

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 131**  
**98TH GENERAL ASSEMBLY**

0219H.04C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 135.710, 142.029, 143.121, 261.235, 266.301, 266.311, 266.331, 266.336, 266.341, 266.343, 266.347, 272.030, 272.230, 301.010, 304.180, 319.114, 351.120, 414.036, 414.082, 414.255, 537.345, 537.348, 578.005, 578.007, and 578.011, RSMo, and to enact in lieu thereof twenty-eight new sections relating to agriculture, with penalty provisions.

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

Section A. Sections 135.710, 142.029, 143.121, 261.235, 266.301, 266.311, 266.331, 266.336, 266.341, 266.343, 266.347, 272.030, 272.230, 301.010, 304.180, 319.114, 351.120, 414.036, 414.082, 414.255, 537.345, 537.348, 578.005, 578.007, and 578.011, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 135.710, 135.711, 142.029, 143.121, 261.235, 261.320, 265.475, 266.301, 266.311, 266.331, 266.336, 266.343, 266.347, 267.169, 272.030, 272.230, 301.010, 304.180, 319.114, 351.120, 414.036, 414.082, 414.255, 537.345, 537.348, 578.005, 578.007, and 578.040, to read as follows:

135.710. 1. As used in this section, the following terms mean:

(1) "Alternative fuel vehicle refueling property", property in this state owned by an eligible applicant and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private citizens;

(2) "Alternative fuels", any motor fuel at least seventy percent of the volume of which consists of one or more of the following:

(a) Ethanol;

(b) Natural gas;

(c) Compressed natural gas, or CNG;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 10 (d) Liquefied natural gas, or LNG;
- 11 (e) Liquefied petroleum gas, or LP gas, propane, or autogas;
- 12 (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;
- 13 (g) Hydrogen;
- 14 (3) "Department", the department of economic development;
- 15 (4) "Electric vehicle recharging property", property in this state owned by an eligible
- 16 applicant and used for recharging electric motor vehicles owned by such eligible applicant or
- 17 private citizens;
- 18 (5) "Eligible applicant", a business entity or private citizen that is the owner of an electric
- 19 vehicle recharging property or an alternative fuel vehicle refueling property;
- 20 (6) "Qualified Missouri contractor", a contractor whose principal place of business is
- 21 located in Missouri and has been located in Missouri for a period of not less than five years;
- 22 (7) "Qualified property", an electric vehicle recharging property or an alternative fuel
- 23 vehicle refueling property which, if constructed after August 28, 2014, was constructed with at
- 24 least fifty-one percent of the costs being paid to qualified Missouri contractors for the:
- 25 (a) Fabrication of premanufactured equipment or process piping used in the construction
- 26 of such facility;
- 27 (b) Construction of such facility; and
- 28 (c) General maintenance of such facility during the time period in which such facility
- 29 receives any tax credit under this section.

30

31 If no qualified Missouri contractor is located within seventy-five miles of the property, the

32 requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors

33 shall not apply.

34 2. For all tax years beginning on or after January 1, 2015, but before January 1, 2018,

35 any eligible applicant who installs and operates a qualified property shall be allowed a credit

36 against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections

37 143.191 to 143.265, or due under chapter 147 or chapter 148 for any tax year in which the

38 applicant is constructing the qualified property. The credit allowed in this section per eligible

39 applicant who is a private citizen shall not exceed fifteen hundred dollars or per eligible applicant

40 that is a business entity shall not exceed the lesser of twenty thousand dollars or twenty percent

41 of the total costs directly associated with the purchase and installation of any alternative fuel

42 storage and dispensing equipment or any recharging equipment on any qualified property, which

43 shall not include the following:

- 44 (1) Costs associated with the purchase of land upon which to place a qualified property;
- 45 (2) Costs associated with the purchase of an existing qualified property; or

46 (3) Costs for the construction or purchase of any structure.

47 3. Tax credits allowed by this section shall be claimed by the eligible applicant at the  
48 time such applicant files a return for the tax year in which the storage and dispensing or  
49 recharging facilities were placed in service at a qualified property, and shall be applied against  
50 the income tax liability imposed by chapter 143, chapter 147, or chapter 148 after all other  
51 credits provided by law have been applied. The cumulative amount of tax credits which may be  
52 claimed by eligible applicants claiming all credits authorized in this section **and section 135.711**  
53 shall not exceed one million dollars in any calendar year, subject to appropriations.

54 4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the  
55 difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited  
56 by this section from claiming in a taxable year may be carried forward to any of such applicant's  
57 two subsequent taxable years. Tax credits allowed under this section may be assigned,  
58 transferred, sold, or otherwise conveyed.

59 5. Any qualified property, for which an eligible applicant receives tax credits under this  
60 section, which ceases to sell alternative fuel or recharge electric vehicles shall cause the  
61 forfeiture of such eligible applicant's tax credits provided under this section for the taxable year  
62 in which the qualified property ceased to sell alternative fuel or recharge electric vehicles and  
63 for future taxable years with no recapture of tax credits obtained by an eligible applicant with  
64 respect to such applicant's tax years which ended before the sale of alternative fuel or recharging  
65 of electric vehicles ceased.

66 6. The director of revenue shall establish the procedure by which the tax credits in this  
67 section may be claimed, and shall establish a procedure by which the cumulative amount of tax  
68 credits is apportioned equally among all eligible applicants claiming the credit. To the maximum  
69 extent possible, the director of revenue shall establish the procedure described in this subsection  
70 in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to  
71 the cumulative amount of tax credits available for the taxable year. No eligible applicant  
72 claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax  
73 return after the date fixed for filing such return as a result of the apportionment procedure under  
74 this subsection.

75 7. Any eligible applicant desiring to claim a tax credit under this section shall submit the  
76 appropriate application for such credit with the department. The application for a tax credit  
77 under this section shall include any information required by the department. The department  
78 shall review the applications and certify to the department of revenue each eligible applicant that  
79 qualifies for the tax credit.

80 8. The department and the department of revenue may promulgate rules to implement  
81 the provisions of this section. Any rule or portion of a rule, as that term is defined in section

82 536.010, that is created under the authority delegated in this section shall become effective only  
83 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
84 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
85 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
86 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
87 and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

88 9. The provisions of section 23.253 of the Missouri sunset act notwithstanding:

89 (1) The provisions of the new program authorized under this section shall automatically  
90 sunset three years after December 31, 2014, unless reauthorized by an act of the general  
91 assembly; and

92 (2) If such program is reauthorized, the program authorized under this section shall  
93 automatically sunset six years after the effective date of the reauthorization of this section; and

94 (3) This section shall terminate on December thirty-first of the calendar year immediately  
95 following the calendar year in which the program authorized under this section is sunset; and

96 (4) The provisions of this subsection shall not be construed to limit or in any way impair  
97 the department's ability to redeem tax credits authorized on or before the date the program  
98 authorized under this section expires or a taxpayer's ability to redeem such tax credits.

**135.711. 1. As used in this section, the following terms mean:**

2 (1) **"Placed in service", a qualified alternative fuel vehicle that is ready and**  
3 **available for a specific use, whether in a business activity, an income-producing activity,**  
4 **a tax-exempt activity, or a personal activity. Even if the vehicle is not being used, the**  
5 **vehicle is placed in service when it is ready and available for its specific use;**

6 (2) **"Qualified alternative fuel", electricity, liquefied petroleum gas, natural gas and**  
7 **liquid fuels produced from natural gas, or compressed natural gas;**

8 (3) **"Qualified alternative fuel vehicle", a motor vehicle designed and approved for**  
9 **highway use that operates on a qualified alternative fuel, is placed in service on or after**  
10 **July 1, 2015, but before January 1, 2018, and that is described by the following applicable**  
11 **descriptions:**

12 (a) **Compressed natural gas vehicles and liquefied petroleum gas vehicles may have**  
13 **either dedicated or bi-fuel systems;**

14 (b) **Vehicles that operate on electricity shall have a speed of at least fifty-five miles**  
15 **per hour, a battery capacity of no less than four kilowatt hours, and shall be capable of**  
16 **being recharged from an external source of electricity;**

17 (c) **Alternative fuel systems installed on motor vehicles shall be new equipment and:**

18 a. **Shall not have been previously used to modify or retrofit a vehicle;**

19 b. **Shall meet applicable federal and state safety standards;**

20 c. Shall be certified by the Environmental Protection Agency for the motor vehicle  
21 or engine upon which it is installed; and

22 d. Shall be installed by a trained and authorized technician that is certified to  
23 install such a system or shall have been installed before the new vehicle is offered for sale  
24 for the first time at retail;

25 (d) Such qualified alternative fuel vehicle shall meet or exceed the clean fuel vehicle  
26 standards in Title II of the federal Clean Air Act Amendments of 1990 (Pub. L. No. 101-  
27 549, 104 Stat. 2472-2531) and shall be:

28 a. A motor vehicle with two separate fuel systems designed to run on either a  
29 qualified alternative fuel or conventional fuel or a blend of both; or

30 b. A motor vehicle with an engine designed to operate on a single qualified  
31 alternative fuel only;

32 (4) "Tax credit", a credit against the tax otherwise due under chapter 143,  
33 excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under  
34 chapter 147, 148, or 153;

35 (5) "Taxpayer", any natural person, association, partnership, limited liability  
36 company, limited partnership, or corporation subject to the tax imposed in chapter 143,  
37 excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in  
38 chapter 147, 148, or 153, and who owns and operates a qualified alternative fuel vehicle  
39 licensed in this state.

40 2. (1) For all taxable years beginning on or after January 1, 2015, a taxpayer shall  
41 be allowed a tax credit for purchasing a new qualified alternative fuel vehicle or converting  
42 a previously purchased motor vehicle to a qualified alternative fuel vehicle in the following  
43 amounts:

44 (a) Five thousand dollars for each vehicle with a gross vehicle weight of greater  
45 than two thousand pounds but less than ten thousand pounds;

46 (b) Seven thousand dollars for a heavy-duty vehicle with a gross vehicle weight of  
47 at least ten thousand pounds but less than twenty-six thousand pounds; and

48 (c) Twenty thousand dollars for vehicles with a gross vehicle weight of at least  
49 twenty-six thousand pounds.

50 (2) No more than one credit shall be issued per qualified alternative fuel vehicle.

51 3. The tax credits authorized in this section shall be claimed for the tax year in  
52 which the qualified alternative fuel vehicle was placed in service. If the amount of the tax  
53 credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for  
54 which the credit is claimed, the difference shall not be refundable but may be carried

55 forward to any of the taxpayer's ten subsequent taxable years. No tax credit issued under  
56 this section shall be transferred, sold, or assigned.

57 4. No more than one hundred thousand dollars in tax credits authorized in this  
58 section shall be issued to a particular taxpayer through the last day of March of each fiscal  
59 year, but all unused, appropriated tax credits may be issued to any taxpayer for any  
60 qualified alternative fuel vehicle and shall not be subject to the one hundred thousand  
61 dollar limit beginning on April first of the fiscal year until the end of such fiscal year. The  
62 aggregate amount of tax credits which may be issued under this section in any one fiscal  
63 year shall not exceed the one million dollar calendar-year limit on such tax credits in  
64 subsection 3 of section 135.710.

65 5. Notwithstanding the provisions of section 304.180 to the contrary, any qualified  
66 alternative fuel vehicle or combination of vehicles that uses qualified alternative fuel as a  
67 motor fuel may exceed the maximum gross vehicle limit and axle weight limit on such  
68 vehicles listed in section 304.180 by two thousand pounds.

69 6. The department of revenue may promulgate rules to implement the provisions  
70 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that  
71 is created under the authority delegated in this section shall become effective only if it  
72 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
73 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers  
74 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
75 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
76 grant of rulemaking authority and any rule proposed or adopted after August 28, 2015,  
77 shall be invalid and void.

78 7. Under section 23.253 of the Missouri sunset act:

79 (1) The provisions of the new program authorized under this section shall  
80 automatically sunset on December thirty-first six years after the effective date of this  
81 section unless reauthorized by an act of the general assembly; and

82 (2) If such program is reauthorized, the program authorized under this section  
83 shall automatically sunset on December thirty-first twelve years after the effective date of  
84 the reauthorization of this section; and

85 (3) This section shall terminate on September first of the calendar year immediately  
86 following the calendar year in which the program authorized under this section is sunset.  
87 The termination of the program as described in this subsection shall not be construed to  
88 preclude any taxpayer who claims any benefit under any program that is sunset under this  
89 subsection from claiming such benefit for all allowable activities related to such claim that  
90 were completed before the program was sunset, or to eliminate any responsibility of the

91 **administering agency to verify the continued eligibility of projects receiving tax credits and**  
92 **to enforce other requirements of law that applied before the program was sunset.**

142.029. Section 142.028 shall expire on December 31, [2015] **2019**.

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the  
2 taxpayer's federal adjusted gross income subject to the modifications in this section.

3 2. There shall be added to the taxpayer's federal adjusted gross income:

4 (1) The amount of any federal income tax refund received for a prior year which resulted  
5 in a Missouri income tax benefit;

6 (2) Interest on certain governmental obligations excluded from federal gross income by  
7 Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on  
8 obligations of the state of Missouri or any of its political subdivisions or authorities and shall not  
9 apply to the interest described in subdivision (1) of subsection 3 of this section. The amount  
10 added pursuant to this subdivision shall be reduced by the amounts applicable to such interest  
11 that would have been deductible in computing the taxable income of the taxpayer except only  
12 for the application of Section 265 of the Internal Revenue Code. The reduction shall only be  
13 made if it is at least five hundred dollars;

14 (3) The amount of any deduction that is included in the computation of federal taxable  
15 income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation  
16 and Worker Assistance Act of 2002 to the extent the amount deducted relates to property  
17 purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount  
18 deducted exceeds the amount that would have been deductible pursuant to Section 168 of the  
19 Internal Revenue Code of 1986 as in effect on January 1, 2002;

20 (4) The amount of any deduction that is included in the computation of federal taxable  
21 income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as  
22 amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the  
23 Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the  
24 tax year in which the net operating loss occurred or carries forward for a period of more than  
25 twenty years and carries backward for more than two years. Any amount of net operating loss  
26 taken against federal taxable income but disallowed for Missouri income tax purposes pursuant  
27 to this subdivision after June 18, 2002, may be carried forward and taken against any income on  
28 the Missouri income tax return for a period of not more than twenty years from the year of the  
29 initial loss; and

30 (5) For nonresident individuals in all taxable years ending on or after December 31,  
31 2006, the amount of any property taxes paid to another state or a political subdivision of another  
32 state for which a deduction was allowed on such nonresident's federal return in the taxable year  
33 unless such state, political subdivision of a state, or the District of Columbia allows a subtraction

34 from income for property taxes paid to this state for purposes of calculating income for the  
35 income tax for such state, political subdivision of a state, or the District of Columbia.

36 3. There shall be subtracted from the taxpayer's federal adjusted gross income the  
37 following amounts to the extent included in federal adjusted gross income:

38 (1) Interest or dividends on obligations of the United States and its territories and  
39 possessions or of any authority, commission or instrumentality of the United States to the extent  
40 exempt from Missouri income taxes pursuant to the laws of the United States. The amount  
41 subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred  
42 to carry the described obligations or securities and by any expenses incurred in the production  
43 of interest or dividend income described in this subdivision. The reduction in the previous  
44 sentence shall only apply to the extent that such expenses including amortizable bond premiums  
45 are deducted in determining the taxpayer's federal adjusted gross income or included in the  
46 taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total  
47 at least five hundred dollars;

48 (2) The portion of any gain, from the sale or other disposition of property having a higher  
49 adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax  
50 purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is  
51 considered a long-term capital gain for federal income tax purposes, the modification shall be  
52 limited to one-half of such portion of the gain;

53 (3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity  
54 or other amount of income or gain which was properly included in income or gain and was taxed  
55 pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or  
56 to a decedent by reason of whose death the taxpayer acquired the right to receive the income or  
57 gain, or to a trust or estate from which the taxpayer received the income or gain;

58 (4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the  
59 extent that the same are included in federal adjusted gross income;

60 (5) The amount of any state income tax refund for a prior year which was included in the  
61 federal adjusted gross income;

62 (6) The portion of capital gain specified in section 135.357 that would otherwise be  
63 included in federal adjusted gross income;

64 (7) The amount that would have been deducted in the computation of federal taxable  
65 income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002,  
66 to the extent that amount relates to property purchased on or after July 1, 2002, but before July  
67 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section  
68 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act  
69 of 2002;

70 (8) For all tax years beginning on or after January 1, 2005, the amount of any income  
71 received for military service while the taxpayer serves in a combat zone which is included in  
72 federal adjusted gross income and not otherwise excluded therefrom. As used in this section,  
73 "combat zone" means any area which the President of the United States by Executive Order  
74 designates as an area in which Armed Forces of the United States are or have engaged in combat.  
75 Service is performed in a combat zone only if performed on or after the date designated by the  
76 President by Executive Order as the date of the commencing of combat activities in such zone,  
77 and on or before the date designated by the President by Executive Order as the date of the  
78 termination of combatant activities in such zone; [and]

79 (9) For all tax years ending on or after July 1, 2002, with respect to qualified property  
80 that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an  
81 additional modification was made under subdivision (3) of subsection 2 of this section, the  
82 amount by which additional modification made under subdivision (3) of subsection 2 of this  
83 section on qualified property has not been recovered through the additional subtractions provided  
84 in subdivision (7) of this subsection; **and**

85 **(10) For all tax years beginning on or after January 1, 2014, the amount of any**  
86 **income received as payment from any program which provides compensation to**  
87 **agricultural producers who have suffered a loss as the result of a disaster or emergency,**  
88 **including the:**

- 89 **(a) Livestock Forage Disaster Program;**
- 90 **(b) Livestock Indemnity Program;**
- 91 **(c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;**
- 92 **(d) Emergency Conservation Program;**
- 93 **(e) Noninsured Crop Disaster Assistance Program;**
- 94 **(f) Pasture, Rangeland, Forage Pilot Insurance Program;**
- 95 **(g) Annual Forage Pilot Program;**
- 96 **(h) Livestock Risk Protection Insurance Plan; and**
- 97 **(i) Livestock Gross Margin Insurance Plan.**

98 4. There shall be added to or subtracted from the taxpayer's federal adjusted gross  
99 income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

100 5. There shall be added to or subtracted from the taxpayer's federal adjusted gross  
101 income the modifications provided in section 143.411.

102 6. In addition to the modifications to a taxpayer's federal adjusted gross income in this  
103 section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's  
104 federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal

105 Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of  
106 property as a result of condemnation or the imminence thereof.

107 7. (1) As used in this subsection, "qualified health insurance premium" means the  
108 amount paid during the tax year by such taxpayer for any insurance policy primarily providing  
109 health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

110 (2) In addition to the subtractions in subsection 3 of this section, one hundred percent  
111 of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's  
112 federal adjusted gross income to the extent the amount paid for such premiums is included in  
113 federal taxable income. The taxpayer shall provide the department of revenue with proof of the  
114 amount of qualified health insurance premiums paid.

115 8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section,  
116 one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an  
117 entity certified by the department of natural resources under section 640.153 or the  
118 implementation of any energy efficiency recommendations made in such an audit shall be  
119 subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for  
120 any such activity is included in federal taxable income. The taxpayer shall provide the  
121 department of revenue with a summary of any recommendations made in a qualified home  
122 energy audit, the name and certification number of the qualified home energy auditor who  
123 conducted the audit, and proof of the amount paid for any activities under this subsection for  
124 which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any  
125 recommendations made in a qualified home energy audit to the department of natural resources.

126 (2) At no time shall a deduction claimed under this subsection by an individual taxpayer  
127 or taxpayers filing combined returns exceed one thousand dollars per year for individual  
128 taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined  
129 returns.

130 (3) Any deduction claimed under this subsection shall be claimed for the tax year in  
131 which the qualified home energy audit was conducted or in which the implementation of the  
132 energy efficiency recommendations occurred. If implementation of the energy efficiency  
133 recommendations occurred during more than one year, the deduction may be claimed in more  
134 than one year, subject to the limitations provided under subdivision (2) of this subsection.

135 (4) A deduction shall not be claimed for any otherwise eligible activity under this  
136 subsection if such activity qualified for and received any rebate or other incentive through a  
137 state-sponsored energy program or through an electric corporation, gas corporation, electric  
138 cooperative, or municipally owned utility.

139 9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

261.235. 1. There is hereby created in the state treasury for the use of the agriculture business development division of the state department of agriculture a fund to be known as "The AgriMissouri Fund". All moneys received by the state department of agriculture for Missouri agricultural products marketing development from any source, including trademark fees, shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the state department of agriculture, be expended by the agriculture business development division of the state department of agriculture for promotion of Missouri agricultural products under the AgriMissouri program. The unexpended balance in the AgriMissouri fund at the end of the biennium shall not be transferred to the general revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080 relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

2. There is hereby created within the department of agriculture the "AgriMissouri Advisory Commission for Marketing Missouri Agricultural Products". The commission shall establish guidelines, and make recommendations to the director of agriculture, for the use of funds appropriated by the general assembly for the agriculture business development division of the department of agriculture, and for all funds collected or appropriated to the AgriMissouri fund created pursuant to subsection 1 of this section. The guidelines shall focus on the promotion of the AgriMissouri trademark associated with Missouri agricultural products that have been approved by the general assembly, and shall advance the following objectives:

(1) Increasing the impact and fostering the effectiveness of local efforts to promote Missouri agricultural products;

(2) Enabling and encouraging expanded advertising efforts for Missouri agricultural products;

(3) Encouraging effective, high-quality advertising projects, innovative marketing strategies, and the coordination of local, regional and statewide marketing efforts;

(4) Providing training and technical assistance to cooperative-marketing partners of Missouri agricultural products.

3. The commission may establish a fee structure for sellers electing to use the AgriMissouri trademark associated with Missouri agricultural products, **so long as the fees established and collected under this subsection do not yield revenue greater than the total cost of administering this section during the ensuing year.** [Under the fee structure:

(1) A seller having gross annual sales greater than two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall remit to the agriculture business development division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half

36 of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying  
37 the AgriMissouri trademark; and

38 (2) All sellers having gross annual sales less than or equal to two million dollars per  
39 fiscal year of Missouri agricultural products which constitute the final product of a series of  
40 processes or activities shall, after three years of selling Missouri agricultural products carrying  
41 the AgriMissouri trademark, remit to the agriculture business development division of the  
42 department of agriculture, at such times and in such manner as may be prescribed, a trademark  
43 fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of  
44 products carrying the AgriMissouri trademark.] All trademark fees shall be deposited to the  
45 credit of the AgriMissouri fund, created pursuant to this section.

46 4. [The agriculture business development division of the department of agriculture is  
47 authorized to promulgate rules consistent with the guidelines and fee structure established by the  
48 commission. No rule or portion of a rule shall become effective unless it has been promulgated  
49 pursuant to the provisions of chapter 536.

50 5.] The commission shall consist of nine members appointed by the governor with the  
51 advice and consent of the senate. One member shall be the director of the agriculture business  
52 development division of the department of agriculture, or his or her representative. At least one  
53 member shall be a specialist in advertising; at least one member shall be a specialist in  
54 agribusiness; at least one member shall be a specialist in the retail grocery business; at least one  
55 member shall be a specialist in communications; at least one member shall be a specialist in  
56 product distribution; at least one member shall be a family farmer with expertise in livestock  
57 farming; at least one member shall be a family farmer with expertise in grain farming and at least  
58 one member shall be a family farmer with expertise in organic farming. Members shall serve  
59 for four-year terms, except in the first appointments three members shall be appointed for terms  
60 of four years, three members shall be appointed for terms of three years and three members shall  
61 be appointed for terms of two years each. Any member appointed to fill a vacancy of an  
62 unexpired term shall be appointed for the remainder of the term of the member causing the  
63 vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by  
64 the commission.

65 [6.] 5. Commission members shall receive no compensation but shall be reimbursed for  
66 actual and necessary expenses incurred in the performance of their official duties on the  
67 commission. The division of agriculture business development of the department of agriculture  
68 shall provide all necessary staff and support services as required by the commission to hold  
69 commission meetings, to maintain records of official acts and to conduct all other business of  
70 the commission. The commission shall meet quarterly and at any such time that it deems  
71 necessary. Meetings may be called by the chairperson or by a petition signed by a majority of

72 the members of the commission. Ten days' notice shall be given in writing to such members  
73 prior to the meeting date. A simple majority of the members of the commission shall be present  
74 to constitute a quorum. Proxy voting shall not be permitted.

75 **6. If the commission does establish a fee structure as permitted under subsection**  
76 **3 of this section, the agriculture business development division of the department of**  
77 **agriculture shall promulgate rules establishing the commission's fee structure. The**  
78 **department of agriculture shall also promulgate rules and regulations for the**  
79 **implementation of this section. Any rule or portion of a rule, as that term is defined in**  
80 **section 536.010, that is created under the authority delegated in this section shall become**  
81 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
82 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**  
83 **of the powers vested with the general assembly pursuant to chapter 536, to review, to delay**  
84 **the effective date, or to disapprove and annul a rule are subsequently held**  
85 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
86 **after August 28, 2015, shall be invalid and void.**

261.320. 1. There is hereby established the “Agri-Ready County Designation  
2 Program” within the department of agriculture as a voluntary program whereby any  
3 county or city not within a county may apply with the department to become designated  
4 as an agri-ready county if it meets the requirements of this section.

5 **2. To qualify as an agri-ready county, a county or city not within a county shall:**

6 **(1) Not have any health or zoning ordinances that discourage or prevent new**  
7 **agricultural operations;**

8 **(2) Not have agricultural setback requirements that are more stringent than**  
9 **department of natural resources regulations;**

10 **(3) Not have permit fees that are greater than five hundred dollars annually;**

11 **(4) Not require additional cash, surety bonds, or insurance above the concentrated**  
12 **animal feeding operation indemnity fund requirements under section 640.740;**

13 **(5) Not define agricultural operations as nuisances;**

14 **(6) Not have a definition of any animal agricultural operation that is more stringent**  
15 **than state laws or regulations;**

16 **(7) Not require air monitoring or have containment requirements for air particles**  
17 **other than those required under chapter 643;**

18 **(8) Allow land application of nutrients and crop protection products at a rate no less**  
19 **than the minimum agronomic rate based on data from the college of agriculture, food, and**  
20 **natural resources at the University of Missouri-Columbia or based on the Material Safety**  
21 **Data Sheet of such crop protection product; and**

22           **(9) Not have any regulations or ordinances more restrictive than state laws to**  
23 **discourage or prevent processing facilities.**

24           **3. No later than March 31, 2016, the department of agriculture shall establish**  
25 **application requirements and review procedures for the agri-ready county designation**  
26 **program. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
27 **created under the authority delegated in this section shall become effective only if it**  
28 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
29 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
30 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
31 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
32 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2015,**  
33 **shall be invalid and void.**

34           **4. Any county or city not within a county that receives a designation as an agri-**  
35 **ready county shall submit a report annually to the department of agriculture that will**  
36 **include, but not be limited to, the following information:**

37           **(1) Any changes to ordinances, permit fees, or other factors necessary to meet the**  
38 **requirements of this section;**

39           **(2) The number of new agricultural operations in the county or city not within a**  
40 **county. No identifying information regarding any operation shall be required;**

41           **(3) The number of expanded agricultural operations in the county or city not within**  
42 **a county. No identifying information regarding any operation shall be required; and**

43           **(4) Any other information deemed necessary by the department of agriculture.**

44

45 **The report required under this subsection shall be no longer than one page. The**  
46 **department of agriculture shall allow for online submission of the report.**

47           **5. If the department determines that a county or city not within a county no longer**  
48 **meets the requirements of this section, it may withdraw the agri-ready county designation.**

49           **6. The department of agriculture shall develop an agri-ready county logo. Any**  
50 **county or city not within a county designated as agri-ready by the department of**  
51 **agriculture may use the agri-ready county logo on any sign, brochure, website, or other**  
52 **marketing material.**

53           **7. Any county or city not within a county designated as agri-ready by the**  
54 **department of agriculture may request the department of transportation to erect and**  
55 **maintain appropriate signs designating it as agri-ready. If requested, the department of**  
56 **transportation shall erect and maintain such signs, with the cost to be paid by the county**  
57 **or city not within a county.**

58           **8. The department of agriculture shall publish and maintain a list of all agri-ready**  
59 **counties on its website.**

60           **9. In evaluating any grant proposal based on a point system, the department of**  
61 **agriculture, department of natural resources, and department of economic development**  
62 **shall increase the total number of points awarded by five percent to the following:**

63           **(1) Any agri-ready county or city not within a county;**

64           **(2) Any political subdivision located within an agri-ready county; or**

65           **(3) Any agricultural operation located within or proposing to locate within an agri-**  
66 **ready county.**

67

68 **If an agri-ready county loses its agri-ready designation at any point during the grant**  
69 **period, the agri-ready county shall be responsible for repaying any grant funding received.**

**265.475. 1. Any commercial slaughter plant or meat processor that has been**  
2 **inspected by the department of agriculture under chapter 265 or the United States**  
3 **Department of Agriculture under 9 CFR 352 may slaughter and process captive cervids**  
4 **for human consumption if the captive cervids are from a herd that participates in a United**  
5 **States Department of Agriculture herd certification program.**

6 **2. The sale of captive cervid meat slaughtered and processed at a facility in compliance**  
7 **with the provisions of subsection 1 of this section shall not be prohibited or restricted.**

8           **3. Any licensed hunting preserve or licensed deer breeder shall be allowed to**  
9 **slaughter and process any captive cervids owned by such preserve or breeder at a facility**  
10 **in compliance with the provisions of subsection 1 of this section at any time of year. The**  
11 **department of agriculture may establish rules and regulations relating to the slaughter and**  
12 **processing of captive cervids under this section.**

13           **4. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
14 **created under the authority delegated in this section shall become effective only if it**  
15 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
16 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
17 **vested with the general assembly under chapter 536 to review, to delay the effective date,**  
18 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**  
19 **of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be**  
20 **invalid and void.**

**266.301. It shall be unlawful for any distributor to sell, offer for sale or expose for sale**  
2 **for consumption or use in this state any fertilizer without first securing a permit from the**  
3 **[director] fertilizer control board. Such permit shall expire on the thirtieth day of June of each**

4 year. Application for such permit shall be on forms furnished by the [director] **fertilizer control**  
5 **board**.

266.311. It shall be unlawful for any person to sell, offer for sale or expose for sale any  
2 fertilizer for use or consumption in this state which is misbranded. Any fertilizer shall be  
3 deemed to be misbranded if it fails to carry the printed statement required under section 266.321,  
4 or if the chemical composition of such fertilizer does not meet the guarantee expressed on said  
5 statement within allowable tolerances fixed by the [director] **fertilizer control board**, or if the  
6 container for such fertilizer or any statement accompanying the same carries any false or  
7 misleading statement, or if false or misleading statements concerning its agricultural value are  
8 made on any advertising matter accompanying or associated with such fertilizer.

266.331. Every distributor shall, within thirty days after each six-months' period ending  
2 June thirtieth and December thirty-first, file with the [director] **fertilizer control board** on forms  
3 supplied by [him] **the fertilizer control board** a sworn certificate setting forth the information  
4 required [by the director] by rule. At the time of filing said certificate, each distributor of  
5 fertilizer, excluding manipulated animal or vegetable manure, shall pay to the director the fee  
6 prescribed [by the director] by rule, which fee shall not exceed one dollar per ton and one dollar  
7 ten cents per metric ton; except that, sales to fertilizer manufacturers or exchanges between them  
8 are hereby exempted. Each distributor of fertilizer consisting of manipulated animal or vegetable  
9 manure shall pay to the director a fee paid for each ton of manure as prescribed [by the director]  
10 by rule, which fee shall not exceed two cents for each percent nitrogen for manure containing  
11 less than five percent nitrogen; or which fee shall not exceed four cents for each percent nitrogen  
12 for manure containing at least five but less than ten percent nitrogen; or which fee shall not  
13 exceed six cents for each percent nitrogen for manure containing ten or more percent nitrogen.  
14 In the event that the [director] **fertilizer control board** has not prescribed a fee under this  
15 section, each distributor required to pay a fee under this section shall pay a fee of one and one-  
16 half cents for each one hundred pounds of fertilizer sold [by him] during the period covered by  
17 the certificate filed under this section. [The fees so paid to the director shall be used for  
18 defraying the expenses in administering sections 266.291 to 266.351 and the rules promulgated  
19 under sections 266.291 to 266.351, and for practical and scientific experiments by the Missouri  
20 agricultural experiment station in the value and proper use of fertilizers. Such fees may also be  
21 used to support such related research and methodology, publications, and educational programs  
22 extending the results of the fertilizer experiments as may be of practical use to the farmers of this  
23 state.] **The director is hereby authorized to collect fees and hold all fees in a separate fund**  
24 **that shall be utilized by the fertilizer control board to administer sections 266.291 to**  
25 **266.351.**

266.336. 1. There is hereby created [an advisory council to the director, which] a  
2 **"Fertilizer Control Board"**. The fertilizer control board shall be composed of [fifteen]  
3 **thirteen** members [appointed by the director pursuant to this section]. Of the [fifteen] **thirteen**  
4 members [so appointed], five shall be actively employed as fertilizer manufacturers or  
5 distributors[,] and five shall be actively engaged in the business of farming[, and five shall be  
6 chosen from the residents at large of this state. The five members chosen from the residents at  
7 large of this state] . **The nonprofit corporation organized under Missouri law to promote**  
8 **the interests of the fertilizer industry shall nominate persons employed as fertilizer**  
9 **manufacturers or distributors, and Missouri not-for-profit organizations that represent**  
10 **farmers shall nominate persons engaged in the business of farming. Such nominations**  
11 **shall be submitted to the director, and the director shall select members from these**  
12 **nominations. Three at large members** shall be selected by the director with the approval of  
13 a majority of the other ten members of the [advisory council] **fertilizer control board.**

14 2. The [advisory council] **fertilizer control board** shall:

15 (1) Meet at least [once] **twice** each year **with meetings conducted according to bylaws;**

16 (2) [Annually] Review [with the director] **and approve** the income received and  
17 expenditures made under sections 266.291 to 266.351;

18 (3) [Review and approve all rules, and revisions or rescissions thereof, to be promulgated  
19 by the director] **In accordance with this section and chapter 536, adopt, amend, promulgate,**  
20 **or repeal after due notice and hearing rules and regulations to enforce, implement, and**  
21 **effectuate the powers and duties of sections 266.291 to 266.351. No rule or portion of a rule**  
22 **promulgated under the authority of this chapter shall become effective unless it has been**  
23 **promulgated pursuant to the provisions of section 536.024;**

24 (4) [Consider all information and advise the director in determining] **Revoke or suspend**  
25 **a permit, or refuse to issue a permit, to any distributor who has knowingly violated any of**  
26 **the provisions of sections 266.291 to 266.351, or has failed or neglected to pay the fees or**  
27 **penalties provided for in sections 266.291 to 266.351. The board shall conduct a hearing**  
28 **if requested by the distributor to review all penalties assessed and permit decisions made**  
29 **by the board. Upon completion of a hearing, the board shall determine if penalty**  
30 **modifications are warranted giving consideration to the history of previous violations, the**  
31 **seriousness of the violation, any overage in any other ingredients, demonstrated good faith**  
32 **of the distributor, and any other factors deemed appropriate. Any penalty modification**  
33 **must comply with section 266.343;**

34 (5) **Determine** the method and amount of fees to be assessed. In performing its duties  
35 under this subdivision, the [advisory council] **fertilizer control board** shall represent the best  
36 interests of the Missouri farmers **and Missouri agribusinesses;**

37 [(5) Serve in an advisory capacity in all matters pertaining to the administration of  
38 sections 266.291 to 266.351]

39 (6) **Secure access to a laboratory with necessary equipment, and employees as may  
40 be necessary, to aid in the administration of sections 266.291 to 266.351;**

41 (7) **Pursue nutrient research, educational, and outreach programs to ensure the  
42 adoption and implementation of practices that optimize nutrient use efficiency, ensure soil  
43 fertility, and address environmental concerns with regard to fertilizer use extending the  
44 results of the fertilizer experiments that may be of practical use to the farmers and  
45 agribusinesses of this state;**

46 (8) **Exercise general supervision of the administration and enforcement of sections  
47 266.291 to 266.351, and all rules and regulations and orders promulgated under such  
48 sections.**

49 **3. Authorized agents of the fertilizer control board are hereby authorized and  
50 empowered to:**

51 (1) **Only to the extent necessary to determine general compliance, collect samples,  
52 inspect, and make analysis of fertilizer sold, offered, or exposed for sale within this state;  
53 except that, samples taken of fertilizer sold in bulk shall be taken from the bulk container  
54 immediately after mixing on the premises of the mixing facility or, when not possible, to  
55 be sampled from the bulk container wherever found. All samples shall have a preliminary  
56 analysis completed within five business days of the sample being obtained. If requested,  
57 a portion of any sample found subject to penalty or other legal action shall be provided to  
58 the distributor liable for the penalty;**

59 (2) **Only to the extent necessary to determine general compliance, inspect and audit  
60 the books of every distributor who sells, offers for sale, or exposes for sale fertilizer for  
61 consumption or use in this state to determine whether or not the provisions of sections  
62 266.291 to 266.351 are being fully complied with;**

63 (3) **Require every distributor to file documentation as prescribed by rules  
64 promulgated under sections 266.291 to 266.351. Such documents shall not be required  
65 more often than six-month intervals, and all such documents shall be returned to the  
66 distributor upon request;**

67 (4) **Enter upon any public or private premises during regular business hours in  
68 order to have access to fertilizer subject to sections 266.291 to 266.351 and the rules and  
69 regulations promulgated under sections 266.291 to 266.351, and to take samples and  
70 inspect such fertilizer;**

71 (5) **Issue and enforce a written or printed "stop-sale, use, or removal" order to the  
72 owner or custodian of any fertilizer that is found to be in violation of any of the provisions**

73 of sections 266.291 to 266.351, which such order prohibiting the further sale of such  
74 fertilizer until sections 266.291 to 266.351 have been complied with or otherwise disposed  
75 of;

76 (6) Publish each year the full and detailed report giving the names and addresses  
77 of all distributors registered under sections 266.291 to 266.351, the analytical results of all  
78 samples collected, and a statement of all fees and penalties received and expenditures made  
79 under sections 266.291 to 266.351;

80 (7) Establish from information secured from manufacturers and other reliable  
81 sources, the market value of fertilizer and fertilizer materials for the purpose of  
82 determining the amount of damages due when the official analysis shows an excessive  
83 deficiency from the guaranteed analysis;

84 (8) Retain, employ, provide for, and compensate such consultants, assistants, and  
85 other employees on a full- or part-time basis and contract for goods and services as may  
86 be necessary to carry out the provisions of sections 266.291 to 266.351, and prescribe the  
87 times at which they shall be appointed and their powers and duties.

88 [3.] 4. The filling of vacancies, the selection of officers, the conduct of its meetings,  
89 and all other matters concerning the fertilizer control board shall be outlined in the bylaws  
90 established by the fertilizer control board. All members of the [advisory council] fertilizer  
91 control board shall serve for terms of three years and until their successors are duly appointed  
92 and qualified; except that, of the members first appointed:

93 (1) Two members who are actively employed as fertilizer manufacturers or distributors,  
94 two members actively engaged in the business of farming, and [two members chosen from the  
95 residents of this state] one at large member shall serve for terms of three years;

96 (2) Two members who are actively employed as fertilizer manufacturers or distributors,  
97 two members actively engaged in the business of farming, and [two members chosen from the  
98 residents of this state] one at large member shall serve for terms of two years; and

99 (3) The remaining three members shall serve for terms of one year.

100 [4.] 5. All members shall be residents of this state. No member may serve more than  
101 two consecutive terms on the advisory council, but any member may be reappointed after he has  
102 not been a member of the advisory council for a period of at least three years.

103 [5.] 6. All members shall be reimbursed for reasonable expenses incurred in the  
104 performance of their official duties in accordance with the reimbursement policy set by the  
105 [director] fertilizer control board bylaws. All reimbursements paid under this section shall be  
106 paid from fees collected under sections 266.291 to 266.351.

107 [6. Every vacancy on the advisory council shall be filled by the director with the approval  
108 of a majority of the remaining members of the council. The person selected to fill any such

109 vacancy shall possess the same qualifications required by this section as the member he replaces  
110 and shall serve until the end of the unexpired term of his predecessor.]

266.343. If any fertilizer offered for sale in this state shall upon official analysis prove  
2 deficient from its guarantee as stated on the bag or other container, penalties shall be assessed  
3 as follows:

4 (1) For a single ingredient fertilizer containing nitrogen or available phosphate or soluble  
5 potash:

6 (a) When the value of this ingredient is found to be deficient from the guarantee to the  
7 extent of three percent and not over five percent, the distributor shall be liable for the actual  
8 deficiency;

9 (b) When the deficiency exceeds five percent of the total value, the penalty shall be three  
10 times the actual value of the shortage;

11 (2) For multiple ingredient fertilizers containing two or more of the single ingredients:  
12 Nitrogen or available phosphate or soluble potash, penalties shall be assessed according to (a),  
13 (b) or (c) as herein stated. When a multiple ingredient fertilizer is subject to a penalty under (a),  
14 (b) and (c) only the larger penalty shall be assessed.

15 (a) When the total combined values of the nitrogen or available phosphate or soluble  
16 potash is found to be deficient to the extent of three percent and not over five percent, the  
17 distributor shall be liable for the actual deficiency in total value.

18 (b) When the deficiency exceeds five percent of the total value, the penalty shall be three  
19 times the actual value of the shortage.

20 (c) When either the nitrogen, available phosphate or soluble potash value is found  
21 deficient from the guarantee to the extent of ten percent up to the maximum of two units (two  
22 percent plant food), the distributors shall be liable for the value of such shortages;

23 **(3) Total penalties assessed upon a distributor shall not exceed five thousand**  
24 **dollars per calendar year or the amount of the current value of the plant food deficiency,**  
25 **whichever is greater. A distributor who knowingly violates the provisions of sections**  
26 **266.291 to 266.351 shall be assessed a penalty of not more than twenty-five thousand**  
27 **dollars for each offense.**

266.347. 1. The penalties assessed [by the director] under section 266.343 shall be paid  
2 by the distributor to the purchaser of such fertilizer, and in the event such purchaser cannot be  
3 ascertained, then said penalty shall be paid [to the director and used for the purposes specified  
4 in section 266.321, except the maximum paid the purchaser will approximate the actual value  
5 of the deficiency] **to the director under section 266.331 and shall be used in accordance with**  
6 **the provisions of such section.**

7           2. [The director shall prepare] **Where the preliminary analysis shows a potential**  
8 **deficiency, the distributor shall be provided preliminary notification within two business**  
9 **days by telephone or email in addition to a notification letter delivered by mail. Once the**  
10 **analysis is certified,** a written certification of penalties assessed under section 266.343  
11 [addressed to the distributor. A copy of such certification of assessment] shall be mailed to the  
12 distributor liable for the penalty.

13           3. Any decision, finding, order or ruling of the [director] **fertilizer control board** made  
14 pursuant to the provisions of sections 266.291 through 266.351 shall be subject to judicial review  
15 in the manner provided by chapter 536.

16           4. If any distributor shall fail to pay any penalty assessed [by the director] after the time  
17 for judicial review has expired, or after any judgment or decree approving such assessment has  
18 become final, the person entitled to such penalty under the provisions of subsection 1 shall be  
19 entitled to bring a civil action to recover the same, and in such civil action such persons shall be  
20 entitled to recover from the distributor the amount of the penalty, a reasonable attorney's fee and  
21 costs of the action.

**267.169. 1. No premises registration data, animal identification data,**  
2 **environmental data, or animal tracking data collected by any state agency from**  
3 **participants under the federal Animal Disease Traceability Program, nor any data**  
4 **collected for the purpose of animal health or environmental protection shall be subject to**  
5 **disclosure under the Missouri sunshine law in chapter 610, except that the director of any**  
6 **state agency or the state veterinarian within the department of agriculture shall release**  
7 **information otherwise closed to the extent that the information is useful in controlling or**  
8 **preventing a disease outbreak, for public safety purposes, or to show particular animals**  
9 **or herds are not involved in a disease outbreak, as is deemed required under the**  
10 **circumstances. Nothing in this section shall be construed to allow the release of**  
11 **proprietary information.**

12           **2. Any unauthorized release of information under subsection 1 of this section with**  
13 **regard to a particular entity or person regardless of the type or quantity of information**  
14 **released shall be a violation of this section. Any entity or person alleging a violation of this**  
15 **section may bring a civil action against a state agency in a court of competent jurisdiction.**  
16 **A court may order any appropriate relief including damages in an amount not to exceed**  
17 **ten thousand dollars, payment of reasonable attorney's fees, costs, expenses, and any**  
18 **injunctive relief the court deems necessary and proper.**

272.030. [If any horses, cattle or other stock shall break over or through any lawful  
2 fence, as defined in section 272.020, and by so doing obtain access to, or do trespass upon, the  
3 premises of another, the owner of such animal shall, for the first trespass, make reparation to the

4 party injured for the true value of the damages sustained, to be recovered with costs before a  
5 circuit or associate circuit judge, and for any subsequent trespass the party injured may put up  
6 said animal or animals and take good care of the same and immediately notify the owner, who  
7 shall pay to taker-up the amount of the damages sustained, and such compensation as shall be  
8 reasonable for the taking up and keeping of such animals, before he shall be allowed to remove  
9 the same, and if the owner and taker-up cannot agree upon the amount of the damages and  
10 compensation, either party may institute an action in circuit court as in other civil cases. If the  
11 owner recover, he shall recover his costs and any damages he may have sustained, and the court  
12 shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover,  
13 the judgment shall be a lien upon the animals taken up, and in addition to a general judgment and  
14 execution, he shall have a special execution against such animals to pay the judgment rendered,  
15 and costs] **The owner of any livestock that trespasses on the premises of another shall not**  
16 **be held strictly liable for any damages.**

272.230. [If any horses, cattle or other stock trespass upon the premises of another, the  
2 owner of the animal shall for the first trespass make reparation to the party injured for the true  
3 value of the damages sustained, to be recovered with costs before an associate circuit judge, or  
4 in any court of competent jurisdiction, and for any subsequent trespass the party injured may put  
5 up the animal or animals and take good care of them and immediately notify the owner, who  
6 shall pay to the taker-up the amount of the damages sustained, and such compensation as shall  
7 be reasonable for the taking up and keeping of the animals, before he shall be allowed to remove  
8 them, and if the owner and taker-up cannot agree upon the amount of the damages and  
9 compensation either party may make complaint to an associate circuit judge of the county, setting  
10 forth the fact of the disagreement, and the associate circuit judge shall be possessed of the cause,  
11 and shall issue a summons to the adverse party and proceed with the cause as in other civil cases.  
12 If the owner recovers, he shall recover his costs and any damages he may have sustained, and the  
13 associate circuit judge shall issue an order requiring the taker-up to deliver to him the animals.  
14 If the taker-up recover, the judgment shall be a lien upon the animals taken up, and, in addition  
15 to a general judgment and execution, he shall have a special execution against the animals to pay  
16 the judgment rendered and costs] **The owner of any livestock that trespasses on the premises**  
17 **of another shall not be held strictly liable for any damages sustained.**

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

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

- 6 (2) "Automobile transporter", any vehicle combination designed and used specifically  
7 for the transport of assembled motor vehicles;
- 8 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are  
9 included between two parallel transverse vertical planes forty inches apart, extending across the  
10 full width of the vehicle;
- 11 (4) "Boat transporter", any vehicle combination designed and used specifically to  
12 transport assembled boats and boat hulls;
- 13 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not  
14 owned by the shop or its officers or employees by mending, straightening, replacing body parts,  
15 or painting;
- 16 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more  
17 passengers but not including shuttle buses;
- 18 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying  
19 freight and merchandise, or more than eight passengers but not including vanpools or shuttle  
20 buses;
- 21 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at  
22 speeds less than forty miles per hour from field to field or from field to market and return;
- 23 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in  
24 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 25 (10) "Director" or "director of revenue", the director of the department of revenue;
- 26 (11) "Driveaway operation":
- 27 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than  
28 a dealer over any public highway, under its own power singly, or in a fixed combination of two  
29 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
- 30 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting  
31 the commodity being transported, by a person engaged in the business of furnishing drivers and  
32 operators for the purpose of transporting vehicles in transit from one place to another by the  
33 driveaway or towaway methods; or
- 34 (c) The movement of a motor vehicle by any person who is lawfully engaged in the  
35 business of transporting or delivering vehicles that are not the person's own and vehicles of a  
36 type otherwise required to be registered, by the driveaway or towaway methods, from a point of  
37 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent  
38 of a manufacturer or to any consignee designated by the shipper or consignor;
- 39 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth  
40 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor

41 equipped with a dromedary may carry part of a load when operating independently or in a  
42 combination with a semitrailer;

43 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

44 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

45 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

46 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last  
47 vehicle in a saddlemount combination;

48 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus  
49 the weight of any load thereon;

50 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the  
51 result of the impact of hail;

52 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads  
53 and public streets, avenues, boulevards, parkways or alleys in any municipality;

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

56 (21) "Intersecting highway", any highway which joins another, whether or not it crosses  
57 the same;

58 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways  
59 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

60 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally  
61 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from  
62 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

63 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire  
64 commercial motor vehicle the operation of which is confined to:

65 (a) An area that extends not more than a radius of one hundred miles from its home base  
66 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or  
67 from projects involving soil and water conservation, or to and from equipment dealers'  
68 maintenance facilities for maintenance purposes; or

69 (b) An area that extends not more than a radius of fifty miles from its home base of  
70 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from  
71 projects not involving soil and water conservation. Nothing in this subdivision shall be  
72 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or  
73 local commercial motor vehicle;

74 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations  
75 are confined solely to a municipality and that area extending not more than fifty miles therefrom,  
76 or a commercial motor vehicle whose property-carrying operations are confined solely to the

77 transportation of property owned by any person who is the owner or operator of such vehicle to  
78 or from a farm owned by such person or under the person's control by virtue of a landlord and  
79 tenant lease; provided that any such property transported to any such farm is for use in the  
80 operation of such farm;

81 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this  
82 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
83 state, used to transport **any form or type of** harvested forest products, operated solely at a  
84 forested site and in an area extending not more than a [one] **two** hundred-mile radius from such  
85 site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with  
86 dual wheels, and when operated on the national system of interstate and defense highways  
87 described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed  
88 the weight limits of section 304.180, does not have more than four axles, and does not pull a  
89 trailer which has more than two axles. Harvesting equipment which is used specifically for  
90 cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and  
91 stacking may be transported on a local log truck. A local log truck may not exceed the limits  
92 required by law, however, if the truck does exceed such limits as determined by the inspecting  
93 officer, then notwithstanding any other provisions of law to the contrary, such truck shall be  
94 subject to the weight limits required by such sections as licensed for eighty thousand pounds;

95 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this  
96 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
97 state, used to transport **any form or type of** harvested forest products, operated solely at a  
98 forested site and in an area extending not more than a [one] **two** hundred-mile radius from such  
99 site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle  
100 or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle,  
101 and when operated on the national system of interstate and defense highways described in Title  
102 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits  
103 contained in section 304.180, and does not have more than three axles and does not pull a trailer  
104 which has more than two axles. Violations of axle weight limitations shall be subject to the load  
105 limit penalty as described for in sections 304.180 to 304.220;

106 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal  
107 corporation, or wholly within a municipal corporation and a commercial zone, as defined in  
108 section 390.020, adjacent thereto, forming a part of a public transportation system within such  
109 municipal corporation and such municipal corporation and adjacent commercial zone;

110 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and  
111 is used exclusively to transport harvested forest products to and from forested sites which is

112 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this  
113 state for the transportation of harvested forest products;

114 (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,  
115 and front clip, as those terms are defined by the director of revenue pursuant to rules and  
116 regulations or by illustrations;

117 (31) "Manufacturer", any person, firm, corporation or association engaged in the  
118 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

119 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
120 receives a new, rebuilt or used engine, and which used the number stamped on the original  
121 engine as the vehicle identification number;

122 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,  
123 except farm tractors;

124 (34) "Motor vehicle primarily for business use", any vehicle other than a recreational  
125 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over  
126 twelve thousand pounds:

127 (a) Offered for hire or lease; or

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

129 (35) "Motorcycle", a motor vehicle operated on two wheels;

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

134 (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle  
135 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.  
136 A motortricycle shall not be included in the definition of all-terrain vehicle;

137 (38) "Municipality", any city, town or village, whether incorporated or not;

138 (39) "Nonresident", a resident of a state or country other than the state of Missouri;

139 (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in  
140 compliance with United States emissions or safety standards;

141 (41) "Operator", any person who operates or drives a motor vehicle;

142 (42) "Owner", any person, firm, corporation or association, who holds the legal title to  
143 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease  
144 thereof with the right of purchase upon performance of the conditions stated in the agreement  
145 and with an immediate right of possession vested in the conditional vendee or lessee, or in the  
146 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee  
147 or mortgagor shall be deemed the owner for the purpose of this law;

148 (43) "Public garage", a place of business where motor vehicles are housed, stored,  
149 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
150 of business;

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

153 (45) "Reconstructed motor vehicle", a vehicle that is altered from its original  
154 construction by the addition or substitution of two or more new or used major component parts,  
155 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

156 (46) "Recreational motor vehicle", any motor vehicle designed, constructed or  
157 substantially modified so that it may be used and is used for the purposes of temporary housing  
158 quarters, including therein sleeping and eating facilities which are either permanently attached  
159 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.  
160 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
161 vehicle if the motor vehicle could otherwise be so registered;

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

166 (48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
167 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a  
168 wrecker or towing service;

169 (49) "Saddlemount combination", a combination of vehicles in which a truck or truck  
170 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth  
171 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of  
172 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth  
173 wheel kingpin connection. When two vehicles are towed in this manner the combination is  
174 called a "double saddlemount combination". When three vehicles are towed in this manner, the  
175 combination is called a "triple saddlemount combination";

176 (50) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for  
177 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

178 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

- 184 (b) By reason of condition or circumstance, has been declared salvage, either by its  
185 owner, or by a person, firm, corporation, or other legal entity exercising the right of security  
186 interest in it;
- 187 (c) Has been declared salvage by an insurance company as a result of settlement of a  
188 claim;
- 189 (d) Ownership of which is evidenced by a salvage title; or
- 190 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157  
191 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild  
192 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling  
193 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on  
194 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair  
195 market value" means the retail value of a motor vehicle as:
- 196 a. Set forth in a current edition of any nationally recognized compilation of retail values,  
197 including automated databases, or from publications commonly used by the automotive and  
198 insurance industries to establish the values of motor vehicles;
- 199 b. Determined pursuant to a market survey of comparable vehicles with regard to  
200 condition and equipment; and
- 201 c. Determined by an insurance company using any other procedure recognized by the  
202 insurance industry, including market surveys, that is applied by the company in a uniform  
203 manner;
- 204 (52) "School bus", any motor vehicle used solely to transport students to or from school  
205 or to transport students to or from any place for educational purposes;
- 206 (53) "Scrap processor", a business that, through the use of fixed or mobile equipment,  
207 flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or  
208 transportation to a shredder or scrap metal operator for recycling;
- 209 (54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
210 corporation as an incidental service to transport patrons or customers of the regular business of  
211 such person, firm, or corporation to and from the place of business of the person, firm, or  
212 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
213 buses or as commercial motor vehicles;
- 214 (55) "Special mobile equipment", every self-propelled vehicle not designed or used  
215 primarily for the transportation of persons or property and incidentally operated or moved over  
216 the highways, including farm equipment, implements of husbandry, road construction or  
217 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,  
218 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt  
219 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,

220 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump  
221 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and  
222 shall not operate to exclude other such vehicles which are within the general terms of this  
223 section;

224 (56) "Specially constructed motor vehicle", a motor vehicle which shall not have been  
225 originally constructed under a distinctive name, make, model or type by a manufacturer of motor  
226 vehicles. The term specially constructed motor vehicle includes kit vehicles;

227 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel  
228 is located on a drop frame located behind and below the rearmost axle of the power unit;

229 (58) "Tandem axle", a group of two or more axles, arranged one behind another, the  
230 distance between the extremes of which is more than forty inches and not more than ninety-six  
231 inches apart;

232 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed  
233 for drawing other vehicles, but not for the carriage of any load when operating independently.  
234 When attached to a semitrailer, it supports a part of the weight thereof;

235 (60) "Trailer", any vehicle without motive power designed for carrying property or  
236 passengers on its own structure and for being drawn by a self-propelled vehicle, except those  
237 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed  
238 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight  
239 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton  
240 trailers as defined in subdivision (8) of this section and shall not include manufactured homes  
241 as defined in section 700.010;

242 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of  
243 property;

244 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two  
245 trailing units are connected with a B-train assembly which is a rigid frame extension attached to  
246 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second  
247 semitrailer and has one less articulation point than the conventional A-dolly connected truck-  
248 tractor semitrailer-trailer combination;

249 (63) "Truck-trailer boat transporter combination", a boat transporter combination  
250 consisting of a straight truck towing a trailer using typically a ball and socket connection with  
251 the trailer axle located substantially at the trailer center of gravity rather than the rear of the  
252 trailer but so as to maintain a downward force on the trailer tongue;

253 (64) "Used parts dealer", a business that buys and sells used motor vehicle parts or  
254 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.  
255 "Business" does not include isolated sales at a swap meet of less than three days;

256 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-  
257 highway use which is more than fifty inches but no more than sixty-seven inches in width, with  
258 an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to be used  
259 primarily for landscaping, lawn care, or maintenance purposes;

260 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,  
261 firm, corporation, association, city, county or state agency, or any member thereof, for the  
262 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
263 and from their place of employment; however, a vanpool shall not be included in the definition  
264 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this  
265 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section  
266 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal,  
267 or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary  
268 profit other than for use in a ride-sharing arrangement;

269 (67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
270 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,  
271 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
272 operated by handicapped persons;

273 (68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed  
274 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a  
275 highway, road, street or highway rights-of-way to a point of storage or repair, including towing  
276 a replacement vehicle to replace a disabled or wrecked vehicle;

277 (69) "Wrecker or towing service", the act of transporting, towing or recovering with a  
278 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,  
279 tow truck, rollback or car carrier for which the operator directly or indirectly receives  
280 compensation or other personal gain.

304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any  
2 highway in this state having a greater weight than twenty thousand pounds on one axle, no  
3 combination of vehicles operated by transporters of general freight over regular routes as defined  
4 in section 390.020 shall be moved or operated on any highway of this state having a greater  
5 weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not  
6 to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated  
7 on any state highway of this state having a greater weight than thirty-four thousand pounds on  
8 any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one  
9 behind another, the distance between the extremes of which is more than forty inches and not  
10 more than ninety-six inches apart.

11           2. An "axle load" is defined as the total load transmitted to the road by all wheels whose  
 12 centers are included between two parallel transverse vertical planes forty inches apart, extending  
 13 across the full width of the vehicle.

14           3. Subject to the limit upon the weight imposed upon a highway of this state through any  
 15 one axle or on any tandem axle, the total gross weight with load imposed by any group of two  
 16 or more consecutive axles of any vehicle or combination of vehicles shall not exceed the  
 17 maximum load in pounds as set forth in the following table:

18 Distance in feet between the extremes  
 19 of any group of two or more consecutive  
 20 axles, measured to the nearest foot,  
 21 except where indicated otherwise

		Maximum load in pounds				
23 feet	2 axles	3 axles	4 axles	5 axles	6 axles	
24 4	34,000					
25 5	34,000					
26 6	34,000					
27 7	34,000					
28 8	34,000	34,000				
29 More than 8	38,000	42,000				
30 9	39,000	42,500				
31 10	40,000	43,500				
32 11	40,000	44,000				
33 12	40,000	45,000	50,000			
34 13	40,000	45,500	50,500			
35 14	40,000	46,500	51,500			
36 15	40,000	47,000	52,000			
37 16	40,000	48,000	52,500	58,000		
38 17	40,000	48,500	53,500	58,500		
39 18	40,000	49,500	54,000	59,000		
40 19	40,000	50,000	54,500	60,000		
41 20	40,000	51,000	55,500	60,500	66,000	
42 21	40,000	51,500	56,000	61,000	66,500	
43 22	40,000	52,500	56,500	61,500	67,000	
44 23	40,000	53,000	57,500	62,500	68,000	
45 24	40,000	54,000	58,000	63,000	68,500	
46 25	40,000	54,500	58,500	63,500	69,000	

47	26	40,000	55,500	59,500	64,000	69,500
48	27	40,000	56,000	60,000	65,000	70,000
49	28	40,000	57,000	60,500	65,500	71,000
50	29	40,000	57,500	61,500	66,000	71,500
51	30	40,000	58,500	62,000	66,500	72,000
52	31	40,000	59,000	62,500	67,500	72,500
53	32	40,000	60,000	63,500	68,000	73,000
54	33	40,000	60,000	64,000	68,500	74,000
55	34	40,000	60,000	64,500	69,000	74,500
56	35	40,000	60,000	65,500	70,000	75,000
57	36		60,000	66,000	70,500	75,500
58	37		60,000	66,500	71,000	76,000
59	38		60,000	67,500	72,000	77,000
60	39		60,000	68,000	72,500	77,500
61	40		60,000	68,500	73,000	78,000
62	41		60,000	69,500	73,500	78,500
63	42		60,000	70,000	74,000	79,000
64	43		60,000	70,500	75,000	80,000
65	44		60,000	71,500	75,500	80,000
66	45		60,000	72,000	76,000	80,000
67	46		60,000	72,500	76,500	80,000
68	47		60,000	73,500	77,500	80,000
69	48		60,000	74,000	78,000	80,000
70	49		60,000	74,500	78,500	80,000
71	50		60,000	75,500	79,000	80,000
72	51		60,000	76,000	80,000	80,000
73	52		60,000	76,500	80,000	80,000
74	53		60,000	77,500	80,000	80,000
75	54		60,000	78,000	80,000	80,000
76	55		60,000	78,500	80,000	80,000
77	56		60,000	79,500	80,000	80,000
78	57		60,000	80,000	80,000	80,000

79

80 Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load  
81 of thirty-four thousand pounds each if the overall distance between the first and last axles of such  
82 consecutive sets of tandem axles is thirty-six feet or more.

83           4. Whenever the state highways and transportation commission finds that any state  
84 highway bridge in the state is in such a condition that use of such bridge by vehicles of the  
85 weights specified in subsection 3 of this section will endanger the bridge, or the users of the  
86 bridge, the commission may establish maximum weight limits and speed limits for vehicles using  
87 such bridge. The governing body of any city or county may grant authority by act or ordinance  
88 to the state highways and transportation commission to enact the limitations established in this  
89 section on those roadways within the purview of such city or county. Notice of the weight limits  
90 and speed limits established by the commission shall be given by posting signs at a conspicuous  
91 place at each end of any such bridge.

92           5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle  
93 loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23  
94 of the United States Code.

95           6. Notwithstanding the weight limitations contained in this section, any vehicle or  
96 combination of vehicles operating on highways other than the interstate highway system may  
97 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two  
98 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except  
99 as provided in subsections 9 and 10 of this section.

100           7. Notwithstanding any provision of this section to the contrary, the department of  
101 transportation shall issue a single-use special permit, or upon request of the owner of the truck  
102 or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or  
103 well-drillers' equipment. The department of transportation shall set fees for the issuance of  
104 permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete  
105 pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways  
106 at any time on any day.

107           8. Notwithstanding the provision of this section to the contrary, the maximum gross  
108 vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an  
109 idle reduction technology may be increased by a quantity necessary to compensate for the  
110 additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as  
111 amended. In no case shall the additional weight increase allowed by this subsection be greater  
112 than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the  
113 vehicle operator shall provide proof that the idle reduction technology is fully functional at all  
114 times and that the gross weight increase is not used for any purpose other than for the use of idle  
115 reduction technology.

116           9. [Notwithstanding subsection 3 of this section or any other provision of law to the  
117 contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may  
118 be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating

119 on U.S. Highway 36 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa  
120 state line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway  
121 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The provisions of this  
122 subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate  
123 and Defense Highways.

124 10.] Notwithstanding any provision of this section or any other law to the contrary, the  
125 total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a  
126 processing facility **or livestock** may be as much as, but shall not exceed, eighty-five thousand  
127 five hundred pounds while operating on highways other than the interstate highway system. The  
128 provisions of this subsection shall not apply to vehicles operated and operating on the Dwight  
129 D. Eisenhower System of Interstate and Defense Highways.

130 [11.] **10. Notwithstanding any provision of this section or any other law to the**  
131 **contrary, any vehicle or combination of vehicles hauling grain or grain co-products during**  
132 **times of harvest may be as much as, but not exceeding, ten percent over the maximum**  
133 **weight limitation allowable under subsection 3 of this section while operating on highways**  
134 **other than the interstate highway system. The provisions of this subsection shall not apply**  
135 **to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and**  
136 **Defense Highways.**

137 11. Notwithstanding any provision of this section or any other law to the contrary, the  
138 department of transportation shall issue emergency utility response permits for the transporting  
139 of utility wires or cables, poles, and equipment needed for repair work immediately following  
140 a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval  
141 of such operation may be made either by the motor carrier compliance supervisor or other  
142 designated motor carrier services representative. Utility vehicles and equipment used to assist  
143 utility companies granted special permits under this subsection may be operated and transported  
144 on state-maintained roads and highways at any time on any day. The department of  
145 transportation shall promulgate all necessary rules and regulations for the administration of this  
146 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
147 under the authority delegated in this section shall become effective only if it complies with and  
148 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
149 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
150 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
151 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
152 proposed or adopted after August 28, 2014, shall be invalid and void.

319.114. 1. The department shall establish rules requiring the owner or operator to  
2 maintain evidence of financial responsibility in an amount and form sufficient for taking

3 corrective action and compensating third parties for bodily injury and property damage caused  
4 by sudden and nonsudden accidental releases arising from the operation of an underground  
5 storage tank.

6 2. The form of the evidence of financial responsibility required by this section may be  
7 by any one, or any combination, of the following methods: cash trust fund, guarantee, insurance,  
8 surety or performance bond, letter of credit, qualification as a self-insurer, or any other method  
9 satisfactory to the department. In adopting requirements under this section, the department may  
10 specify policy or other contractual terms, conditions, or defenses which are necessary or are  
11 unacceptable in establishing the evidence of financial responsibility.

12 3. The amount of financial responsibility required shall not exceed the amount required  
13 for compliance with section 9003 of subtitle I of the federal Resource Conservation and  
14 Recovery Act of 1976 (P.L. 94-580), as amended.

15 4. The total liability of a guarantor shall be limited to the aggregate amount which the  
16 guarantor has provided as evidence of financial responsibility to the owner or operator under this  
17 section. Nothing in this subsection shall be construed to limit any other state or federal statutory,  
18 contractual, or common law liability of a guarantor to its owner or operator, including, but not  
19 limited to, the liability of such guarantor for bad faith either in negotiating or in failing to  
20 negotiate the settlement of any claim.

21 Nothing in this subsection shall be construed to diminish the liability of any person under section  
22 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of  
23 1980 (P.L. 96-510), as amended, or other applicable law.

24 **5. Except in cases of fraud or misrepresentation on the application for coverage,**  
25 **no owner or operator shall be denied benefits by the petroleum storage tank insurance**  
26 **fund or other provider of financial responsibility required by this section solely because**  
27 **the owner or operator's claim arises from a release of a regulated motor fuel deemed**  
28 **incompatible with the motor fuel storage tank system.**

351.120. 1. Every corporation organized pursuant to the laws of this state, including  
2 corporations organized pursuant to or subject to this chapter, and every foreign corporation  
3 licensed to do business in this state, whether such license shall have been issued pursuant to this  
4 chapter or not, other than corporations exempted from taxation by the laws of this state, shall file  
5 a corporate registration report.

6 2. The corporate registration report shall state the corporate name, the name of its  
7 registered agent and such agent's Missouri physical address, giving street and number, or  
8 building and number, or both, as the case may require, the name and correct business or  
9 residence address of its officers and directors, and the mailing address of the corporation's  
10 principal place of business or corporate headquarters.

11           3. The corporate registration report shall be filed annually, except as provided in section  
12 351.122, and shall be due the month that the corporation incorporated or qualified, unless  
13 changed by the corporation under subsection 8 of this section. Corporations existing prior to July  
14 1, 2003, shall file the corporate registration report on the month indicated on the corporation's  
15 last corporate registration report. Corporations formed on or after July 1, 2003, shall file a  
16 corporate registration report within thirty days of the date of incorporation or qualification and  
17 every year thereafter, except as provided in section 351.122, in the month that they were  
18 incorporated or qualified, unless such month is changed by the corporation under subsection 8  
19 of this section.

20           4. The corporate registration report shall be signed by an officer or authorized person.

21           5. In the event of any error in the names and addresses of the officers and directors set  
22 forth in a corporate registration report, the corporation may correct such information by filing  
23 a certificate of correction pursuant to section 351.049.

24           6. A corporation may change the corporation's registered office or registered agent with  
25 the filing of the corporation's corporate registration report. To change the corporation's  
26 registered agent with the filing of the corporate registration report, the corporation must include  
27 the new registered agent's written consent to the appointment as registered agent and a written  
28 consent stating that such change in registered agents was authorized by resolution duly adopted  
29 by the board of directors. The written consent must be signed by the new registered agent and  
30 must include such agent's address. If the corporate registration report is not completed correctly,  
31 the secretary of state may reject the filing of such report.

32           7. A corporation's corporate registration report must be filed in a format as prescribed  
33 by the secretary of state.

34           8. A corporation may change the month of its corporate registration report in the  
35 corporation's initial corporate registration report or a subsequent report. To change its filing  
36 month, a corporation shall designate the desired month in its corporate registration report and  
37 include with that report an additional fee of twenty dollars. After a corporation registration  
38 report designating a new filing month is filed by the secretary of state, the corporation's next  
39 corporate registration report shall be filed in the newly designated month in the next year in  
40 which a report is due under subsection 3 of this section or under section 351.122. This subsection  
41 shall become effective January 1, 2010.

42           **9. The requirement to file a corporate registration report under this section shall**  
43 **be waived for authorized farm corporations as defined by subdivision (2) of section 350.010**  
44 **and family farm corporations as defined by subdivision (5) of section 350.010 if the**  
45 **information required by subsection 2 of this section has not changed since the**

46 **corporation's original articles of incorporation or most recent corporate registration report**  
47 **was filed, whichever is applicable.**

414.036. 1. After December 31, 2010, the owner or operator of an aboveground storage  
2 tank defined in subsection 2 of this section shall maintain evidence of financial responsibility in  
3 an amount equal to or greater than one million dollars per occurrence and two million dollars  
4 annual aggregate for the costs of taking corrective action and compensating third parties for  
5 bodily injury and property damage caused by sudden and nonsudden accidental releases arising  
6 from the operation of the tank.

7 2. For the purposes of this section, "aboveground storage tank" is defined as any one or  
8 a combination of tanks, including pipes connected thereto, used to contain an accumulation of  
9 petroleum and the volume of which, including the volume of the aboveground pipes connected  
10 thereto, is ninety percent or more above the surface of the ground, which is utilized for the sale  
11 of products regulated by this chapter. The term does not include those tanks described in  
12 paragraphs (a) to (k) of subdivision (16) of section 319.100, nor does it include aboveground  
13 storage tanks at refineries, petroleum pipeline terminals, or marine terminals.

14 3. Owners and operators may meet the requirements of this section by participating in  
15 the petroleum storage tank insurance fund created in section 319.129 or by any other method  
16 approved by the department.

17 4. The department shall promulgate rules to implement the provisions of this section.  
18 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the  
19 authority delegated in this section shall become effective only if it complies with and is subject  
20 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
21 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant  
22 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
23 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
24 or adopted after August 28, 2008, shall be invalid and void.

25 **5. Except in cases of fraud or misrepresentation on the application for coverage,**  
26 **no owner or operator shall be denied benefits by the petroleum storage tank insurance**  
27 **fund or other provider of financial responsibility required by this section solely because**  
28 **the owner or operator's claim arises from a release of a regulated motor fuel deemed**  
29 **incompatible with the motor fuel storage tank system.**

414.082. 1. The fee for the inspection of gasoline, gasoline-alcohol blends, kerosene,  
2 diesel fuel, heating oil, aviation turbine fuel, and other motor fuels under this chapter shall be  
3 fixed by the director of revenue at a rate per barrel which will approximately yield revenue equal  
4 to the expenses of administering this chapter; except that, until December 31, [1993, the rate  
5 shall be one and one-half cents per barrel and beginning January 1, 1994, the fee shall not be less

6 than one and one-half cents per barrel nor exceed two and one-half] **2015, the rate shall not**  
7 **exceed two and one-half cents per barrel, from January 1, 2016, through December 31,**  
8 **2020, the rate shall not exceed four cents per barrel, and on and after January 1, 2021, the**  
9 **rate shall not exceed five cents per barrel.**

10 2. Annually the director of the department of agriculture shall ascertain the total  
11 expenses for administering sections 414.012 to 414.152 during the preceding year, and shall  
12 forward a copy of such expenses to the director of revenue. The director of revenue shall fix the  
13 inspection fee for the ensuing calendar year at such rate per barrel, within the limits established  
14 by subsection 1 of this section, as will approximately yield revenue equal to the expenses of  
15 administering sections 414.012 to 414.152 during the preceding calendar year and shall collect  
16 the fees and deposit them in the state treasury to the credit of the "Petroleum Inspection Fund"  
17 which is hereby created. Beginning July 1, 1988, all expenses of administering sections 414.012  
18 to 414.152 shall be paid from appropriations made out of the petroleum inspection fund.

19 3. The unexpended balance in the fund at the end of each fiscal year shall not be  
20 transferred to the general revenue fund of the state, and the provisions of section 33.080 relating  
21 to the transfer of funds to the general revenue fund of the state by the state treasurer shall not  
22 apply to this fund.

23 4. The state treasurer shall invest all sums in the petroleum inspection fund not needed  
24 for current operating expenses in interest-bearing banking accounts or United States government  
25 obligations in the manner provided by law. All yield, increment, gain, interest or income derived  
26 from the investment of these sums shall accrue to the benefit of, and be deposited within the state  
27 treasury to the credit of, the petroleum inspection fund.

414.255. 1. This section shall be known and may be cited as the "Missouri Renewable  
2 Fuel Standard Act".

3 2. For purposes of this section, the following terms shall mean:

4 (1) "Aviation fuel", any motor fuel specifically compounded for use in reciprocating  
5 aircraft engines;

6 (2) "Distributor", a person who either produces, refines, blends, compounds or  
7 manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or  
8 who is engaged in distribution of motor fuel;

9 (3) "Fuel ethanol-blended gasoline", a mixture of ninety percent gasoline and ten percent  
10 fuel ethanol in which the fuel ethanol meets ASTM International Specification D4806, as  
11 amended. The ten percent fuel ethanol portion may be derived from any agricultural source;

12 (4) "Position holder", the person who holds the inventory position in motor fuel in a  
13 terminal, as reflected on the records of the terminal operator. A person holds the inventory  
14 position in motor fuel when that person has a contract with the terminal operator for the use of

15 storage facilities and terminating services for motor fuel at the terminal. The term includes a  
16 terminal operator who owns motor fuel in the terminal;

17 (5) "Premium gasoline", gasoline with an antiknock index number of ninety-one or  
18 greater;

19 (6) "Price", the cost of the fuel ethanol plus fuel taxes and transportation expenses less  
20 tax credits, if any; or the cost of the fuel ethanol-blended gasoline plus fuel taxes and  
21 transportation expenses less tax credits, if any; or the cost of the unblended gasoline plus fuel  
22 taxes and transportation expenses less tax credits, if any;

23 (7) "Qualified terminal", a terminal that has been assigned a terminal control number  
24 (tcn) by the Internal Revenue Service;

25 (8) "Supplier", a person that is:

26 (a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for  
27 transactions in motor fuels in the bulk transfer/terminal distribution system; and

28 (b) One or more of the following:

29 a. The position holder in a terminal or refinery in this state;

30 b. Imports motor fuel into this state from a foreign country;

31 c. Acquires motor fuel from a terminal or refinery in this state from a position holder  
32 pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as  
33 an exchange and appears on the records of the terminal operator; or

34 d. The position holder in a terminal or refinery outside this state with respect to motor  
35 fuel which that person imports into this state. A terminal operator shall not be considered a  
36 supplier based solely on the fact that the terminal operator handles motor fuel consigned to it  
37 within a terminal. "Supplier" also means a person that produces fuel grade alcohol or alcohol-  
38 derivative substances in this state, produces fuel grade alcohol or alcohol-derivative substances  
39 for import to this state into a terminal, or acquires upon import by truck, rail car or barge into a  
40 terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes a permissive  
41 supplier unless specifically provided otherwise;

42 (9) "Terminal", a bulk storage and distribution facility which includes:

43 (a) For the purposes of motor fuel, is a qualified terminal;

44 (b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or  
45 pipeline and the products are removed at a rack; and

46 (10) "Unblended gasoline", gasoline that has not been blended with fuel ethanol.

47 3. Except as otherwise provided under subsections 4 and 5 of this section, on and after  
48 January 1, 2008, all gasoline sold or offered for sale in Missouri at retail shall be fuel ethanol-  
49 blended gasoline.

50           4. If a distributor is unable to obtain fuel ethanol or fuel ethanol-blended gasoline from  
51 a position holder or supplier at the terminal at the same or lower price as unblended gasoline,  
52 then the purchase of unblended gasoline by the distributor and the sale of the unblended gasoline  
53 at retail shall not be deemed a violation of this section. The position holder, supplier, distributor,  
54 and ultimate vendor shall, upon request, provide the required documentation regarding the sales  
55 transaction and price of fuel ethanol, fuel ethanol-blended gasoline, and unblended gasoline to  
56 the department of agriculture and the department of revenue. All information obtained by the  
57 departments from such sources shall be confidential and not disclosed except by court order or  
58 as otherwise provided by law.

59           5. The following shall be exempt from the provisions of this section:

60           (1) Aviation fuel and automotive gasoline used in aircraft;

61           (2) Premium gasoline;

62           (3) E75-E85 fuel ethanol;

63           (4) Any specific exemptions declared by the United States Environmental Protection  
64 Agency; and

65           (5) Bulk transfers between terminals. The director of the department of agriculture may  
66 by rule exempt or rescind additional gasoline uses from the requirements of this section. The  
67 governor may by executive order waive the requirements of this section or any part thereof in  
68 part or in whole for all or any portion of this state for reasons related to air quality. Any regional  
69 waiver shall be issued and implemented in such a way as to minimize putting any region of the  
70 state at a competitive advantage or disadvantage with any other region of the state.

71           6. The provisions of section 414.152 shall apply for purposes of enforcement of this  
72 section.

73           7. The department of agriculture is hereby authorized to promulgate rules to ensure  
74 implementation of, and compliance and consistency with, this section. Any rule or portion of  
75 a rule, as that term is defined in section 536.010, that is created under the authority delegated in  
76 this section shall become effective only if it complies with and is subject to all of the provisions  
77 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable  
78 and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to  
79 delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
80 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006,  
81 shall be invalid and void.

82           8. All terminals in Missouri that sell gasoline shall offer for sale, in cooperation with  
83 position holders and suppliers, fuel ethanol-blended gasoline, fuel ethanol, and unblended  
84 gasoline. Terminals that only offer for sale federal reformulated gasolines, in cooperation with  
85 position holders and suppliers, shall not be required to offer for sale unblended gasoline.

86 9. Notwithstanding any other law to the contrary, all fuel retailers, wholesalers,  
87 distributors, and marketers shall be allowed to purchase fuel ethanol from any terminal, position  
88 holder, fuel ethanol producer, fuel ethanol wholesaler, or supplier. In the event a court of  
89 competent jurisdiction finds that this subsection does not apply to or improperly impairs existing  
90 contractual relationships, then this subsection shall only apply to and impact future contractual  
91 relationships.

92 **10. No refiner, supplier, wholesaler, distributor, retailer, or other vendor of motor**  
93 **fuel that contains or is blended with any amount of ethanol, biodiesel, or other renewable**  
94 **fuel or biofuel and that complies with labeling and motor fuel quality laws shall be liable**  
95 **for any property damages related to a customer's purchase of such motor fuel from the**  
96 **vendor so long as the selection of motor fuel was made by the customer and not the vendor.**  
97 **No motor fuel that contains or is blended with any amount of ethanol, biodiesel, or other**  
98 **renewable fuel or biofuel shall be considered a defective product for the purposes of a**  
99 **claim for property damage if such motor fuel complies with motor fuel quality laws.**

537.345. As used in sections 537.345 to [537.347] **537.348**, and section 537.351, the  
2 following terms mean:

3 (1) "Charge", the admission price or fee asked by an owner of land or an invitation or  
4 permission without price or fee to use land for recreational purposes when such invitation or  
5 permission is given for the purpose of sales promotion, advertising or public goodwill in  
6 fostering business purposes;

7 (2) "Land", all real property, land and water, and all structures, fixtures, equipment and  
8 machinery thereon;

9 (3) "Owner", any individual, legal entity or governmental agency that has any ownership  
10 or security interest whatever or lease or right of possession in land;

11 (4) "Recreational use", hunting, fishing, camping, picnicking, biking, **aviation activities**,  
12 nature study, winter sports, viewing or enjoying archaeological or scenic sites, **trapping, paddle**  
13 **sports as defined in section 537.327, swimming except for such activity as defined in section**  
14 **537.348**, or other similar activities undertaken for recreation, exercise, education, relaxation, or  
15 pleasure on land owned by another;

16 (5) "Trespasser", any person who enters on the property of another without permission  
17 and without an invitation, express or implied regardless of whether actual notice of trespass was  
18 given or the land was posted in accordance with the provisions of sections 569.140 and 569.145.

537.348. Nothing in this act shall be construed to create liability, but it does not limit  
2 liability that otherwise would be incurred by those who use the land of others, or by owners of  
3 land for:

4 (1) Malicious or grossly negligent failure to guard or warn against a dangerous condition,  
5 structure, personal property which the owner knew or should have known to be dangerous, or  
6 negligent failure to guard or warn against an ultrahazardous condition which the owner knew or  
7 should have known to be dangerous;

8 (2) Injury suffered by a person who has paid a charge for entry to the land; [or]

9 (3) Injuries occurring on or in:

10 (a) Any land within the corporate boundaries of any city, municipality, town, or village  
11 in this state;

12 (b) Any swimming pool. "Swimming pool" means a pool or tank, especially an artificial  
13 pool or tank, intended and adapted for swimming and held out as a swimming pool;

14 (c) Any residential area. "Residential area" as used herein means a tract of land of one  
15 acre or less predominately used for residential purposes, or a tract of land of any size used for  
16 multifamily residential services; or

17 (d) Any noncovered land. "Noncovered land" as used herein means any portion of any  
18 land, the surface of which portion is actually used primarily for commercial, industrial, mining  
19 or manufacturing purposes; provided, however, that use of any portion of any land primarily for  
20 agricultural, grazing, forestry, conservation, natural area, owner's recreation or similar or related  
21 uses or purposes shall not under any circumstances be deemed to be use of such portion for  
22 commercial, industrial, mining or manufacturing purposes; **or**

23 **(4) A landowner who:**

24 **(a) Intentionally injures a participant;**

25 **(b) Provides unsafe equipment or devices who knew or should have known that the**  
26 **equipment or device was unsafe to the extent that it did cause the injury; or**

27 **(c) Fails to use that degree of care that an ordinarily careful and prudent person**  
28 **would use under the same or similar circumstances.**

578.005. As used in sections 578.005 to 578.023, the following terms shall mean:

2 (1) "Adequate care", normal and prudent attention to the needs of an animal, including  
3 wholesome food, clean water, shelter and health care as necessary to maintain good health in a  
4 specific species of animal;

5 (2) ["Adequate control", to reasonably restrain or govern an animal so that the animal  
6 does not injure itself, any person, any other animal, or property;

7 (3)] "Animal", every living vertebrate except a human being;

8 [(4)] **(3) "Animal shelter"**, a facility which is used to house or contain animals and  
9 which is owned, operated, or maintained by a duly incorporated humane society, animal welfare  
10 society, society for the prevention of cruelty to animals, or other not-for-profit organization  
11 devoted to the welfare, protection, and humane treatment of animals;

12 [(5)] (4) "Farm animal", an animal raised on a farm or ranch and used or intended for  
13 use in farm or ranch production, or as food or fiber;

14 [(6)] (5) "Farm animal professional", any individual employed at a location where farm  
15 animals are harbored;

16 [(7)] (6) "Harbor", to feed or shelter an animal at the same location for three or more  
17 consecutive days;

18 [(8)] (7) "Humane killing", the destruction of an animal accomplished by a method  
19 approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:  
20 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores  
21 shall be considered humanely killed;

22 [(9)] (8) "Owner", in addition to its ordinary meaning, any person who keeps or harbors  
23 an animal or professes to be owning, keeping, or harboring an animal;

24 [(10)] (9) "Person", any individual, partnership, firm, joint stock company, corporation,  
25 association, trust, estate, or other legal entity;

26 [(11)] (10) "Pests", birds, rabbits, or rodents which damage property or have an adverse  
27 effect on the public health, but shall not include any endangered species listed by the United  
28 States Department of the Interior nor any endangered species listed in the Wildlife Code of  
29 Missouri.

578.007. The provisions of sections 578.005 to 578.023 **and section 578.040** shall not  
2 apply to:

3 (1) Care or treatment performed by a licensed veterinarian within the provisions of  
4 chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by chapter 252, including all practices and  
7 privileges as allowed under the Missouri Wildlife Code;

8 (4) Facilities and publicly funded zoological parks currently in compliance with the  
9 federal "Animal Welfare Act" as amended;

10 (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;

11 (6) The killing of an animal by the owner thereof, the agent of such owner, or by a  
12 veterinarian at the request of the owner thereof;

13 (7) The lawful, humane killing of an animal by an animal control officer, the operator  
14 of an animal shelter, a veterinarian, or law enforcement or health official;

15 (8) With respect to farm animals, normal or accepted practices of animal husbandry;

16 (9) The killing of an animal by any person at any time if such animal is outside of the  
17 owned or rented property of the owner or custodian of such animal and the animal is injuring any  
18 person or farm animal but shall not include police or guard dogs while working;

19 (10) The killing of house or garden pests; or  
 20 (11) Field trials, training and hunting practices as accepted by the Professional  
 21 Houndsmen of Missouri.

[578.011.] **578.040. 1. For purposes of this section, the following terms shall mean:**

2 (1) **"Adequate control", to reasonably restrain or govern an animal so that the**  
 3 **animal does not injure itself, any person, any other animal, or property;**

4 (2) **"Animal", any living vertebrate except a human being or livestock as the term**  
 5 **"livestock" is defined under section 265.300.**

6 2. A person [is guilty] **commits the offense of animal or livestock trespass** if a person:

7 (1) Having ownership or custody of an animal knowingly fails to provide adequate  
 8 control [for a period equal to or exceeding twelve hours] **and the animal trespasses onto**  
 9 **another person's property; or**

10 (2) **Having ownership or custody of livestock as the term "livestock" is defined**  
 11 **under section 265.300 knowingly fails to provide adequate control of the livestock for a**  
 12 **period of twelve hours or more, and the livestock trespasses onto another person's**  
 13 **property.**

14 [2.] **3. The offense of animal or livestock trespass** is an infraction [upon first conviction  
 15 and for each offense punishable by a fine not to exceed two hundred dollars, and] , **unless the**  
 16 **person has previously been found guilty of a violation of this section in which case it is a**  
 17 **class C misdemeanor [punishable by imprisonment or a fine not to exceed five hundred dollars,**  
 18 **or both, upon the second and all subsequent convictions]. All fines for a first [conviction of**  
 19 **animal trespass] finding of guilt under this section** may be waived by the court provided that  
 20 the person found guilty of animal **or livestock trespass** shows that adequate, permanent remedies  
 21 for **the trespass** have been made. [Reasonable costs incurred for the care and maintenance of  
 22 trespassing animals may not be waived.] This section shall not apply to the provisions of section  
 23 578.007 or sections 272.010 to 272.370.

2 [266.341. 1. The duty of enforcing and administering sections 266.291  
 3 to 266.351 shall be vested in the director. The director shall, in accordance with  
 4 this section and chapter 536, promulgate all rules necessary to provide for the  
 5 efficient administration and enforcement of sections 266.291 to 266.351; except  
 6 that, no rule, nor revision or rescission thereof, may be filed with the secretary of  
 7 state until it has been approved by a majority of the members of the advisory  
 8 council created in section 266.336. No rule or portion of a rule promulgated  
 9 under the authority of this chapter shall become effective unless it has been  
 10 promulgated pursuant to the provisions of section 536.024.

11 2. The director or his authorized agents are hereby authorized and  
 empowered to:

- 12 (1) Collect samples, inspect, and make analysis of fertilizer sold, offered  
13 or exposed for sale within this state; except that, samples taken of fertilizer sold  
14 in bulk shall be taken from the bulk container immediately after mixing on the  
15 premises of the mixing facility or, when not possible, to be sampled from the  
16 bulk container wherever found;
- 17 (2) Inspect and audit the books of every distributor who sells, offers for  
18 sale, or exposes for sale fertilizer for consumption or use in this state, to  
19 determine whether or not the provisions of sections 266.291 to 266.351 are being  
20 fully complied with;
- 21 (3) Require every distributor to file with the director documentation as  
22 prescribed by rules promulgated under sections 266.291 to 266.351. Such  
23 documents shall not be required more often than two-week intervals, and all such  
24 documents shall be returned to the distributor upon his request;
- 25 (4) Enter upon any public or private premises during the regular business  
26 hours in order to have access to fertilizer subject to sections 266.291 to 266.351  
27 and the rules and regulations promulgated under sections 266.291 to 266.351, and  
28 to take samples and inspect such fertilizer;
- 29 (5) Issue and enforce a written or printed "stop-sale, use, or removal"  
30 order to the owner or custodian of any fertilizer which is found to be in violation  
31 of any of the provisions of sections 266.291 to 266.351, which order shall  
32 prohibit the further sale of such fertilizer until sections 266.291 to 266.351 have  
33 been complied with or such violation has been otherwise legally disposed of by  
34 written authority of the director;
- 35 (6) Maintain a laboratory with necessary equipment and employ such  
36 employees as may be necessary to aid in the administration of sections 266.291  
37 to 266.351;
- 38 (7) Publish each year the full and detailed report giving the names and  
39 addresses of all distributors registered under sections 266.291 to 266.351, the  
40 analytical results of all samples collected, and a statement of all fees and  
41 penalties received and expenditures made under sections 266.291 to 266.351;
- 42 (8) Revoke or suspend the permit, or refuse to issue a permit, to any  
43 distributor who has willfully violated any of the provisions of sections 266.291  
44 to 266.351 or failed or neglected to pay the fees or penalties provided for in  
45 sections 266.291 to 266.351;
- 46 (9) Institute and prosecute through the attorney general of this state suits  
47 to collect any fees due under the provisions of sections 266.291 to 266.351 which  
48 are not promptly paid;
- 49 (10) Establish from information secured from manufacturers and other  
50 reliable sources the market value of fertilizer and fertilizer materials for the  
51 purpose of determining the amount of damages due when the official analysis  
52 shows an excessive deficiency from the guaranteed analysis.]

✓