

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 51**  
**97TH GENERAL ASSEMBLY**

0197H.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 301.301, 302.341, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.022, 304.154, 304.180, 304.184, 304.820, 307.180, and 307.400, RSMo, and to enact in lieu thereof fifteen new sections relating to regulation of motor vehicles, with existing penalty provisions.

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

Section A. Sections 301.301, 302.341, 302.700, as enacted by conference committee  
2 substitute for senate substitute for senate committee substitute for house committee substitute  
3 for house bill no. 1402, merged with conference committee substitute for house committee  
4 substitute for senate substitute for senate committee substitute for senate bill no. 470, merged  
5 with conference committee substitute for house committee substitute no. 2 for senate committee  
6 substitute for senate bill no. 480, merged with conference committee substitute for house  
7 committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular  
8 session, 302.720, 302.735, 302.740, 302.755, 304.022, 304.154, 304.180, 304.184, 304.820,  
9 307.180, and 307.400, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to  
10 be known as sections 301.301, 302.341, 302.700, 302.720, 302.735, 302.740, 302.755, 304.022,  
11 304.153, 304.154, 304.180, 304.184, 304.820, 307.180, and 307.400, to read as follows:

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.

301.301. [1. Any person replacing a stolen license plate tab issued on or after January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a police report that is corresponding with the stolen license plate tab.

2.] Any person replacing a stolen license plate tab [issued prior to January 1, 2009,] may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen.

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. [Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record if the individual was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense.] The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town or village receives more than thirty-five percent of its annual general operating revenue from fines and court costs for traffic violations occurring on state highways, all revenues from such violations in excess of thirty-five percent of the annual general operating

29 revenue of the city, town or village shall be sent to the director of the department of revenue and  
30 shall be distributed annually to the schools of the county in the same manner that proceeds of all  
31 penalties, forfeitures and fines collected for any breach of the penal laws of the state are  
32 distributed. For the purpose of this section the words "state highways" shall mean any state or  
33 federal highway, including any such highway continuing through the boundaries of a city, town  
34 or village with a designated street name other than the state highway number. The director of  
35 the department of revenue shall set forth by rule a procedure whereby excess revenues as set  
36 forth above shall be sent to the department of revenue. If any city, town, or village disputes a  
37 determination that it has received excess revenues required to be sent to the department of  
38 revenue, such city, town, or village may submit to an annual audit by the state auditor under the  
39 authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as  
40 that term is defined in section 536.010, that is created under the authority delegated in this  
41 section shall become effective only if it complies with and is subject to all of the provisions of  
42 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable  
43 and if any of the powers vested with the general assembly under chapter 536 to review, to delay  
44 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then  
45 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall  
46 be invalid and void.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial  
2 Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and phrases mean:

4 (1) "Alcohol", any substance containing any form of alcohol, including, but not limited  
5 to, ethanol, methanol, propanol and isopropanol;

6 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters  
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number  
8 of grams of alcohol per sixty-seven milliliters of urine;

9 (3) **"CDL driver", a person holding or required to hold a commercial driver's**  
10 **license (CDL);**

11 (4) "CDLIS driver record", the electronic record of the individual commercial driver's  
12 status and history stored by the state of record as part of the Commercial Driver's License  
13 Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;

14 [(4)] (5) "CDLIS motor vehicle record (CDLIS MVR)", a report generated from the  
15 CDLIS driver record which meets the requirements for access to CDLIS information and is  
16 provided by states to users authorized in 49 CFR [Part] 384, subject to the provisions of the  
17 Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;

18 [(5)] (6) "Commercial driver's instruction permit", a **commercial learner's** permit issued  
19 [pursuant to section 302.720] **to an individual by a state or other jurisdiction of domicile in**  
20 **accordance with the standards contained in 49 CFR 383, which, when carried with a valid**  
21 **driver's license issued by the same state or jurisdiction, authorizes the individual to operate**  
22 **a class of commercial motor vehicle when accompanied by a holder of a valid commercial**  
23 **driver's license for purposes of behind-the-wheel training. When issued to a commercial**  
24 **driver's license holder, a commercial learner's permit serves as authorization for**  
25 **accompanied behind-the-wheel training in a commercial motor vehicle for which the**  
26 **holder's current commercial driver's license is not valid;**

27 [(6)] (7) "Commercial driver's license (CDL)", a license issued by this state **or other**  
28 **jurisdiction of domicile in accordance with 49 CFR 383** [to an individual] which authorizes  
29 the individual to operate a **class of** commercial motor vehicle;

30 [(7)] (8) "Commercial driver's license downgrade", occurs when:

31 (a) A driver changes the self-certification to interstate, but operates exclusively in  
32 transportation or operation excepted from 49 CFR [Part] 391, as provided in 49 CFR [Part]  
33 390.3(f), 391.2, 391.68, or 398.3;

34 (b) A driver changes the self-certification to intrastate only, if the driver qualifies under  
35 the state's physical qualification requirements for intrastate only;

36 (c) A driver changes the self-certification to intrastate, but operating exclusively in  
37 transportation or operations excepted from all or part of the state driver qualification  
38 requirements; or

39 (d) The state removes the commercial driver's license privilege from the driver's license;

40 [(8)] (9) "Commercial driver's license information system (CDLIS)", the information  
41 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of  
42 Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing  
43 and identification of commercial motor vehicle drivers;

44 [(9)] (10) "Commercial motor vehicle", a motor vehicle [designed or used to] **or**  
45 **combination of motor vehicles used in commerce to** transport passengers or property:

46 (a) If the vehicle has a gross combination weight rating **or gross combination weight**  
47 of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle  
48 weight rating [of] **or gross vehicle weight of more than** ten thousand one pounds or more,  
49 **whichever is greater;**

50 (b) If the vehicle has a gross vehicle weight rating **or gross vehicle weight** of twenty-six  
51 thousand one or more pounds [or such lesser rating as determined by federal regulation] ,  
52 **whichever is greater;**

53 (c) If the vehicle is designed to transport sixteen or more passengers, including the  
54 driver; or

55 (d) If the vehicle is transporting hazardous materials and is required to be placarded  
56 under the Hazardous Materials Transportation Act (46 U.S.C. **Section** 1801, et seq.);

57 [(10)] **(11)** "Controlled substance", any substance so classified under Section 102(6) of  
58 the Controlled Substances Act (21 U.S.C. **Section** 802(6)), and includes all substances listed in  
59 schedules I through V of 21 CFR [Part] 1308, as they may be revised from time to time;

60 [(11)] **(12)** "Conviction", an unvacated adjudication of guilt, including pleas of guilt and  
61 nolo contendere, or a determination that a person has violated or failed to comply with the law  
62 in a court of original jurisdiction or an authorized administrative proceeding, an unvacated  
63 forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment  
64 of a fine or court cost, or violation of a condition of release without bail, regardless of whether  
65 the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

66 [(12)] **(13)** "Director", the director of revenue or his authorized representative;

67 [(13)] **(14)** "Disqualification", any of the following three actions:

68 (a) The suspension, revocation, or cancellation of a commercial driver's license **or**  
69 **commercial driver's instruction permit**;

70 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a  
71 state, Canada, or Mexico as the result of a violation of federal, state, county, municipal, or local  
72 law relating to motor vehicle traffic control or violations committed through the operation of  
73 motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

74 (c) A determination by the Federal Motor Carrier Safety Administration that a person  
75 is not qualified to operate a commercial motor vehicle under 49 CFR [Part] 383.52 or [Part] 391;

76 [(14)] **(15)** "Drive", to drive, operate or be in physical control of a commercial motor  
77 vehicle;

78 [(15)] **(16)** "Driver", any person who drives, operates, or is in physical control of a motor  
79 vehicle, or who is required to hold a commercial driver's license;

80 [(16)] **(17)** "Driver applicant", an individual who applies to obtain, transfer, upgrade, or  
81 renew a commercial driver's license **or commercial driver's instruction permit** in this state;

82 [(17)] **(18)** "Driving under the influence of alcohol", the commission of any one or more  
83 of the following acts:

84 (a) Driving a commercial motor vehicle with the alcohol concentration of four  
85 one-hundredths of a percent or more as prescribed by the [secretary] **Secretary** or such other  
86 alcohol concentration as may be later determined by the [secretary] **Secretary** by regulation;

87 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation  
88 of any federal or state law, or in violation of a county or municipal ordinance;

89 (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol  
90 content in violation of any federal or state law, or in violation of a county or municipal  
91 ordinance;

92 (d) Refusing to submit to a chemical test in violation of section 577.041, section  
93 302.750, any federal or state law, or a county or municipal ordinance; or

94 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined  
95 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to  
96 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years  
97 of age or older shall have been committed by the person with an alcohol concentration of at least  
98 eight-hundredths of one percent or more, or in the case of an individual who is less than  
99 twenty-one years of age, shall have been committed by the person with an alcohol concentration  
100 of at least two-hundredths of one percent or more, and if committed in a commercial motor  
101 vehicle, a concentration of four-hundredths of one percent or more;

102 [(18)] (19) "Driving under the influence of a controlled substance", the commission of  
103 any one or more of the following acts in a commercial or noncommercial motor vehicle:

104 (a) Driving a commercial or noncommercial motor vehicle while under the influence of  
105 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.  
106 **Section 802(6)**), including any substance listed in schedules I through V of 21 CFR [Part] 1308,  
107 as they may be revised from time to time;

108 (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition  
109 in violation of any federal or state law or in violation of a county or municipal ordinance; or

110 (c) Refusing to submit to a chemical test in violation of section 577.041, section  
111 302.750, any federal or state law, or a county or municipal ordinance;

112 [(19)] (20) **"Electronic device", includes but is not limited to a cellular telephone,**  
113 **personal digital assistant, pager, computer, or any other device used to input, write, send,**  
114 **receive, or read text;**

115 (21) "Employer", any person, including the United States, a state, or a political  
116 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to  
117 operate such a vehicle;

118 [(20)] (22) "Endorsement", an authorization on an individual's commercial driver's  
119 license [permitting] **or commercial learner's permit required to permit** the individual to  
120 operate certain types of commercial motor vehicles;

121 [(21)] (23) "Farm vehicle", a commercial motor vehicle controlled and operated by a  
122 farmer used exclusively for the transportation of agricultural products, farm machinery, farm  
123 supplies, or a combination of these, within one hundred fifty miles of the farm, other than one  
124 which requires placarding for hazardous materials as defined in this section, or used in the

125 operation of a common or contract motor carrier, except that a farm vehicle shall not be a  
126 commercial motor vehicle when the total combined gross weight rating does not exceed  
127 twenty-six thousand one pounds when transporting fertilizers as defined in subdivision [(27)]  
128 **(29)** of this subsection;

129 [(22)] **(24)** "Fatality", the death of a person as a result of a motor vehicle accident;

130 [(23)] **(25)** "Felony", any offense under state or federal law that is punishable by death  
131 or imprisonment for a term exceeding one year;

132 [(24)] **(26)** "Foreign", outside the fifty states of the United States and the District of  
133 Columbia;

134 [(25)] **(27)** "Gross combination weight rating" or "GCWR", the value specified by the  
135 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a  
136 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the  
137 power unit and the total weight of the towed unit and any load thereon;

138 [(26)] **(28)** "Gross vehicle weight rating" or "GVWR", the value specified by the  
139 manufacturer as the loaded weight of a single vehicle;

140 [(27)] **(29)** "Hazardous materials", any material that has been designated as hazardous  
141 under 49 U.S.C. **Section** 5103 and is required to be placarded under subpart F of CFR [Part] 172  
142 or any quantity of a material listed as a select agent or toxin in 42 CFR [Part] 73. Fertilizers,  
143 including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime,  
144 potash, motor fuel or special fuel, shall not be considered hazardous materials when transported  
145 by a farm vehicle provided all other provisions of this definition are followed;

146 [(28)] **(30)** "Imminent hazard", the existence of a condition that presents a substantial  
147 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to  
148 health, property, or the environment may occur before the reasonably foreseeable completion  
149 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or  
150 endangerment;

151 [(29)] **(31)** "Issuance", the initial licensure, license transfers, license renewals, and  
152 license upgrades;

153 [(30)] **(32)** **"Manual transmission"** (also known as a stick shift, stick, straight drive  
154 or standard transmission), a transmission utilizing a driver-operated clutch that is  
155 activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot.  
156 All other transmissions, whether semi-automatic or automatic, will be considered  
157 automatic for the purposes of the standardized restriction code;

158 **(33)** "Medical examiner", a person who is licensed, certified, or registered, in accordance  
159 with applicable state laws and regulations, to perform physical examinations. The term includes,

160 but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced  
161 practice nurses, and doctors of chiropractic;

162 [(31)] (34) "Medical variance", when a driver has received one of the following that  
163 allows the driver to be issued a medical certificate:

164 (a) An exemption letter permitting operation of a commercial motor vehicle under 49  
165 CFR [Part] 381, Subpart C or 49 CFR [Part] 391.64;

166 (b) A skill performance evaluation certificate permitting operation of a commercial  
167 motor vehicle under 49 CFR [Part] 391.49;

168 [(32)] (35) **"Mobile telephone", a mobile communication device that is classified as**  
169 **or uses any commercial mobile radio service, as defined in the regulations of the Federal**  
170 **Communications Commission, 47 CFR 20.3, but does not include two-way or citizens band**  
171 **radio services;**

172 (36) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

173 [(33)] (37) "Noncommercial motor vehicle", a motor vehicle or combination of motor  
174 vehicles not defined by the term "commercial motor vehicle" in this section;

175 [(34)] (38) "Out of service", a temporary prohibition against the operation of a  
176 commercial motor vehicle by a particular driver, or the operation of a particular commercial  
177 motor vehicle, or the operation of a particular motor carrier;

178 [(35)] (39) "Out-of-service order", a declaration by an authorized enforcement officer  
179 of a federal, state, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial  
180 motor vehicle, or a motor carrier operation, is out of service under 49 CFR [Part] 386.72, 392.5,  
181 392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service  
182 Criteria;

183 [(36)] (40) "School bus", a commercial motor vehicle used to transport preprimary,  
184 primary, or secondary school students from home to school, from school to home, or to and from  
185 school-sponsored events. School bus does not include a bus used as a common carrier as defined  
186 by the Secretary;

187 [(37)] (41) "Secretary", the Secretary of Transportation of the United States;

188 [(38)] (42) "Serious traffic violation", driving a commercial motor vehicle in such a  
189 manner that the driver receives a conviction for the following offenses or driving a  
190 noncommercial motor vehicle when the driver receives a conviction for the following offenses  
191 and the conviction results in the suspension or revocation of the driver's license or  
192 noncommercial motor vehicle driving privilege:

193 (a) Excessive speeding, as defined by the Secretary by regulation;

194 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,  
195 any violation of section 304.016, any violation of section 304.010, or any other violation of

196 federal or state law, or any county or municipal ordinance while driving a commercial motor  
197 vehicle in a willful or wanton disregard for the safety of persons or property, or improper or  
198 erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include  
199 careless and imprudent driving by excessive speed;

200 (c) A violation of any federal or state law or county or municipal ordinance regulating  
201 the operation of motor vehicles arising out of an accident or collision which resulted in death to  
202 any person, other than a parking violation;

203 (d) Driving a commercial motor vehicle without obtaining a commercial driver's license  
204 in violation of any federal or state or county or municipal ordinance;

205 (e) Driving a commercial motor vehicle without a commercial driver's license in the  
206 driver's possession in violation of any federal or state or county or municipal ordinance. Any  
207 individual who provides proof to the court which has jurisdiction over the issued citation that the  
208 individual held a valid commercial driver's license on the date that the citation was issued shall  
209 not be guilty of this offense;

210 (f) Driving a commercial motor vehicle without the proper commercial driver's license  
211 class or endorsement for the specific vehicle group being operated or for the passengers or type  
212 of cargo being transported in violation of any federal or state law or county or municipal  
213 ordinance; [or]

214 (g) **Violating a state or local law or ordinance on motor vehicle traffic control**  
215 **prohibiting texting while driving a commercial motor vehicle;**

216 (h) **Violating a state or local law or ordinance on motor vehicle traffic control**  
217 **restricting or prohibiting the use of a hand-held mobile telephone while driving a**  
218 **commercial motor vehicle; or**

219 (i) Any other violation of a federal or state law or county or municipal ordinance  
220 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the  
221 [secretary] **Secretary** by regulation;

222 [(39)] **(43) "State", a state of the United States, including the District of Columbia;**

223 [(40)] **(44) "Tank vehicle", any commercial motor vehicle that is designed to**  
224 **transport any liquid or gaseous materials within a tank or tanks having an individual rated**  
225 **capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one**  
226 **thousand gallons or more that is either permanently or temporarily attached to the vehicle**  
227 **or the chassis. A commercial motor vehicle transporting an empty storage container tank,**  
228 **not designed for transportation, with a rated capacity of one thousand gallons or more,**  
229 **that is temporarily attached to a flatbed trailer is not considered a tank vehicle;**

230 **(45) "Texting", manually entering alphanumeric text into, or reading text from, an**  
231 **electronic device. This action includes but is not limited to short message service, e-**

232 **mailing, instant messaging, commanding or requesting access to a website, pressing more**  
233 **than a single button to initiate or terminate a voice communication using a mobile**  
234 **telephone, or engaging in any other form of electronic text retrieval or entry, for present**  
235 **or future communication. Texting does not include:**

236 **(a) Inputting, selecting, or reading information on a global positioning system or**  
237 **navigation system;**

238 **(b) Pressing a single button to initiate or terminate a voice communication using a**  
239 **mobile telephone; or**

240 **(c) Using a device capable of performing multiple functions (e.g., fleet management**  
241 **systems, dispatching devices, smart phones, citizens band radios, music players) for a**  
242 **purpose that is not otherwise prohibited in this part;**

243 **(46) "United States", the fifty states and the District of Columbia.**

302.720. 1. Except when operating under an instruction permit as described in this  
2 section, no person may drive a commercial motor vehicle unless the person has been issued a  
3 commercial driver's license with applicable endorsements valid for the type of vehicle being  
4 operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit  
5 shall allow the holder of a valid license to operate a commercial motor vehicle when  
6 accompanied by the holder of a commercial driver's license valid for the vehicle being operated  
7 and who occupies a seat beside the individual, or reasonably near the individual in the case of  
8 buses, for the purpose of giving instruction in driving the commercial motor vehicle. **No person**  
9 **may be issued a commercial driver's instruction permit until he or she has passed written**  
10 **tests which comply with the minimum federal standards.** A commercial driver's instruction  
11 permit shall be valid for the vehicle being operated for a period of not more than six months, and  
12 shall not be issued until the permit holder has met all other requirements of sections 302.700 to  
13 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be  
14 granted one six-month renewal within a one-year period. The fee for such permit or renewal  
15 shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued  
16 for a thirty-day period to allow the holder of a valid driver's license to operate a commercial  
17 motor vehicle if the applicant has completed all other requirements except the driving test. The  
18 permit may be renewed for one additional thirty-day period and the fee for the permit and for  
19 renewal shall be five dollars.

20 2. No person may be issued a commercial driver's license until he has passed written and  
21 driving tests for the operation of a commercial motor vehicle which complies with the minimum  
22 federal standards established by the Secretary and has satisfied all other requirements of the  
23 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any  
24 other requirements imposed by state law. **All applicants for a commercial driver's license**

25 **shall have maintained the appropriate class of commercial driver's instruction permit**  
26 **issued by this state or any other state for a minimum of fourteen calendar days prior to the**  
27 **date of taking the skills test.** Applicants for a hazardous materials endorsement must also meet  
28 the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and  
29 required by regulations promulgated by the Secretary. Nothing contained in this subsection shall  
30 be construed as prohibiting the director from establishing alternate testing formats for those who  
31 are functionally illiterate; provided, however, that any such alternate test must comply with the  
32 minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.  
33 Law 99-570) as established by the Secretary.

34 (1) The written and driving tests shall be held at such times and in such places as the  
35 superintendent may designate. A twenty-five dollar examination fee shall be paid by the  
36 applicant upon completion of any written or driving test, except the examination fee shall be  
37 waived for applicants seventy years of age or older renewing a license with a school bus  
38 endorsement. The director shall delegate the power to conduct the examinations required under  
39 sections 302.700 to 302.780 to any member of the highway patrol or any person employed by  
40 the highway patrol qualified to give driving examinations. The written test shall only be  
41 administered in the English language. No translators shall be allowed for applicants taking the  
42 test.

43 (2) The director shall adopt and promulgate rules and regulations governing the  
44 certification of third-party testers by the department of revenue. Such rules and regulations shall  
45 substantially comply with the requirements of 49 CFR [Part] 383, Section 383.75. A  
46 certification to conduct third-party testing shall be valid for one year, and the department shall  
47 charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

48 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester  
49 certification to community colleges established under chapter 178 or to private companies who  
50 own, lease, or maintain their own fleet and administer in-house testing to their employees, or to  
51 school districts and their agents that administer in-house testing to the school district's or agent's  
52 employees. Any third-party tester who violates any of the rules and regulations adopted and  
53 promulgated pursuant to this section shall be subject to having his certification revoked by the  
54 department. The department shall provide written notice and an opportunity for the third-party  
55 tester to be heard in substantially the same manner as provided in chapter 536. If any applicant  
56 submits evidence that he has successfully completed a test administered by a third-party tester,  
57 the actual driving test for a commercial driver's license may then be waived.

58 (4) Every applicant for renewal of a commercial driver's license shall provide such  
59 certifications and information as required by the [secretary] **Secretary** and if such person  
60 transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001

61 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the  
62 Secretary. Such person shall be required to take the written test for such endorsement. A  
63 twenty-five dollar examination fee shall be paid upon completion of such tests.

64 (5) The director shall have the authority to waive the driving skills test for any qualified  
65 military applicant for a commercial driver's license who is currently licensed at the time of  
66 application for a commercial driver's license. The director shall impose conditions and  
67 limitations to restrict the applicants from whom the department may accept alternative  
68 requirements for the skills test described in federal regulation 49 [C.F.R.] CFR 383.77. An  
69 applicant must certify that, during the two-year period immediately preceding application for a  
70 commercial driver's license, all of the following apply:

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

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

73 (c) The applicant has not had any convictions for any type of motor vehicle for the  
74 disqualifying offenses contained in this chapter or federal rule 49 [C.F.R.] CFR 383.51(b);

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

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

80 (f) The applicant [is] **has been** regularly employed [in a job] **within the last ninety days**  
81 **in a military position** requiring operation of a commercial motor vehicle and has operated the  
82 vehicle for at least sixty days during the two years immediately preceding application for a  
83 commercial driver's license. The vehicle must be representative of the commercial motor vehicle  
84 the driver applicant operates or expects to operate;

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

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

90 (i) The applicant must meet all federal and state qualifications to operate a commercial  
91 vehicle; and

92 (j) The applicant will be required to complete all applicable knowledge tests.

93 3. A commercial driver's license **or commercial driver's instruction permit** may not  
94 be issued to a person while the person is disqualified from driving a commercial motor vehicle,  
95 when a disqualification is pending in any state or while the person's driver's license is suspended,  
96 revoked, or [cancelled] **canceled** in any state; nor may a commercial driver's license be issued

97 unless the person first surrenders in a manner prescribed by the director any commercial driver's  
98 license issued by another state, which license shall be returned to the issuing state for  
99 cancellation.

100 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this  
101 section unless the director verifies that the applicant is lawfully present in the United States  
102 before accepting the application. The director may, by rule or regulation, establish procedures  
103 to verify the lawful presence of the applicant under this section. No rule or portion of a rule  
104 promulgated pursuant to the authority of this section shall become effective unless it has been  
105 promulgated pursuant to chapter 536.

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

302.735. 1. An application shall not be taken from a nonresident after September 30,  
2 2005. The application for a commercial driver's license shall include, but not be limited to, the  
3 applicant's legal name, mailing and residence address, if different, a physical description of the  
4 person, including sex, height, weight and eye color, the person's Social Security number, date  
5 of birth and any other information deemed appropriate by the director. The application shall also  
6 require, beginning September 30, 2005, the applicant to provide the names of all states where  
7 the applicant has been previously licensed to drive any type of motor vehicle during the  
8 preceding ten years.

9 2. A commercial driver's license shall expire on the applicant's birthday in the sixth year  
10 after issuance, unless the license must be issued for a shorter period due to other requirements  
11 of law or for transition or staggering of work as determined by the director, and must be renewed  
12 on or before the date of expiration. When a person changes such person's name an application  
13 for a duplicate license shall be made to the director of revenue. When a person changes such  
14 person's mailing address or residence the applicant shall notify the director of revenue of said  
15 change, however, no application for a duplicate license is required. A commercial license issued  
16 pursuant to this section to an applicant less than twenty-one years of age and seventy years of age  
17 and older shall expire on the applicant's birthday in the third year after issuance, unless the  
18 license must be issued for a shorter period as determined by the director.

19 3. A commercial driver's license containing a hazardous materials endorsement issued  
20 to an applicant who is between the age of twenty-one and sixty-nine shall not be issued for a  
21 period exceeding five years from the approval date of the security threat assessment as  
22 determined by the Transportation Security Administration.

23           4. The director shall issue an annual commercial driver's license containing a school bus  
24 endorsement to an applicant who is seventy years of age or older. The fee for such license shall  
25 be seven dollars and fifty cents.

26           5. A commercial driver's license containing a hazardous materials endorsement issued  
27 to an applicant who is seventy years of age or older shall not be issued for a period exceeding  
28 three years. The director shall not require such drivers to obtain a security threat assessment  
29 more frequently than such assessment is required by the Transportation Security Administration  
30 under the Uniting and Strengthening America by Providing Appropriate Tools Required to  
31 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

32           (1) The state shall immediately revoke a hazardous materials endorsement upon receipt  
33 of an initial determination of threat assessment and immediate revocation from the  
34 Transportation Security Administration as defined by 49 CFR 1572.13(a).

35           (2) The state shall revoke or deny a hazardous materials endorsement within fifteen days  
36 of receipt of a final determination of threat assessment from the Transportation Security  
37 Administration as required by CFR 1572.13(a).

38           6. The fee for a commercial driver's license or renewal commercial driver's license issued  
39 for a period greater than three years shall be forty dollars.

40           7. The fee for a commercial driver's license or renewal commercial driver's license issued  
41 for a period of three years or less shall be twenty dollars.

42           8. The fee for a duplicate commercial driver's license shall be twenty dollars.

43           9. In order for the director to properly transition driver's license requirements under the  
44 Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening America by  
45 Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT  
46 ACT) of 2001, the director is authorized to stagger expiration dates and make adjustments for  
47 any fees, including driver examination fees that are incurred by the driver as a result of the initial  
48 issuance of a transitional license required to comply with such acts.

49           10. Within thirty days after moving to this state, the holder of a commercial driver's  
50 license shall apply for a commercial driver's license in this state. The applicant shall meet all  
51 other requirements of sections 302.700 to 302.780, except that the director may waive the driving  
52 test for a commercial driver's license as required in section 302.720 if the applicant for a  
53 commercial driver's license has a valid commercial driver's license from a state which has  
54 requirements for issuance of such license comparable to those in this state.

55           11. Any person who falsifies any information in an application or test for a commercial  
56 driver's license shall not be licensed to operate a commercial motor vehicle, or the person's  
57 commercial driver's license shall be [cancelled] **canceled**, for a period of one year after the  
58 director discovers such falsification.

59           12. Beginning July 1, 2005, the director shall not issue a commercial driver's license  
60 under this section unless the director verifies that the applicant is lawfully present in the United  
61 States before accepting the application. If lawful presence is granted for a temporary period, no  
62 commercial driver's license shall be issued. The director may, by rule or regulation, establish  
63 procedures to verify the lawful presence of the applicant and establish the duration of any  
64 commercial driver's license issued under this section. No rule or portion of a rule promulgated  
65 pursuant to the authority of this section shall become effective unless it has been promulgated  
66 pursuant to chapter 536.

67           13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections 1  
68 and 5 of this section to the contrary, the director may issue a [nonresident] **nondomiciled**  
69 commercial driver's license **or commercial driver's instruction permit** to a resident of a  
70 foreign jurisdiction if the United States Secretary of Transportation has determined that the  
71 commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet  
72 the testing standards established in 49 [C.F.R. Part] **CFR 383**.

73           (2) Any applicant for a [nonresident] **nondomiciled** commercial driver's license **or**  
74 **commercial driver's instruction permit** must present evidence satisfactory to the director that  
75 the applicant currently has employment with an employer in this state. The [nonresident]  
76 **nondomiciled** applicant must meet the same testing, driver record requirements, conditions, and  
77 is subject to the same disqualification and conviction reporting requirements applicable to  
78 resident commercial drivers.

79           (3) The [nonresident] **nondomiciled** commercial driver's license will expire on the same  
80 date that the documents establishing lawful presence for employment expire. The word  
81 ["nonresident"] "**nondomiciled**" shall appear on the face of the [nonresident] **nondomiciled**  
82 commercial driver's license. Any applicant for a Missouri [nonresident] **nondomiciled**  
83 commercial driver's license **or commercial driver's instruction permit** must first surrender any  
84 [nonresident] **nondomiciled** commercial driver's license issued by another state.

85           (4) The [nonresident] **nondomiciled** commercial driver's license applicant must pay the  
86 same fees as required for the issuance of a resident commercial driver's license **or commercial**  
87 **driver's instruction permit**.

88           14. Foreign jurisdiction for purposes of issuing a [nonresident] **nondomiciled**  
89 commercial driver's license **or commercial driver's instruction permit** under this section shall  
90 not include any of the fifty states of the United States or Canada or Mexico.

302.740. 1. The commercial driver's license shall be manufactured of materials and  
2 processes that will prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge,  
3 or duplicate any license without ready detection. Such license shall include, but not be limited  
4 to, the following information: a colored photograph of the person, the legal name and address

5 of the person, a physical description of the person, including sex, height, weight and eye color,  
6 the person's [Social Security number] **driver's license number** or such other number or  
7 identifier deemed appropriate by the director or the [secretary] **Secretary**, the date of birth, class  
8 or type of commercial motor vehicle or vehicles which the person is authorized to drive, the  
9 name of this state, and the words "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates  
10 of issuance and expiration, the person's signature and such other information as the director  
11 prescribes.

12 2. Before issuing a commercial driver's license, the director shall obtain driving record  
13 information from sources including, but not limited to, the national driver's register, the  
14 commercial driver's license information system, and any state driver's licensing system in which  
15 the person has been licensed; except that the director shall only be required to obtain the  
16 complete driving record from each state the person has ever been licensed in when such person  
17 is issued an initial commercial driver's license or renews his or her commercial driver's license  
18 for the first time. The director shall maintain a notation in the driving record system of the date  
19 when he or she has obtained the driving records from all other states which the person has been  
20 licensed.

21 3. Within ten days after issuing a commercial driver's license, the director shall notify  
22 the commercial driver's license information system of such fact, providing all information  
23 required to ensure identification of the person. For the purpose of this subsection, the date of  
24 issuance shall be the date the commercial driver's license is mailed to the applicant.

25 4. The commercial driver's license shall indicate the class of vehicle the person may  
26 drive and any applicable endorsements or restrictions. Commercial driver's license  
27 classifications, endorsements and restrictions shall be in compliance with the Commercial Motor  
28 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) and those prescribed by the director.  
29 The commercial driver's license driving record shall contain a complete history of the driver,  
30 including information and convictions from previous states of licensure.

31 **5. The commercial driver's instruction permit shall include but not be limited to**  
32 **the same data elements as a commercial driver's license and the words "CDL PERMIT"**  
33 **or "COMMERCIAL LEARNER PERMIT" and such other information as the director or**  
34 **Secretary prescribes.**

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a  
2 period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or  
4 of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;

- 5 (2) Driving a commercial motor vehicle which causes a fatality through the negligent  
6 operation of the commercial motor vehicle, including but not limited to the crimes of vehicular  
7 manslaughter, homicide by motor vehicle, and negligent homicide;
- 8 (3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;
- 9 (4) Leaving the scene of an accident involving a commercial or noncommercial motor  
10 vehicle operated by the person;
- 11 (5) Using a commercial or noncommercial motor vehicle in the commission of any  
12 felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.
- 13 2. If any of the violations described in subsection 1 of this section occur while  
14 transporting a hazardous material the person is disqualified for a period of not less than three  
15 years.
- 16 3. Any person is disqualified from operating a commercial motor vehicle for life if  
17 convicted of two or more violations of any of the offenses specified in subsection 1 of this  
18 section, or any combination of those offenses, arising from two or more separate incidents. The  
19 director may issue rules and regulations, in accordance with guidelines established by the  
20 [secretary] **Secretary**, under which a disqualification for life under this section may be reduced  
21 to a period of not less than ten years.
- 22 4. Any person is disqualified from driving a commercial motor vehicle for life who uses  
23 a commercial or noncommercial motor vehicle in the commission of any felony involving the  
24 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to  
25 manufacture, distribute, or dispense a controlled substance.
- 26 5. Any person is disqualified from operating a commercial motor vehicle for a period  
27 of not less than sixty days if convicted of two serious traffic violations or one hundred twenty  
28 days if convicted of three serious traffic violations, arising from separate incidents occurring  
29 within a three-year period.
- 30 6. Any person found to be operating a commercial motor vehicle while having any  
31 measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour  
32 out-of-service order by a law enforcement officer in this state.
- 33 7. Any person who is convicted of operating a commercial motor vehicle beginning at  
34 the time of issuance of the out-of-service order until its expiration is guilty of a class A  
35 misdemeanor.
- 36 8. Any person convicted for the first time of driving while out of service shall be  
37 disqualified from driving a commercial motor vehicle in the manner prescribed in 49 CFR [Part]  
38 383, or as amended by the Secretary.

39           9. Any person convicted of driving while out of service on a second occasion during any  
40 ten-year period, involving separate incidents, shall be disqualified in the manner prescribed in  
41 49 CFR [Part] 383, or as amended by the Secretary.

42           10. Any person convicted of driving while out of service on a third or subsequent  
43 occasion during any ten-year period, involving separate incidents, shall be disqualified for a  
44 period of three years.

45           11. Any person convicted of a first violation of an out-of-service order while transporting  
46 hazardous materials or while operating a motor vehicle designed to transport sixteen or more  
47 passengers, including the driver, is disqualified for a period of one hundred eighty days.

48           12. Any person convicted of any subsequent violation of an out-of-service order in a  
49 separate incident within ten years after a previous violation, while transporting hazardous  
50 materials or while operating a motor vehicle designed to transport fifteen passengers, including  
51 the driver, is disqualified for a period of three years.

52           13. Any person convicted of any other offense as specified by regulations promulgated  
53 by the Secretary of Transportation shall be disqualified in accordance with such regulations.

54           14. After suspending, revoking, [cancelling] **canceling** or disqualifying a driver, the  
55 director shall update records to reflect such action and notify a nonresident's licensing authority  
56 and the commercial driver's license information system within ten days in the manner prescribed  
57 in 49 CFR [Part] 384, or as amended by the Secretary.

58           15. Any person disqualified from operating a commercial motor vehicle pursuant to  
59 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license [cancelled]  
60 **canceled**, and upon conclusion of the period of disqualification shall take the written and driving  
61 tests and meet all other requirements of sections 302.700 to 302.780. Such disqualification and  
62 cancellation shall not be withdrawn by the director until such person reapplies for a commercial  
63 driver's license in this or any other state after meeting all requirements of sections 302.700 to  
64 302.780.

65           16. The director shall disqualify a driver upon receipt of notification that the Secretary  
66 has determined a driver to be an imminent hazard pursuant to 49 CFR[, Part] 383.52. Due  
67 process of a disqualification determined by the Secretary pursuant to this section shall be held  
68 in accordance with regulations promulgated by the Secretary. The period of disqualification  
69 determined by the Secretary pursuant to this section shall be served concurrently to any other  
70 period of disqualification which may be imposed by the director pursuant to this section. Both  
71 disqualifications shall appear on the driving record of the driver.

72           17. The director shall disqualify a commercial license holder or operator of a commercial  
73 **motor** vehicle from operation of any commercial motor vehicle upon receipt of a conviction for

74 an offense of failure to appear or pay, and such disqualification shall remain in effect until the  
75 director receives notice that the person has complied with the requirement to appear or pay.

76 **18. The disqualification period must be in addition to any other previous periods**  
77 **of disqualification in the manner prescribed in 49 CFR 383, or as amended by the**  
78 **Secretary, except when the major or serious violations are a result of the same incident.**

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal  
2 by siren or while having at least one lighted lamp exhibiting red light visible under normal  
3 atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a  
4 flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the  
5 right-of-way and shall immediately drive to a position parallel to, and as far as possible to the  
6 right of, the traveled portion of the highway and thereupon stop and remain in such position until  
7 such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

8 2. Upon approaching a stationary emergency vehicle displaying lighted [red or red and  
9 blue lights] **red, yellow, blue, or white lights, or any combination thereof**, or a stationary  
10 vehicle owned by the state highways and transportation commission and operated by an  
11 authorized employee of the department of transportation displaying lighted amber or amber and  
12 white lights, the driver of every motor vehicle shall:

13 (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety  
14 and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary  
15 vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the  
16 same direction as the approaching vehicle; or

17 (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe  
18 speed for road conditions, if changing lanes would be unsafe or impossible.

19 3. The motorman of every streetcar shall immediately stop such car clear of any  
20 intersection and keep it in such position until the emergency vehicle has passed, except as  
21 otherwise directed by a police or traffic officer.

22 4. An "emergency vehicle" is a vehicle of any of the following types:

23 (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri  
24 capitol police, a conservation agent, or a state park ranger, those vehicles operated by  
25 enforcement personnel of the state highways and transportation commission, police or fire  
26 department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to  
27 carry firearms and to make arrests for violations of the laws of the United States, traffic officer  
28 or coroner or by a privately owned emergency vehicle company;

29 (2) A vehicle operated as an ambulance or operated commercially for the purpose of  
30 transporting emergency medical supplies or organs;

31 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

32 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or  
33 public service corporation while performing emergency service;

34 (5) Any vehicle transporting equipment designed to extricate human beings from the  
35 wreckage of a motor vehicle;

36 (6) Any vehicle designated to perform emergency functions for a civil defense or  
37 emergency management agency established pursuant to the provisions of chapter 44;

38 (7) Any vehicle operated by an authorized employee of the department of corrections  
39 who, as part of the employee's official duties, is responding to a riot, disturbance, hostage  
40 incident, escape or other critical situation where there is the threat of serious physical injury or  
41 death, responding to mutual aid call from another criminal justice agency, or in accompanying  
42 an ambulance which is transporting an offender to a medical facility;

43 (8) Any vehicle designated to perform hazardous substance emergency functions  
44 established pursuant to the provisions of sections 260.500 to 260.550; or

45 (9) Any vehicle owned by the state highways and transportation commission and  
46 operated by an authorized employee of the department of transportation that is marked as a  
47 department of transportation emergency response or motorist assistance vehicle.

48 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound  
49 the siren thereon or have the front red lights or blue lights on except when such vehicle is  
50 responding to an emergency call or when in pursuit of an actual or suspected law violator, or  
51 when responding to, but not upon returning from, a fire.

52 (2) The driver of an emergency vehicle may:

53 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

54 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be  
55 necessary for safe operation;

56 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or  
57 property;

58 (d) Disregard regulations governing direction of movement or turning in specified  
59 directions.

60 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this  
61 subsection shall apply only when the driver of any such vehicle while in motion sounds audible  
62 signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle  
63 is equipped with at least one lighted lamp displaying [a red light or blue light] **red, yellow, blue,**  
64 **or white lights, or any combination thereof**, visible under normal atmospheric conditions from  
65 a distance of five hundred feet to the front of such vehicle.

66           6. No person shall purchase an emergency light as described in this section without  
67 furnishing the seller of such light an affidavit stating that the light will be used exclusively for  
68 emergency vehicle purposes.

69           7. Violation of this section shall be deemed a class A misdemeanor.

**304.153. 1. Notwithstanding any other provision of law, the Missouri department  
2 of public safety shall establish a rotation list procedure to be followed for requesting  
3 wrecker or towing services for the removal of a vehicle from property for reasons listed in  
4 section 304.155.**

**5           2. As used in this section, the term "first responder" means any person defined as  
6 a first responder in section 192.800.**

**7           3. The Missouri highway patrol shall establish a rotation list of qualified towing  
8 truck companies to be called to tow or remove disabled vehicles within its jurisdiction.  
9 Such towing truck companies shall comply with all criteria established by the law  
10 enforcement agency for inclusion on the law enforcement agency's rotation list. Such  
11 criteria shall include the following requirements:**

**12           (1) That no towing truck company shall respond to the location of a disabled  
13 vehicle as a result of monitoring emergency radio transmissions;**

**14           (2) That no towing truck company shall be included on the rotation list or shall be  
15 called to respond to the location of a disabled vehicle if such towing truck company is  
16 unable to respond within a reasonable time or has a history of unresponsiveness;**

**17           (3) That the towing truck company has the necessary equipment and qualified  
18 personnel to respond to calls.**

**19           4. Any towing truck company that violates the criteria established for inclusion on  
20 the rotation list shall be removed from the rotation list of the law enforcement agency with  
21 jurisdiction over the location of the disabled vehicle as follows:**

**22           (1) The first violation of this subsection in any calendar year shall result in a  
23 written warning;**

**24           (2) The second violation of this subsection in any calendar year shall result in a  
25 two-week removal;**

**26           (3) The third violation of this subsection in any calendar year shall result in a one-  
27 month removal;**

**28           (4) The fourth violation of this subsection in any calendar year shall result in a  
29 three-month removal;**

**30           (5) The fifth violation of this subsection in any calendar year shall result in a one-  
31 year removal.**

32           **5. Each law enforcement agency shall provide a procedure by which a towing truck**  
33 **company may appeal any exclusion or removal from the rotation list.**

34           **6. No law enforcement agency shall call a towing truck company from the rotation**  
35 **list if the owner of the disabled vehicle requests a specific towing truck company and it can**  
36 **respond in a reasonable time.**

37           **7. The department of public safety may promulgate all necessary rules for the**  
38 **administration of this section. Any rule or portion of a rule, as that term is defined in**  
39 **section 536.010, that is created under the authority delegated in this section shall become**  
40 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
41 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**  
42 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
43 **the effective date, or to disapprove and annul a rule are subsequently held**  
44 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
45 **after August 28, 2013, shall be invalid and void.**

          304.154. 1. Beginning January 1, [2005] **2014**, a towing company operating a tow truck  
2 pursuant to the authority granted in section 304.155 [or 304.157] shall:

3           (1) Have and occupy a verifiable business address **and display such address in a**  
4 **location visible from the street;**

5           (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the  
6 storage of motor vehicles, **with a total area for storing vehicles, either inside or outside, of**  
7 **at least two thousand square feet and fencing a minimum of seven feet high;**

8           (3) **Be open for a minimum of eight hours per day between the hours of 7:00 a.m.**  
9 **and 7:00 p.m., Monday through Friday, for a customer or his or her authorized agent to**  
10 **view and retrieve a vehicle, with no additional fees charged to view or retrieve a vehicle**  
11 **during these regular business hours;**

12           (4) Be available twenty-four hours a day, seven days a week. Availability shall mean  
13 that an employee of the towing company or an answering service answered by a person is able  
14 to respond to a tow request;

15           (5) **Have and maintain an operational telephone with the telephone number**  
16 **published or available through directory assistance;**

17           [(4)] (6) Maintain a valid insurance policy issued by an insurer authorized to do business  
18 in this state, or a bond or other acceptable surety providing coverage for the death of, or injury  
19 to, persons and damage to property for each accident or occurrence in the amount [of at least five  
20 hundred thousand dollars per incident] **prescribed by the United States Department of**  
21 **Transportation;**

22            [(5)] (7) Provide workers' compensation insurance for all employees of the towing  
23 company if required by chapter 287; [and]

24            [(6)] (8) Maintain current motor vehicle registrations on all tow trucks currently operated  
25 within the towing company fleet; **and**

26            **(9) Require tow drivers to be certified by the Towing and Recovery Association of**  
27 **America (TRAA), any state or federally funded program, or industry-recognized program,**  
28 **as follows:**

29            **(a) Beginning August 28, 2014, light-duty operators shall have at least a TRAA**  
30 **Level 1 Certification or its equivalent;**

31            **(b) Beginning March 1, 2015, medium-duty operators shall have at least a TRAA**  
32 **Level 2 Certification or its equivalent; and**

33            **(c) Beginning August 28, 2015, heavy-duty operators shall have at least a TRAA**  
34 **Level 3 Certification or its equivalent.**

35            2. Counties may adopt ordinances with respect to towing company standards in addition  
36 to the minimum standards contained in this section. A towing company located in a county of  
37 the [second,] third[, and] **or** fourth classification is exempt from the provisions of this section.

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

19 Distance in feet

20 between the extremes

21 of any group of two or  
 22 more consecutive axles,  
 23 measured to the nearest  
 24 foot, except where  
 25 indicated otherwise

		Maximum load in pounds				
26	27 feet	2 axles	3 axles	4 axles	5 axles	6 axles
28	4	34,000				
29	5	34,000				
30	6	34,000				
31	7	34,000				
32	8	34,000	34,000			
33	More than 8	38,000	42,000			
34	9	39,000	42,500			
35	10	40,000	43,500			
36	11	40,000	44,000			
37	12	40,000	45,000	50,000		
38	13	40,000	45,500	50,500		
39	14	40,000	46,500	51,500		
40	15	40,000	47,000	52,000		
41	16	40,000	48,000	52,500	58,000	
42	17	40,000	48,500	53,500	58,500	
43	18	40,000	49,500	54,000	59,000	
44	19	40,000	50,000	54,500	60,000	
45	20	40,000	51,000	55,500	60,500	66,000
46	21	40,000	51,500	56,000	61,000	66,500
47	22	40,000	52,500	56,500	61,500	67,000
48	23	40,000	53,000	57,500	62,500	68,000
49	24	40,000	54,000	58,000	63,000	68,500
50	25	40,000	54,500	58,500	63,500	69,000
51	26	40,000	55,500	59,500	64,000	69,500
52	27	40,000	56,000	60,000	65,000	70,000
53	28	40,000	57,000	60,500	65,500	71,000
54	29	40,000	57,500	61,500	66,000	71,500
55	30	40,000	58,500	62,000	66,500	72,000
56	31	40,000	59,000	62,500	67,500	72,500

57	32	40,000	60,000	63,500	68,000	73,000
58	33	40,000	60,000	64,000	68,500	74,000
59	34	40,000	60,000	64,500	69,000	74,500
60	35	40,000	60,000	65,500	70,000	75,000
61	36	60,000	66,000	70,500	75,500	
62	37	60,000	66,500	71,000	76,000	
63	38	60,000	67,500	72,000	77,000	
64	39	60,000	68,000	72,500	77,500	
65	40	60,000	68,500	73,000	78,000	
66	41	60,000	69,500	73,500	78,500	
67	42	60,000	70,000	74,000	79,000	
68	43	60,000	70,500	75,000	80,000	
69	44	60,000	71,500	75,500	80,000	
70	45	60,000	72,000	76,000	80,000	
71	46	60,000	72,500	76,500	80,000	
72	47	60,000	73,500	77,500	80,000	
73	48	60,000	74,000	78,000	80,000	
74	49	60,000	74,500	78,500	80,000	
75	50	60,000	75,500	79,000	80,000	
76	51	60,000	76,000	80,000	80,000	
77	52	60,000	76,500	80,000	80,000	
78	53	60,000	77,500	80,000	80,000	
79	54	60,000	78,000	80,000	80,000	
80	55	60,000	78,500	80,000	80,000	
81	56	60,000	79,500	80,000	80,000	
82	57	60,000	80,000	80,000	80,000	

83

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

87 4. Whenever the state highways and transportation commission finds that any state  
88 highway bridge in the state is in such a condition that use of such bridge by vehicles of the  
89 weights specified in subsection 3 of this section will endanger the bridge, or the users of the  
90 bridge, the commission may establish maximum weight limits and speed limits for vehicles using  
91 such bridge. The governing body of any city or county may grant authority by act or ordinance  
92 to the state highways and transportation commission to enact the limitations established in this

93 section on those roadways within the purview of such city or county. Notice of the weight limits  
94 and speed limits established by the commission shall be given by posting signs at a conspicuous  
95 place at each end of any such bridge.

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

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

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

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

120 9. **(1)** Notwithstanding subsection 3 of this section or any other provision of law to the  
121 contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock **or**  
122 **agricultural products not including local log trucks as defined in section 301.010** may be  
123 as much as, but shall not exceed, eighty-five thousand five hundred pounds [while operating on  
124 U.S. Highway 36 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state  
125 line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway 36,  
126 and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17]. The provisions of this  
127 subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate  
128 and Defense Highways.

129           **(2) Any vehicle hauling greater than eighty thousand pounds under the provisions**  
130 **of this subsection shall apply yearly to the department of transportation for a permit and**  
131 **upon payment of a twenty-five dollar fee, the department shall grant the applicant a**  
132 **permit. Upon renewal of the permit, an applicant shall submit to the department a list of**  
133 **roads traveled and the number of miles traveled on each road during the year.**

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

          304.184. Notwithstanding any other provision of law to the contrary, any truck,  
2 tractor-trailer or other combination engaged in transporting solid waste, as defined by section  
3 260.200, **or engaged in transporting recyclable waste for use in the production of animal**  
4 **feed** between any city and a solid waste disposal area [or] , solid waste processing facility, **or**  
5 **recycling facility** approved by the department of natural resources [or] , department of health  
6 and senior services, **or department of revenue** may operate with a weight not to exceed  
7 twenty-two thousand four hundred pounds on one axle or a weight not to exceed forty-four  
8 thousand eight hundred pounds on any tandem axle; but nothing in this section shall be construed  
9 to permit the operation of any motor vehicle on the interstate highway system in excess of the  
10 weight limits imposed by federal statute; and no such truck, tractor-trailer or other combination  
11 shall exceed the width and length limitations provided in section 304.190.

          304.820. 1. Except as otherwise provided in this section, no person twenty-one years  
2 of age or younger operating a moving motor vehicle upon the highways of this state shall, by  
3 means of a hand-held electronic wireless communications device, send, read, or write a text  
4 message or electronic message.

5           2. **Except as otherwise provided in this section, no person shall operate a**  
6 **commercial motor vehicle while using a hand-held mobile telephone.**

7           3. **Except as otherwise provided in this section, no person shall operate a**  
8 **commercial motor vehicle while using a wireless communications device to send, read, or**  
9 **write a text message or electronic message.**

10           4. The provisions of subsection 1 **through subsection 3** of this section shall not apply  
11 to a person operating:

12           (1) An authorized emergency vehicle; or

13           (2) A moving motor vehicle while using a hand-held electronic wireless communications  
14 device to:

- 15 (a) Report illegal activity;  
16 (b) Summon medical or other emergency help;  
17 (c) Prevent injury to a person or property; or  
18 (d) Relay information between a transit or for-hire operator and that operator's  
19 dispatcher, in which the device is permanently affixed to the vehicle.

20 [3.] 5. Nothing in this section shall be construed or interpreted as prohibiting a person  
21 from making or taking part in a telephone call, by means of a hand-held electronic wireless  
22 communications device, while operating a **noncommercial** motor vehicle upon the highways of  
23 this state.

24 [4.] 6. As used in this section, "electronic message" means a self-contained piece of  
25 digital communication that is designed or intended to be transmitted between hand-held  
26 electronic wireless communication devices. "Electronic message" includes, but is not limited  
27 to, electronic mail, a text message, an instant message, or a command or request to access an  
28 internet site.

29 [5.] 7. As used in this section, "hand-held electronic wireless communications device"  
30 includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device  
31 used to communicate verbally or by text or electronic messaging, but shall not apply to any  
32 device that is permanently embedded into the architecture and design of the motor vehicle.

33 [6.] 8. As used in this section, "making or taking part in a telephone call" means listening  
34 to or engaging in verbal communication through a hand-held electronic wireless communication  
35 device.

36 [7.] 9. As used in this section, "send, read, or write a text message or electronic message"  
37 means using a hand-held electronic wireless telecommunications device to manually  
38 communicate with any person by using an electronic message. Sending, reading, or writing a  
39 text message or electronic message does not include reading, selecting, or entering a phone  
40 number or name into a hand-held electronic wireless communications device for the purpose of  
41 making a telephone call.

42 [8.] 10. A violation of this section shall be deemed an infraction and shall be deemed a  
43 moving violation for purposes of point assessment under section 302.302.

44 [9.] 11. The state preempts the field of regulating the use of hand-held electronic wireless  
45 communications devices in motor vehicles, and the provisions of this section shall supercede any  
46 local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other  
47 political subdivision to regulate the use of hand-held electronic wireless communication devices  
48 by the operator of a motor vehicle.

49 [10.] 12. The provisions of this section shall not apply to:

- 50 (1) The operator of a vehicle that is lawfully parked or stopped;

51 (2) Any of the following while in the performance of their official duties: a law  
52 enforcement officer; a member of a fire department; or the operator of a public or private  
53 ambulance;

54 (3) The use of factory-installed or aftermarket global positioning systems (GPS) or  
55 wireless communications devices used to transmit or receive data as part of a digital dispatch  
56 system;

57 (4) The use of voice-operated technology;

58 (5) The use of two-way radio transmitters or receivers by a licensee of the Federal  
59 Communications Commission in the Amateur Radio Service.

307.180. As used in sections 307.180 to 307.193:

2 (1) The word "bicycle" shall mean every vehicle propelled solely by human power upon  
3 which any person may ride, having two tandem wheels, or two parallel wheels and one or two  
4 forward or rear wheels, all of which are more than fourteen inches in diameter, except scooters  
5 and similar devices;

6 (2) The term "motorized bicycle" shall mean any two- or three-wheeled device having  
7 an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic  
8 centimeters, which produces less than [three] **four** gross brake horsepower, and is capable of  
9 propelling the device at a maximum speed of not more than **thirty-eight** miles per hour on level  
10 ground. A motorized bicycle shall be considered a motor vehicle for purposes of any  
11 homeowners' or renters' insurance policy.

307.400. 1. It is unlawful for any person to operate any commercial motor vehicle as  
2 defined in Title 49, Code of Federal Regulations, Part 390.5, either singly or in combination with  
3 a trailer, as both vehicles are defined in Title 49, Code of Federal Regulations, Part 390.5, unless  
4 such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code  
5 of Federal Regulations, as such regulations have been and may periodically be amended, whether  
6 intrastate transportation or interstate transportation. Members of the Missouri state highway  
7 patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect  
8 the contents when reasonable grounds exist to cause belief that the vehicle is transporting  
9 hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of  
10 the department of public safety is hereby authorized to further regulate the safety of commercial  
11 motor vehicles and trailers as he deems necessary to govern and control their operation on the  
12 public highways of this state by promulgating and publishing rules and regulations consistent  
13 with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by  
14 the director, require:

15 (1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in  
16 a safe condition at all times;

17 (2) Accidents arising from or in connection with the operation of commercial motor  
18 vehicles and trailers to be reported to the department of public safety in such detail and in such  
19 manner as the director may require. Except for the provisions of subdivisions (1) and (2) of this  
20 subsection, the provisions of this section shall not apply to any commercial motor vehicle  
21 operated in intrastate commerce and licensed for a gross weight of sixty thousand pounds or less  
22 when used exclusively for the transportation of solid waste or forty-two thousand pounds or less  
23 when the license plate has been designated for farm use by the letter "F" as authorized by the  
24 Revised Statutes of Missouri, unless such vehicle is transporting hazardous materials as defined  
25 in Title 49, Code of Federal Regulations.

26 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part  
27 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of  
28 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were  
29 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.  
30 Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this  
31 state may operate such vehicle intrastate at the age of eighteen years or older, except that any  
32 person transporting hazardous material must be at least twenty-one years of age.

33 3. Commercial motor vehicles and drivers of such vehicles may be placed out of service  
34 if the vehicles are not equipped and operated according to the requirements of this section.  
35 Criteria used for placing vehicles and drivers out of service are the North American Uniform  
36 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United  
37 States Department of Transportation, as such criteria have been and may periodically be  
38 amended.

39 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part  
40 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any  
41 vehicle owned or operated by any public utility, rural electric cooperative or other public service  
42 organization, or to the driver of such vehicle, while providing restoration of essential utility  
43 services during emergencies and operating intrastate. For the purposes of this subsection, the  
44 term "essential utility services" means electric, gas, water, telephone and sewer services.

45 5. [Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall  
46 not apply to drivers transporting agricultural commodities or farm supplies for agricultural  
47 purposes in this state if such transportation:

48 (1) Is limited to an area within a one hundred air-mile radius from the source of the  
49 commodities or the distribution point for the farm supplies; and

50 (2) Is conducted during the planting and harvesting season within this state, as defined  
51 by the department of public safety by regulation.

52           6. The provisions of Part 395.8, Title 49, Code of Federal Regulations, relating to  
53 recording of a driver's duty status, shall not apply to drivers engaged in agricultural operations  
54 referred to in subsection 5 of this section, if the motor carrier who employs the driver maintains  
55 and retains for a period of six months accurate and true records showing:

56           (1) The total number of hours the driver is on duty each day; and

57           (2) The time at which the driver reports for, and is released from, duty each day.

58           7.] Notwithstanding the provisions of subsection 1 of this section to the contrary, Parts  
59 390 through 397, Title 49, Code of Federal Regulations shall not apply to commercial motor  
60 vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight  
61 rating or gross combination weight rating of twenty-six thousand pounds or less. The exception  
62 provided by this subsection shall not apply to:

63           **(1) Vehicles transporting hazardous materials [or to] and which are not covered farm**  
64 **vehicles as provided in subdivision (3) of this subsection;**

65           **(2) Vehicles designed to transport sixteen or more passengers including the driver as**  
66 **defined by Title 49 of the Code of Federal Regulations; or**

67           **(3) Vehicles which are defined as covered farm vehicles pursuant to federal laws**  
68 **and regulations and are transporting hazardous materials that require a placard as**  
69 **required by Title 49, Code of Federal Regulations, Parts 100-180.**

70

71 Nothing in this subsection shall be construed to prohibit persons designated by the department  
72 of public safety from inspecting vehicles defined in this subsection.

73           [8.] 6. Violation of any provision of this section or any rule promulgated as authorized  
74 therein is a class B misdemeanor.

75           [9.] 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
76 created under the authority delegated in this section shall become effective only if it complies  
77 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
78 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
79 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
80 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
81 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

✓