant to this section.

118 8. Any Phase I affected unit which is subject to the
119 requirements of Title IV, Section 404, of the federal Clean
120 Air Act Amendments of 1990 (42 U.S.C. Section 7651c), as
121 amended, shall pay annually beginning April 1, 1993, and

122 terminating December 31, 1999, a service fee for the
123 previous calendar year as provided herein. For the first
124 year, the service fee shall be twenty-five thousand dollars
125 for each Phase I affected generating unit to help fund the
126 administration of sections 643.010 to 643.355. Thereafter,
127 the service fee shall be annually set by the commission by
128 rule, following public hearing, based on an annual
129 allocation prepared by the department showing the details of
130 all costs and expenses upon which such fees are based
131 consistent with the department's reasonable needs to
132 administer and implement sections 643.010 to 643.355 and to
133 fulfill its responsibilities with respect to Phase I
134 affected units, but such service fee shall not exceed twenty-
135 five thousand dollars per generating unit. Any such Phase I
136 affected unit which is located on one or more contiguous
137 tracts of land with any Phase II generating unit that pays
138 fees under subsection 1 or subsection 2 of this section
139 shall be exempt from paying service fees under this
140 subsection. A "contiguous tract of land" shall be defined
141 to mean adjacent land, excluding public roads, highways and
142 railroads, which is under the control of or owned by the
143 permit holder and operated as a single enterprise.

144 9. The department of natural resources shall determine
145 the fees due pursuant to this section by the state of
146 Missouri and its departments, agencies and institutions,
147 including two- and four-year institutions of higher
148 education. The director of the department of natural
149 resources shall forward the various totals due to the joint
150 committee on capital improvements and the directors of the
151 individual departments, agencies and institutions. The
152 departments, as part of the budget process, shall annually
153 request by specific line item appropriation funds to pay
154 said fees and capital funding for projects determined to

155 significantly improve air quality. If the general assembly
156 fails to appropriate funds for emissions fees as
157 specifically requested, the departments, agencies and
158 institutions shall pay said fees from other sources of
159 revenue or funds available. The state of Missouri and its
160 departments, agencies and institutions may receive
161 assistance from the small business technical assistance
162 program established pursuant to section 643.173.

163 10. Each retail agricultural facility that uses,
164 stores, or sells anhydrous ammonia that is an air
165 contaminant source subject to the risk management plan under
166 42 U.S.C. Section 7412(r), as amended, shall pay an annual
167 registration fee of two hundred dollars. In addition, each
168 retail agricultural facility that uses, stores, or sells
169 anhydrous ammonia shall pay an annual tonnage fee calculated
170 on the number of tons of anhydrous ammonia sold. The
171 initial retail tonnage fee shall be set at one dollar and
172 twenty-five cents per ton of anhydrous ammonia used or
173 sold. Each distributor or terminal agricultural facility
174 that uses, stores, or sells anhydrous ammonia that is an air
175 contaminant source subject to the risk management plan
176 program 3 under 40 CFR Part 68 shall pay an annual
177 registration fee of five thousand dollars and shall not pay
178 a tonnage fee. The annual registration fees and tonnage fee
179 may be periodically revised under subsection 11 of this
180 section. However, the fees collected shall be used
181 exclusively for the purposes of administering the provisions
182 of 42 U.S.C. Section 7412(r), as amended, for such
183 agricultural facilities. Fees paid by agricultural air
184 contaminant sources that use, store, or sell anhydrous
185 ammonia for the purposes of implementing the requirements of
186 42 U.S.C. Section 7412(r), as amended, shall be deposited
187 into the anhydrous ammonia risk management plan subaccount

188 within the natural resources protection fund created in
189 section 643.245. If the funding exceeds the reasonable
190 costs to administer the programs as set forth in this
191 section, the department of natural resources shall reduce
192 fees for all registrants if the fees derived exceed the
193 reasonable cost of administering the risk management plan
194 under 42 U.S.C. Section 7412(r), as amended.

195 11. Notwithstanding any statutory fee amounts or
196 maximums to the contrary, the department of natural
197 resources may conduct a comprehensive review and propose
198 changes to the fee structure authorized by sections 643.073,
199 643.075, 643.079, 643.225, 643.228, 643.232, 643.237, and
200 643.242 after holding stakeholder meetings in order to
201 solicit stakeholder input from each of the following
202 groups: the asbestos industry, electric utilities, mineral
203 and metallic mining and processing facilities, cement kiln
204 representatives, and any other interested industrial or
205 business entities or interested parties. The department
206 shall submit a proposed fee structure with stakeholder
207 agreement to the air conservation commission. The
208 commission shall review such recommendations at the
209 forthcoming regular or special meeting, but shall not vote
210 on the fee structure until a subsequent meeting. If the
211 commission approves, by vote of two-thirds majority or five
212 of seven commissioners, the fee structure recommendations,
213 the commission shall authorize the department to file a
214 notice of proposed rulemaking containing the recommended fee
215 structure, and after considering public comments, may
216 authorize the department to file the order of rulemaking for
217 such rule with the joint committee on administrative rules
218 pursuant to sections 536.021 and 536.024 no later than
219 December first of the same year. If such rules are not
220 disapproved by the general assembly in the manner set out

221 below, they shall take effect on January first of the
222 following calendar year and the previous fee structure shall
223 expire upon the effective date of the commission-adopted fee
224 structure. Any regulation promulgated under this subsection
225 shall be deemed to be beyond the scope and authority
226 provided in this subsection, or detrimental to permit
227 applicants, if the general assembly, within the first sixty
228 calendar days of the regular session immediately following
229 the filing of such regulation, by concurrent resolution
230 disapproves the regulation by concurrent resolution. If the
231 general assembly so disapproves any regulation filed under
232 this subsection, the commission shall continue to use the
233 previous fee structure. The authority of the commission to
234 further revise the fee structure as provided by this
235 subsection shall expire on August 28, [2024] 2030. If the
236 commission's authority to revise the fee structure as
237 provided by this subsection expires, the fee structure in
238 place at the time of expiration shall remain in place.

644.057. Notwithstanding any statutory fee amounts or
2 maximums to the contrary, the director of the department of
3 natural resources may conduct a comprehensive review and
4 propose changes to the clean water fee structure set forth
5 in sections 644.052, 644.053, and 644.061. The
6 comprehensive review shall include stakeholder meetings in
7 order to solicit stakeholder input from each of the
8 following groups: agriculture, industry, municipalities,
9 public and private wastewater facilities, and the
10 development community. Upon completion of the comprehensive
11 review, the department shall submit a proposed fee structure
12 with stakeholder agreement to the clean water commission.
13 The commission shall review such recommendations at the
14 forthcoming regular or special meeting, but shall not vote
15 on the fee structure until a subsequent meeting. In no case

16 shall the clean water commission adopt or recommend any
17 clean water fee in excess of five thousand dollars. If the
18 commission approves, by vote of two-thirds majority or five
19 of seven commissioners, the fee structure recommendations,
20 the commission shall authorize the department to file a
21 notice of proposed rulemaking containing the recommended fee
22 structure, and after considering public comments, may
23 authorize the department to file the order of rulemaking for
24 such rule with the joint committee on administrative rules
25 pursuant to sections 536.021 and 536.024 no later than
26 December first of the same year. If such rules are not
27 disapproved by the general assembly in the manner set out
28 below, they shall take effect on January first of the
29 following calendar year and the fee structures set forth in
30 sections 644.052, 644.053, and 644.061 shall expire upon the
31 effective date of the commission-adopted fee structure,
32 contrary to section 644.054. Any regulation promulgated
33 under this subsection shall be deemed to be beyond the scope
34 and authority provided in this subsection, or detrimental to
35 permit applicants, if the general assembly, within the first
36 sixty calendar days of the regular session immediately
37 following the filing of such regulation disapproves the
38 regulation by concurrent resolution. If the general
39 assembly so disapproves any regulation filed under this
40 subsection, the department and the commission shall not
41 implement the proposed fee structure and shall continue to
42 use the previous fee structure. The authority of the
43 commission to further revise the fee structure provided by
44 this section shall expire on August 28, [2024. Any fee,
45 bond, or assessment structure established pursuant to the
46 process in this section shall expire on August 28, 2024]
47 2030. If the commission's authority to revise the fee
48 structure as provided by this subsection expires, the fee

49 structure in place at the time of expiration shall remain in
50 place.

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Elaine Gannon

Alex Riley