

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 23

AN ACT

To repeal sections 32.087, 33.080, 64.196, 67.1010, 71.285, 99.845, 137.090, 137.095, 137.720, 137.1018, 144.010, 144.020, 144.021, 144.030, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.605, 144.610, 144.613, 144.615, 169.270, 169.291, 169.301, 169.324, 169.350, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, 184.865, 198.345, 302.302, 302.341, 360.045, 374.150, 476.385, and 577.041, RSMo, and 302.060 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 no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for

senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof sixty new sections relating to taxation, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

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

1 Section A. Sections 32.087, 33.080, 64.196, 67.1010,
2 71.285, 99.845, 137.090, 137.095, 137.720, 137.1018, 144.010,
3 144.020, 144.021, 144.030, 144.069, 144.071, 144.440, 144.450,
4 144.455, 144.525, 144.605, 144.610, 144.613, 144.615, 169.270,
5 169.291, 169.301, 169.324, 169.350, 184.800, 184.805, 184.810,
6 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845,
7 184.850, 184.865, 198.345, 302.302, 302.341, 360.045, 374.150,
8 476.385, and 577.041, RSMo, and 302.060 as enacted by conference
9 committee substitute for senate substitute for senate committee
10 substitute for house committee substitute for house bill no.
11 1402, merged with conference committee substitute for house
12 committee substitute no. 2 for senate committee substitute for
13 senate bill no. 480, ninety-sixth general assembly, second
14 regular session, and section 302.060 as enacted by conference
15 committee substitute for senate substitute for senate committee
16 substitute for house committee substitute for house bill no.
17 1402, ninety-sixth general assembly, second regular session, and
18 section 302.304 as enacted by conference committee substitute for
19 house committee substitute no. 2 for senate committee substitute

1 for senate bill no. 480, ninety-sixth general assembly, second
2 regular session, and section 302.304 as enacted by conference
3 committee substitute for house committee substitute for senate
4 committee substitute for senate bills nos. 930 & 947, ninety-
5 fourth general assembly, second regular session, and section
6 302.309 as enacted by conference committee substitute for senate
7 substitute for senate committee substitute for house committee
8 substitute for house bill no. 1402, ninety-sixth general
9 assembly, second regular session, and section 302.309 as enacted
10 by conference committee substitute for house committee substitute
11 no. 2 for senate committee substitute for senate bill no. 480,
12 ninety-sixth general assembly, second regular session, and
13 section 302.525 as enacted by conference committee substitute for
14 house committee substitute no. 2 for senate committee substitute
15 for senate bill no. 480, ninety-sixth general assembly, second
16 regular session, and section 302.525 as enacted by conference
17 committee substitute for house committee substitute for senate
18 committee substitute for senate bills nos. 930 & 947, ninety-
19 fourth general assembly, second regular session, are repealed and
20 sixty new sections enacted in lieu thereof, to be known as
21 sections 32.087, 33.080, 33.295, 64.196, 67.1010, 67.1020,
22 67.1368, 71.285, 77.675, 92.387, 94.1060, 99.845, 137.090,
23 137.095, 137.720, 137.1018, 144.010, 144.020, 144.021, 144.030,
24 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.605,
25 144.610, 144.613, 144.615, 169.270, 169.291, 169.301, 169.324,
26 169.350, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827,
27 184.830, 184.835, 184.840, 184.845, 184.847, 184.850, 184.865,
28 198.345, 302.060, 302.302, 302.304, 302.309, 302.341, 302.525,

1 360.045, 374.150, 476.385, 577.041, and 1, to read as follows:

2 32.087. 1. Within ten days after the adoption of any
3 ordinance or order in favor of adoption of any local sales tax
4 authorized under the local sales tax law by the voters of a
5 taxing entity, the governing body or official of such taxing
6 entity shall forward to the director of revenue by United States
7 registered mail or certified mail a certified copy of the
8 ordinance or order. The ordinance or order shall reflect the
9 effective date thereof.

10 2. Any local sales tax so adopted shall become effective on
11 the first day of the second calendar quarter after the director
12 of revenue receives notice of adoption of the local sales tax,
13 except as provided in subsection 18 of this section, and shall be
14 imposed on all transactions on which the Missouri state sales tax
15 is imposed.

16 3. Every retailer within the jurisdiction of one or more
17 taxing entities which has imposed one or more local sales taxes
18 under the local sales tax law shall add all taxes so imposed
19 along with the tax imposed by the sales tax law of the state of
20 Missouri to the sale price and, when added, the combined tax
21 shall constitute a part of the price, and shall be a debt of the
22 purchaser to the retailer until paid, and shall be recoverable at
23 law in the same manner as the purchase price. The combined rate
24 of the state sales tax and all local sales taxes shall be the sum
25 of the rates, multiplying the combined rate times the amount of
26 the sale.

27 4. The brackets required to be established by the director
28 of revenue under the provisions of section 144.285 shall be based

1 upon the sum of the combined rate of the state sales tax and all
2 local sales taxes imposed under the provisions of the local sales
3 tax law.

4 5. (1) The ordinance or order imposing a local sales tax
5 under the local sales tax law shall impose a tax upon all
6 [sellers a tax for the privilege of engaging in the business of
7 selling tangible personal property or rendering taxable services
8 at retail] transactions upon which the Missouri state sales tax
9 is imposed to the extent and in the manner provided in sections
10 144.010 to 144.525, and the rules and regulations of the director
11 of revenue issued pursuant thereto; except that the rate of the
12 tax shall be the sum of the combined rate of the state sales tax
13 or state highway use tax and all local sales taxes imposed under
14 the provisions of the local sales tax law.

15 (2) Notwithstanding any other provision of law to the
16 contrary, local taxing jurisdictions, except those in which
17 voters previously have approved a local use tax under section
18 144.757, shall have placed on the ballot on or after the general
19 election in November 2014, but no later than the general election
20 in November 2016, whether to repeal application of the local
21 sales tax to the titling of motor vehicles, trailers, boats, and
22 outboard motors that are subject to state sales tax under section
23 144.020 and purchased from a source other than a licensed
24 Missouri dealer. The ballot question presented to the local
25 voters shall contain substantially the following language:

26 Shall the (local
27 jurisdiction's name) discontinue applying and collecting the
28 local sales tax on the titling of motor vehicles, trailers,

1 boats, and outboard motors that were purchased from a source
2 other than a licensed Missouri dealer? Approval of this measure
3 will result in a reduction of local revenue to provide for vital
4 services for (local jurisdiction's name)
5 and it will place Missouri dealers of motor vehicles, outboard
6 motors, boats, and trailers at a competitive disadvantage to non-
7 Missouri dealers of motor vehicles, outboard motors, boats, and
8 trailers.

9 YES NO

10 If you are in favor of the question, place an "X" in the box
11 opposite "YES". If you are opposed to the question, place an "X"
12 in the box opposite "NO".

13 (3) If the ballot question set forth in subdivision (2) of
14 this subsection receives a majority of the votes cast in favor of
15 the proposal, or if the local taxing jurisdiction fails to place
16 the ballot question before the voters on or before the general
17 election in November 2016, the local taxing jurisdiction shall
18 cease applying the local sales tax to the titling of motor
19 vehicles, trailers, boats, and outboard motors that were
20 purchased from a source other than a licensed Missouri dealer.

21 (4) In addition to the requirement that the ballot question
22 set forth in subdivision (2) of this subsection be placed before
23 the voters, the governing body of any local taxing jurisdiction
24 that previously had imposed a local use tax on the use of motor
25 vehicles, trailers, boats, and outboard motors may, at any time,
26 place a proposal on the ballot at any election to repeal
27 application of the local sales tax to the titling of motor
28 vehicles, trailers, boats, and outboard motors purchased from a

1 source other than a licensed Missouri dealer. If a majority of
2 the votes cast by the registered voters voting thereon are in
3 favor of the proposal to repeal application of the local sales
4 tax to such titling, then the local sales tax shall no longer be
5 applied to the titling of motor vehicles, trailers, boats, and
6 outboard motors purchased from a source other than a licensed
7 Missouri dealer. If a majority of the votes cast by the
8 registered voters voting thereon are opposed to the proposal to
9 repeal application of the local sales tax to such titling, such
10 application shall remain in effect.

11 (5) In addition to the requirement that the ballot question
12 set forth in subdivision (2) of this subsection be placed before
13 the voters on or after the general election in November 2014, and
14 on or before the general election in November 2016, whenever the
15 governing body of any local taxing jurisdiction imposing a local
16 sales tax on the sale of motor vehicles, trailers, boats, and
17 outboard motors receives a petition, signed by fifteen percent of
18 the registered voters of such jurisdiction voting in the last
19 gubernatorial election and calling for a proposal to be placed on
20 the ballot at any election to repeal application of the local
21 sales tax to the titling of motor vehicles, trailers, boats, and
22 outboard motors purchased from a source other than a licensed
23 Missouri dealer, the governing body shall submit to the voters of
24 such jurisdiction a proposal to repeal application of the local
25 sales tax to such titling. If a majority of the votes cast by
26 the registered voters voting thereon are in favor of the proposal
27 to repeal application of the local sales tax to such titling,
28 then the local sales tax shall no longer be applied to the

1 titling of motor vehicles, trailers, boats, and outboard motors
2 purchased from a source other than a licensed Missouri dealer.
3 If a majority of the votes cast by the registered voters voting
4 thereon are opposed to the proposal to repeal application of the
5 local sales tax to such titling, such application shall remain in
6 effect.

7 (6) Nothing in this subsection shall be construed to
8 authorize the voters of any jurisdiction to repeal application of
9 any state sales or use tax.

10 (7) If any local sales tax on the titling of motor
11 vehicles, trailers, boats, and outboard motors purchased from a
12 source other than a licensed Missouri dealer is repealed, such
13 repeal shall take effect on the first day of the second calendar
14 quarter after the election. If any local sales tax on the
15 titling of motor vehicles, trailers, boats, and outboard motors
16 purchased from a source other than a licensed Missouri dealer is
17 required to cease to be applied or collected due to failure of a
18 local taxing jurisdiction to hold an election pursuant to
19 subdivision (2) of this subsection, such cessation shall take
20 effect on March 1, 2017.

21 6. On and after the effective date of any local sales tax
22 imposed under the provisions of the local sales tax law, the
23 director of revenue shall perform all functions incident to the
24 administration, collection, enforcement, and operation of the
25 tax, and the director of revenue shall collect in addition to the
26 sales tax for the state of Missouri all additional local sales
27 taxes authorized under the authority of the local sales tax law.
28 All local sales taxes imposed under the local sales tax law

1 together with all taxes imposed under the sales tax law of the
2 state of Missouri shall be collected together and reported upon
3 such forms and under such administrative rules and regulations as
4 may be prescribed by the director of revenue.

5 7. All applicable provisions contained in sections 144.010
6 to 144.525 governing the state sales tax and section 32.057, the
7 uniform confidentiality provision, shall apply to the collection
8 of any local sales tax imposed under the local sales tax law
9 except as modified by the local sales tax law.

10 8. All exemptions granted to agencies of government,
11 organizations, persons and to the sale of certain articles and
12 items of tangible personal property and taxable services under
13 the provisions of sections 144.010 to 144.525, as these sections
14 now read and as they may hereafter be amended, it being the
15 intent of this general assembly to ensure that the same sales tax
16 exemptions granted from the state sales tax law also be granted
17 under the local sales tax law, are hereby made applicable to the
18 imposition and collection of all local sales taxes imposed under
19 the local sales tax law.

20 9. The same sales tax permit, exemption certificate and
21 retail certificate required by sections 144.010 to 144.525 for
22 the administration and collection of the state sales tax shall
23 satisfy the requirements of the local sales tax law, and no
24 additional permit or exemption certificate or retail certificate
25 shall be required; except that the director of revenue may
26 prescribe a form of exemption certificate for an exemption from
27 any local sales tax imposed by the local sales tax law.

28 10. All discounts allowed the retailer under the provisions

1 of the state sales tax law for the collection of and for payment
2 of taxes under the provisions of the state sales tax law are
3 hereby allowed and made applicable to any local sales tax
4 collected under the provisions of the local sales tax law.

5 11. The penalties provided in section 32.057 and sections
6 144.010 to 144.525 for a violation of the provisions of those
7 sections are hereby made applicable to violations of the
8 provisions of the local sales tax law.

9 12. (1) For the purposes of any local sales tax imposed by
10 an ordinance or order under the local sales tax law, all sales,
11 except the sale of motor vehicles, trailers, boats, and outboard
12 motors required to be titled under the laws of the state of
13 Missouri, shall be deemed to be consummated at the place of
14 business of the retailer unless the tangible personal property
15 sold is delivered by the retailer or his agent to an out-of-state
16 destination. In the event a retailer has more than one place of
17 business in this state which participates in the sale, the sale
18 shall be deemed to be consummated at the place of business of the
19 retailer where the initial order for the tangible personal
20 property is taken, even though the order must be forwarded
21 elsewhere for acceptance, approval of credit, shipment or
22 billing. A sale by a retailer's agent or employee shall be
23 deemed to be consummated at the place of business from which he
24 works.

25 (2) For the purposes of any local sales tax imposed by an
26 ordinance or order under the local sales tax law, the sales tax
27 upon the titling of all [sales of] motor vehicles, trailers,
28 boats, and outboard motors shall be [deemed to be consummated]

1 imposed at the rate in effect at the location of the residence of
2 the purchaser, and remitted to that local taxing entity, and not
3 at the place of business of the retailer, or the place of
4 business from which the retailer's agent or employee works.

5 (3) For the purposes of any local tax imposed by an
6 ordinance or under the local sales tax law on charges for mobile
7 telecommunications services, all taxes of mobile
8 telecommunications service shall be imposed as provided in the
9 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116
10 through 124, as amended.

11 13. Local sales taxes [imposed pursuant to the local sales
12 tax law] shall not be imposed on the seller [on the purchase and
13 sale] of motor vehicles, trailers, boats, and outboard motors
14 [shall not be collected and remitted by the seller,] required to
15 be titled under the laws of the state of Missouri, but shall be
16 collected from the purchaser by the director of revenue at the
17 time application is made for a certificate of title, if the
18 address of the applicant is within a taxing entity imposing a
19 local sales tax under the local sales tax law.

20 14. The director of revenue and any of his deputies,
21 assistants and employees who have any duties or responsibilities
22 in connection with the collection, deposit, transfer,
23 transmittal, disbursement, safekeeping, accounting, or recording
24 of funds which come into the hands of the director of revenue
25 under the provisions of the local sales tax law shall enter a
26 surety bond or bonds payable to any and all taxing entities in
27 whose behalf such funds have been collected under the local sales
28 tax law in the amount of one hundred thousand dollars for each

1 such tax; but the director of revenue may enter into a blanket
2 bond covering himself and all such deputies, assistants and
3 employees. The cost of any premium for such bonds shall be paid
4 by the director of revenue from the share of the collections
5 under the sales tax law retained by the director of revenue for
6 the benefit of the state.

7 15. The director of revenue shall annually report on his
8 management of each trust fund which is created under the local
9 sales tax law and administration of each local sales tax imposed
10 under the local sales tax law. He shall provide each taxing
11 entity imposing one or more local sales taxes authorized by the
12 local sales tax law with a detailed accounting of the source of
13 all funds received by him for the taxing entity. Notwithstanding
14 any other provisions of law, the state auditor shall annually
15 audit each trust fund. A copy of the director's report and
16 annual audit shall be forwarded to each taxing entity imposing
17 one or more local sales taxes.

18 16. Within the boundaries of any taxing entity where one or
19 more local sales taxes have been imposed, if any person is
20 delinquent in the payment of the amount required to be paid by
21 him under the local sales tax law or in the event a determination
22 has been made against him for taxes and penalty under the local
23 sales tax law, the limitation for bringing suit for the
24 collection of the delinquent tax and penalty shall be the same as
25 that provided in sections 144.010 to 144.525. Where the director
26 of revenue has determined that suit must be filed against any
27 person for the collection of delinquent taxes due the state under
28 the state sales tax law, and where such person is also delinquent

1 in payment of taxes under the local sales tax law, the director
2 of revenue shall notify the taxing entity in the event any person
3 fails or refuses to pay the amount of any local sales tax due so
4 that appropriate action may be taken by the taxing entity.

5 17. Where property is seized by the director of revenue
6 under the provisions of any law authorizing seizure of the
7 property of a taxpayer who is delinquent in payment of the tax
8 imposed by the state sales tax law, and where such taxpayer is
9 also delinquent in payment of any tax imposed by the local sales
10 tax law, the director of revenue shall permit the taxing entity
11 to join in any sale of property to pay the delinquent taxes and
12 penalties due the state and to the taxing entity under the local
13 sales tax law. The proceeds from such sale shall first be
14 applied to all sums due the state, and the remainder, if any,
15 shall be applied to all sums due such taxing entity.

16 18. If a local sales tax has been in effect for at least
17 one year under the provisions of the local sales tax law and
18 voters approve reimposition of the same local sales tax at the
19 same rate at an election as provided for in the local sales tax
20 law prior to the date such tax is due to expire, the tax so
21 reimposed shall become effective the first day of the first
22 calendar quarter after the director receives a certified copy of
23 the ordinance, order or resolution accompanied by a map clearly
24 showing the boundaries thereof and the results of such election,
25 provided that such ordinance, order or resolution and all
26 necessary accompanying materials are received by the director at
27 least thirty days prior to the expiration of such tax. Any
28 administrative cost or expense incurred by the state as a result

1 of the provisions of this subsection shall be paid by the city or
2 county reimposing such tax.

3 33.080. 1. All fees, funds and moneys from whatsoever
4 source received by any department, board, bureau, commission,
5 institution, official or agency of the state government by virtue
6 of any law or rule or regulation made in accordance with any law,
7 excluding all funds received and disbursed by the state on behalf
8 of counties and cities, towns and villages shall, by the official
9 authorized to receive same, and at stated intervals of not more
10 than thirty days, be placed in the state treasury to the credit
11 of the particular purpose or fund for which collected, and shall
12 be subject to appropriation by the general assembly for the
13 particular purpose or fund for which collected during the
14 biennium in which collected and appropriated. The unexpended
15 balance remaining in all such funds (except such unexpended
16 balance as may remain in any fund authorized, collected and
17 expended by virtue of the provisions of the constitution of this
18 state) shall at the end of the biennium and after all warrants on
19 same have been discharged and the appropriation thereof has
20 lapsed, be transferred and placed to the credit of the [ordinary]
21 general revenue fund of the state by the state treasurer. Any
22 official or any person who shall willfully fail to comply with
23 any of the provisions of this section, and any person who shall
24 willfully violate any provision hereof, shall be deemed guilty of
25 a misdemeanor; provided, that all such money received by the
26 curators of the University of Missouri except those funds
27 required by law or by instrument granting the same to be paid
28 into the seminary fund of the state, is excepted herefrom, and in

1 the case of other state educational institutions there is
2 excepted herefrom, gifts or trust funds from whatever source;
3 appropriations; gifts or grants from the federal government,
4 private organizations and individuals; funds for or from student
5 activities; farm or housing activities; and other funds from
6 which the whole or some part thereof may be liable to be repaid
7 to the person contributing the same; and hospital fees. All of
8 the above excepted funds shall be reported in detail quarterly to
9 the governor and biennially to the general assembly.

10 2. Notwithstanding any provision of law to the contrary
11 concerning the transfer of funds, ten million dollars shall be
12 transferred from the insurance dedicated fund established under
13 section 374.150, and placed to the credit of the rebuild damaged
14 infrastructure fund created in section 33.295 on July 1, 2013.

15 33.295. 1. There is hereby established the "Rebuild
16 Damaged Infrastructure Program" to provide funding for the
17 reconstruction, replacement, or renovation of, or repair to, any
18 infrastructure damaged by a presidentially declared natural
19 disaster, including, but not limited to, the physical components
20 of interrelated systems providing essential commodities and
21 services to the public which includes transportation,
22 communication, sewage, water, and electric systems as well as
23 public elementary and secondary school buildings.

24 2. There is hereby created in the state treasury the
25 "Rebuild Damaged Infrastructure Fund", which shall consist of
26 money appropriated or collected under this section. Any amount
27 to be transferred to the fund on July 1, 2013, pursuant to
28 subsection 2 of section 33.080 and subsection 2 of section

1 360.045, in excess of fifteen million dollars shall instead be
2 transferred to the state general revenue fund. The state
3 treasurer shall be custodian of the fund and may approve
4 disbursements from the fund in accordance with sections 30.170
5 and 30.180. Upon appropriation, money in the fund shall be used
6 solely for the purposes of this section. Any moneys remaining in
7 the fund at the end of the biennium shall revert to the credit of
8 the general revenue fund. The state treasurer shall invest
9 moneys in the fund in the same manner as other funds are
10 invested. Any interest and moneys earned on such investments
11 shall be credited to the fund.

12 3. No money in the fund shall be expended for the
13 reconstruction, replacement, or renovation of, or repair to, any
14 infrastructure damaged by a presidentially declared natural
15 disaster when such reconstruction, replacement, renovation, or
16 repair is eligible for funding by the United States Department of
17 Housing and Urban Development through a 2013 supplemental
18 disaster allocation of community development block grant funds.

19 4. The provisions of this section shall expire on June 30,
20 2014.

21 64.196. 1. After August 28, 2001, any county seeking to
22 adopt a building code in a manner set forth in section 64.180
23 shall, in creating or amending such code, adopt a current,
24 calendar year 1999 or later edition, nationally recognized
25 building code, as amended.

26 2. No county building ordinance so adopted shall conflict
27 with liquefied petroleum gas installations governed by section
28 323.020.

1 67.1010. Any tax, and the revenues derived from the tax,
2 imposed under the provisions of sections 67.1006 to 67.1012 shall
3 be administered by the tourism commission, appointed under the
4 provisions of sections 67.1006 to 67.1012. The revenues received
5 from the tax shall be deposited by the commission in a special
6 fund and used solely for the promotion of tourism within the
7 county with at least fifty percent of the revenue used for joint
8 efforts to promote a state operated facility for the first five
9 years the tax is in effect. After the expiration of five years,
10 the commission shall decide on the use of the moneys. [None of
11 the revenue from the tax shall be used for salaries.]

12 67.1020. Nongovernmental agencies congressionally mandated
13 to provide disaster relief services shall be exempt from paying a
14 transient guest tax imposed under this chapter and chapters 66,
15 92, and 94. No such tax shall be imposed on any person where
16 payment is being made by such an agency.

17 67.1368. 1. The governing body of any county of the third
18 classification without a township form of government and with
19 more than twelve thousand but fewer than fourteen thousand
20 inhabitants and with a city of the fourth classification with
21 more than two thousand seven hundred but fewer than three
22 thousand inhabitants as the county seat may impose a tax on the
23 charges for all sleeping rooms paid by the transient guests of
24 hotels or motels situated in the county or a portion thereof,
25 which shall not be more than five percent per occupied room per
26 night, except that such tax shall not become effective unless the
27 governing body of the county submits to the voters of the county
28 at a state general or primary election a proposal to authorize

1 the governing body of the county to impose a tax under this
2 section. The tax authorized in this section shall be in addition
3 to the charge for the sleeping room and all other taxes imposed
4 by law, and the proceeds of such tax shall be used by the county
5 for the promotion of tourism, growth of the region, and economic
6 development. Such tax shall be stated separately from all other
7 charges and taxes.

8 2. The ballot of submission for the tax authorized in this
9 section shall be in substantially the following form:

10 Shall (insert the name of the county) impose a
11 tax on the charges for all sleeping rooms paid by the transient
12 guests of hotels and motels situated in (name of
13 county) at a rate of (insert rate of percent) percent for
14 the promotion of the county, growth of the region, and economic
15 development?

16 YES NO

17 If a majority of the votes cast on the question by the qualified
18 voters voting thereon are in favor of the question, then the tax
19 shall become effective on the first day of the second calendar
20 quarter following the calendar quarter in which the election was
21 held. If a majority of the votes cast on the question by the
22 qualified voters voting thereon are opposed to the question, then
23 the tax authorized by this section shall not become effective
24 unless and until the question is resubmitted under this section
25 to the qualified voters of the county and such question is
26 approved by a majority of the qualified voters of the county
27 voting on the question.

28 3. As used in this section, "transient guests" means

1 persons who occupy a room or rooms in a hotel or motel for
2 thirty-one days or less during any calendar quarter.

3 71.285. 1. Whenever weeds or trash, in violation of an
4 ordinance, are allowed to grow or accumulate, as the case may be,
5 on any part of any lot or ground within any city, town or village
6 in this state, the owner of the ground, or in case of joint
7 tenancy, tenancy by entireties or tenancy in common, each owner
8 thereof, shall be liable. The marshal or other city official as
9 designated in such ordinance shall give a hearing after ten days'
10 notice thereof, either personally or by United States mail to the
11 owner or owners, or the owner's agents, or by posting such notice
12 on the premises; thereupon, the marshal or other designated city
13 official may declare the weeds or trash to be a nuisance and
14 order the same to be abated within five days; and in case the
15 weeds or trash are not removed within the five days, the marshal
16 or other designated city official shall have the weeds or trash
17 removed, and shall certify the costs of same to the city clerk,
18 who shall cause a special tax bill therefor against the property
19 to be prepared and to be collected by the collector, with other
20 taxes assessed against the property; and the tax bill from the
21 date of its issuance shall be a first lien on the property until
22 paid and shall be prima facie evidence of the recitals therein
23 and of its validity, and no mere clerical error or informality in
24 the same, or in the proceedings leading up to the issuance, shall
25 be a defense thereto. Each special tax bill shall be issued by
26 the city clerk and delivered to the collector on or before the
27 first day of June of each year. Such tax bills if not paid when
28 due shall bear interest at the rate of eight percent per annum.

1 Notwithstanding the time limitations of this section, any city,
2 town or village located in a county of the first classification
3 may hold the hearing provided in this section four days after
4 notice is sent or posted, and may order at the hearing that the
5 weeds or trash shall be abated within five business days after
6 the hearing and if such weeds or trash are not removed within
7 five business days after the hearing, the order shall allow the
8 city to immediately remove the weeds or trash pursuant to this
9 section. Except for lands owned by a public utility, rights-of-
10 way, and easements appurtenant or incidental to lands controlled
11 by any railroad, the department of transportation, the department
12 of natural resources or the department of conservation, the
13 provisions of this subsection shall not apply to any city with a
14 population of at least seventy thousand inhabitants which is
15 located in a county of the first classification with a population
16 of less than one hundred thousand inhabitants which adjoins a
17 county with a population of less than one hundred thousand
18 inhabitants that contains part of a city with a population of
19 three hundred fifty thousand or more inhabitants, any city with a
20 population of one hundred thousand or more inhabitants which is
21 located within a county of the first classification that adjoins
22 no other county of the first classification, or any city, town or
23 village located within a county of the first classification with
24 a charter form of government with a population of nine hundred
25 thousand or more inhabitants, or any city with a population of
26 three hundred fifty thousand or more inhabitants which is located
27 in more than one county, or the City of St. Louis, where such
28 city, town or village establishes its own procedures for

1 abatement of weeds or trash, and such city may charge its costs
2 of collecting the tax bill, including attorney fees, in the event
3 a lawsuit is required to enforce a tax bill.

4 2. Except as provided in subsection 3 of this section, if
5 weeds are allowed to grow, or if trash is allowed to accumulate,
6 on the same property in violation of an ordinance more than once
7 during the same growing season in the case of weeds, or more than
8 once during a calendar year in the case of trash, in any city
9 with a population of three hundred fifty thousand or more
10 inhabitants which is located in more than one county, in the City
11 of St. Louis, in any city, town or village located in a county of
12 the first classification with a charter form of government with a
13 population of nine hundred thousand or more inhabitants, in any
14 fourth class city located in a county of the first classification
15 with a charter form of government and a population of less than
16 three hundred thousand, or in any home rule city with more than
17 one hundred thirteen thousand two hundred but less than one
18 hundred thirteen thousand three hundred inhabitants located in a
19 county with a charter form of government and with more than six
20 hundred thousand but less than seven hundred thousand
21 inhabitants, the marshal or other designated city official may
22 order that the weeds or trash be abated within five business days
23 after notice is sent to or posted on the property. In case the
24 weeds or trash are not removed within the five days, the marshal
25 or other designated city official may have the weeds or trash
26 removed and the cost of the same shall be billed in the manner
27 described in subsection 1 of this section.

28 3. If weeds are allowed to grow, or if trash is allowed to

1 accumulate, on the same property in violation of an ordinance
2 more than once during the same growing season in the case of
3 weeds, or more than once during a calendar year in the case of
4 trash, in any city with a population of three hundred fifty
5 thousand or more inhabitants which is located in more than one
6 county, in the City of St. Louis, in any city, town or village
7 located in a county of the first classification with a charter
8 form of government with a population of nine hundred thousand or
9 more inhabitants, in any fourth class city located in a county of
10 the first classification with a charter form of government and a
11 population of less than three hundred thousand, in any home rule
12 city with more than one hundred thirteen thousand two hundred but
13 less than one hundred thirteen thousand three hundred inhabitants
14 located in a county with a charter form of government and with
15 more than six hundred thousand but less than seven hundred
16 thousand inhabitants, in any third class city with a population
17 of at least ten thousand inhabitants but less than fifteen
18 thousand inhabitants with the greater part of the population
19 located in a county of the first classification, in any city of
20 the third classification with more than sixteen thousand nine
21 hundred but less than seventeen thousand inhabitants, [or] in any
22 city of the third classification with more than eight thousand
23 but fewer than nine thousand inhabitants, in any city of the
24 third classification with more than fifteen thousand but fewer
25 than seventeen thousand inhabitants and located in any county of
26 the first classification with more than sixty-five thousand but
27 fewer than seventy-five thousand inhabitants, or in any city of
28 the fourth classification with more than eight thousand but fewer

1 than nine thousand inhabitants and located in any county of the
2 third classification without a township form of government and
3 with more than eighteen thousand but fewer than twenty thousand
4 inhabitants, the marshal or other designated official may,
5 without further notification, have the weeds or trash removed and
6 the cost of the same shall be billed in the manner described in
7 subsection 1 of this section. The provisions of subsection 2 and
8 this subsection do not apply to lands owned by a public utility
9 and lands, rights-of-way, and easements appurtenant or incidental
10 to lands controlled by any railroad.

11 4. The provisions of this section shall not apply to any
12 city with a population of one hundred thousand or more
13 inhabitants which is located within a county of the first
14 classification that adjoins no other county of the first
15 classification where such city establishes its own procedures for
16 abatement of weeds or trash, and such city may charge its costs
17 of collecting the tax bill, including attorney fees, in the event
18 a lawsuit is required to enforce a tax bill.

19 77.675. 1. In addition to the process for passing
20 ordinances provided in section 77.080, the council of any city of
21 the third classification with more than fifteen thousand but
22 fewer than seventeen thousand inhabitants and located in any
23 county of the first classification with more than sixty-five
24 thousand but fewer than seventy-five thousand inhabitants may
25 adopt or repeal any ordinance by passage of a bill that sets
26 forth the ordinance and specifies that the ordinance so proposed
27 shall be submitted to the registered voters of the city at the
28 next municipal election. The bill shall be passed under the

1 procedures in section 77.080, except that it shall take effect
2 upon approval of a majority of the voters rather than upon the
3 approval and signature of the mayor.

4 2. If the mayor approves and signs the bill, the question
5 shall be submitted to the voters in substantially the following
6 form:

7 Shall the following ordinance be (adopted) (repealed)? (Set
8 out ordinance.)

9 YES NO

10 3. If a majority of the voters voting on the proposed
11 ordinance vote in favor, such ordinance shall become a valid and
12 binding ordinance of the city.

13 92.387. Any sale of lands under this chapter shall be
14 subject to valid recorded covenants running with the land and
15 valid easements of record or in use.

16 94.1060. 1. The governing body of any city of the fourth
17 classification with more than seven hundred but fewer than eight
18 hundred inhabitants and located in any county of the third
19 classification without a township form of government and with
20 more than twelve thousand but fewer than fourteen thousand
21 inhabitants may impose a tax on the charges for all sleeping
22 rooms paid by the transient guests of hotels or motels situated
23 in the city or a portion thereof, which shall not be more than
24 five percent per occupied room per night, except that such tax
25 shall not become effective unless the governing body of the city
26 submits to the voters of the city at a state general or primary
27 election a proposal to authorize the governing body of the city
28 to impose a tax under this section. The tax authorized in this

1 section shall be in addition to the charge for the sleeping room
2 and all other taxes imposed by law, and the proceeds of such tax
3 shall be used by the city for the promotion of tourism, growth of
4 the region, and economic development. Such tax shall be stated
5 separately from all other charges and taxes.

6 2. The ballot of submission for the tax authorized in this
7 section shall be in substantially the following form:

8 Shall (insert the name of the city) impose a tax
9 on the charges for all sleeping rooms paid by the transient
10 guests of hotels and motels situated in (name of
11 city) at a rate of (insert rate of percent) percent for the
12 promotion of the city, growth of the region, and economic
13 development?

14 YES NO

15 If a majority of the votes cast on the question by the qualified
16 voters voting thereon are in favor of the question, then the tax
17 shall become effective on the first day of the second calendar
18 quarter following the calendar quarter in which the election was
19 held. If a majority of the votes cast on the question by the
20 qualified voters voting thereon are opposed to the question, then
21 the tax authorized by this section shall not become effective
22 unless and until the question is resubmitted under this section
23 to the qualified voters of the city and such question is approved
24 by a majority of the qualified voters of the city voting on the
25 question.

26 3. As used in this section, "transient guests" means
27 persons who occupy a room or rooms in a hotel or motel for
28 thirty-one days or less during any calendar quarter.

1 99.845. 1. A municipality, either at the time a
2 redevelopment project is approved or, in the event a municipality
3 has undertaken acts establishing a redevelopment plan and
4 redevelopment project and has designated a redevelopment area
5 after the passage and approval of sections 99.800 to 99.865 but
6 prior to August 13, 1982, which acts are in conformance with the
7 procedures of sections 99.800 to 99.865, may adopt tax increment
8 allocation financing by passing an ordinance providing that after
9 the total equalized assessed valuation of the taxable real
10 property in a redevelopment project exceeds the certified total
11 initial equalized assessed valuation of the taxable real property
12 in the redevelopment project, the ad valorem taxes, and payments
13 in lieu of taxes, if any, arising from the levies upon taxable
14 real property in such redevelopment project by taxing districts
15 and tax rates determined in the manner provided in subsection 2
16 of section 99.855 each year after the effective date of the
17 ordinance until redevelopment costs have been paid shall be
18 divided as follows:

19 (1) That portion of taxes, penalties and interest levied
20 upon each taxable lot, block, tract, or parcel of real property
21 which is attributable to the initial equalized assessed value of
22 each such taxable lot, block, tract, or parcel of real property
23 in the area selected for the redevelopment project shall be
24 allocated to and, when collected, shall be paid by the county
25 collector to the respective affected taxing districts in the
26 manner required by law in the absence of the adoption of tax
27 increment allocation financing;

28 (2) (a) Payments in lieu of taxes attributable to the

1 increase in the current equalized assessed valuation of each
2 taxable lot, block, tract, or parcel of real property in the area
3 selected for the redevelopment project and any applicable penalty
4 and interest over and above the initial equalized assessed value
5 of each such unit of property in the area selected for the
6 redevelopment project shall be allocated to and, when collected,
7 shall be paid to the municipal treasurer who shall deposit such
8 payment in lieu of taxes into a special fund called the "Special
9 Allocation Fund" of the municipality for the purpose of paying
10 redevelopment costs and obligations incurred in the payment
11 thereof. Payments in lieu of taxes which are due and owing shall
12 constitute a lien against the real estate of the redevelopment
13 project from which they are derived and shall be collected in the
14 same manner as the real property tax, including the assessment of
15 penalties and interest where applicable. The municipality may,
16 in the ordinance, pledge the funds in the special allocation fund
17 for the payment of such costs and obligations and provide for the
18 collection of payments in lieu of taxes, the lien of which may be
19 foreclosed in the same manner as a special assessment lien as
20 provided in section 88.861. No part of the current equalized
21 assessed valuation of each lot, block, tract, or parcel of
22 property in the area selected for the redevelopment project
23 attributable to any increase above the total initial equalized
24 assessed value of such properties shall be used in calculating
25 the general state school aid formula provided for in section
26 163.031 until such time as all redevelopment costs have been paid
27 as provided for in this section and section 99.850;

28 (b) Notwithstanding any provisions of this section to the

1 contrary, for purposes of determining the limitation on
2 indebtedness of local government pursuant to article VI, section
3 26(b) of the Missouri Constitution, the current equalized
4 assessed value of the property in an area selected for
5 redevelopment attributable to the increase above the total
6 initial equalized assessed valuation shall be included in the
7 value of taxable tangible property as shown on the last completed
8 assessment for state or county purposes;

9 (c) The county assessor shall include the current assessed
10 value of all property within the taxing district in the aggregate
11 valuation of assessed property entered upon the assessor's book
12 and verified pursuant to section 137.245, and such value shall be
13 utilized for the purpose of the debt limitation on local
14 government pursuant to article VI, section 26(b) of the Missouri
15 Constitution;

16 (3) For purposes of this section, "levies upon taxable real
17 property in such redevelopment project by taxing districts" shall
18 not include the blind pension fund tax levied under the authority
19 of article III, section 38(b) of the Missouri Constitution, or
20 the merchants' and manufacturers' inventory replacement tax
21 levied under the authority of subsection 2 of section 6 of
22 article X of the Missouri Constitution, except in redevelopment
23 project areas in which tax increment financing has been adopted
24 by ordinance pursuant to a plan approved by vote of the governing
25 body of the municipality taken after August 13, 1982, and before
26 January 1, 1998.

27 2. In addition to the payments in lieu of taxes described
28 in subdivision (2) of subsection 1 of this section, for

1 redevelopment plans and projects adopted or redevelopment
2 projects approved by ordinance after July 12, 1990, and prior to
3 August 31, 1991, fifty percent of the total additional revenue
4 from taxes, penalties and interest imposed by the municipality,
5 or other taxing districts, which are generated by economic
6 activities within the area of the redevelopment project over the
7 amount of such taxes generated by economic activities within the
8 area of the redevelopment project in the calendar year prior to
9 the adoption of the redevelopment project by ordinance, while tax
10 increment financing remains in effect, but excluding taxes
11 imposed on sales or charges for sleeping rooms paid by transient
12 guests of hotels and motels, taxes levied pursuant to section
13 70.500, licenses, fees or special assessments other than payments
14 in lieu of taxes and any penalty and interest thereon, or,
15 effective January 1, 1998, taxes levied pursuant to section
16 94.660, for the purpose of public transportation, shall be
17 allocated to, and paid by the local political subdivision
18 collecting officer to the treasurer or other designated financial
19 officer of the municipality, who shall deposit such funds in a
20 separate segregated account within the special allocation fund.
21 Any provision of an agreement, contract or covenant entered into
22 prior to July 12, 1990, between a municipality and any other
23 political subdivision which provides for an appropriation of
24 other municipal revenues to the special allocation fund shall be
25 and remain enforceable.

26 3. In addition to the payments in lieu of taxes described
27 in subdivision (2) of subsection 1 of this section, for
28 redevelopment plans and projects adopted or redevelopment

1 projects approved by ordinance after August 31, 1991, fifty
2 percent of the total additional revenue from taxes, penalties and
3 interest which are imposed by the municipality or other taxing
4 districts, and which are generated by economic activities within
5 the area of the redevelopment project over the amount of such
6 taxes generated by economic activities within the area of the
7 redevelopment project in the calendar year prior to the adoption
8 of the redevelopment project by ordinance, while tax increment
9 financing remains in effect, but excluding personal property
10 taxes, taxes imposed on sales or charges for sleeping rooms paid
11 by transient guests of hotels and motels, taxes levied pursuant
12 to section 70.500, taxes levied for the purpose of public
13 transportation pursuant to section 94.660, licenses, fees or
14 special assessments other than payments in lieu of taxes and
15 penalties and interest thereon, [or] any sales tax imposed by a
16 county with a charter form of government and with more than six
17 hundred thousand but fewer than seven hundred thousand
18 inhabitants, for the purpose of sports stadium improvement or
19 levied by such county under section 238.410 for the purpose of
20 the county transit authority operating transportation facilities,
21 or for redevelopment plans and projects adopted or redevelopment
22 projects approved by ordinance after August 28, 2013, taxes
23 imposed on sales pursuant to section 650.399 for the purpose of
24 emergency communication systems, shall be allocated to, and paid
25 by the local political subdivision collecting officer to the
26 treasurer or other designated financial officer of the
27 municipality, who shall deposit such funds in a separate
28 segregated account within the special allocation fund.

1 4. Beginning January 1, 1998, for redevelopment plans and
2 projects adopted or redevelopment projects approved by ordinance
3 and which have complied with subsections 4 to 12 of this section,
4 in addition to the payments in lieu of taxes and economic
5 activity taxes described in subsections 1, 2 and 3 of this
6 section, up to fifty percent of the new state revenues, as
7 defined in subsection 8 of this section, estimated for the
8 businesses within the project area and identified by the
9 municipality in the application required by subsection 10 of this
10 section, over and above the amount of such taxes reported by
11 businesses within the project area as identified by the
12 municipality in their application prior to the approval of the
13 redevelopment project by ordinance, while tax increment financing
14 remains in effect, may be available for appropriation by the
15 general assembly as provided in subsection 10 of this section to
16 the department of economic development supplemental tax increment
17 financing fund, from the general revenue fund, for distribution
18 to the treasurer or other designated financial officer of the
19 municipality with approved plans or projects.

20 5. The treasurer or other designated financial officer of
21 the municipality with approved plans or projects shall deposit
22 such funds in a separate segregated account within the special
23 allocation fund established pursuant to section 99.805.

24 6. No transfer from the general revenue fund to the
25 Missouri supplemental tax increment financing fund shall be made
26 unless an appropriation is made from the general revenue fund for
27 that purpose. No municipality shall commit any state revenues
28 prior to an appropriation being made for that project. For all

1 redevelopment plans or projects adopted or approved after
2 December 23, 1997, appropriations from the new state revenues
3 shall not be distributed from the Missouri supplemental tax
4 increment financing fund into the special allocation fund unless
5 the municipality's redevelopment plan ensures that one hundred
6 percent of payments in lieu of taxes and fifty percent of
7 economic activity taxes generated by the project shall be used
8 for eligible redevelopment project costs while tax increment
9 financing remains in effect. This account shall be separate from
10 the account into which payments in lieu of taxes are deposited,
11 and separate from the account into which economic activity taxes
12 are deposited.

13 7. In order for the redevelopment plan or project to be
14 eligible to receive the revenue described in subsection 4 of this
15 section, the municipality shall comply with the requirements of
16 subsection 10 of this section prior to the time the project or
17 plan is adopted or approved by ordinance. The director of the
18 department of economic development and the commissioner of the
19 office of administration may waive the requirement that the
20 municipality's application be submitted prior to the
21 redevelopment plan's or project's adoption or the redevelopment
22 plan's or project's approval by ordinance.

23 8. For purposes of this section, "new state revenues"
24 means:

25 (1) The incremental increase in the general revenue portion
26 of state sales tax revenues received pursuant to section 144.020,
27 excluding sales taxes that are constitutionally dedicated, taxes
28 deposited to the school district trust fund in accordance with

1 section 144.701, sales and use taxes on motor vehicles, trailers,
2 boats and outboard motors and future sales taxes earmarked by
3 law. In no event shall the incremental increase include any
4 amounts attributable to retail sales unless the municipality or
5 authority has proven to the Missouri development finance board
6 and the department of economic development and such entities have
7 made a finding that the sales tax increment attributable to
8 retail sales is from new sources which did not exist in the state
9 during the baseline year. The incremental increase in the
10 general revenue portion of state sales tax revenues for an
11 existing or relocated facility shall be the amount that current
12 state sales tax revenue exceeds the state sales tax revenue in
13 the base year as stated in the redevelopment plan as provided in
14 subsection 10 of this section; or

15 (2) The state income tax withheld on behalf of new
16 employees by the employer pursuant to section 143.221 at the
17 business located within the project as identified by the
18 municipality. The state income tax withholding allowed by this
19 section shall be the municipality's estimate of the amount of
20 state income tax withheld by the employer within the
21 redevelopment area for new employees who fill new jobs directly
22 created by the tax increment financing project.

23 9. Subsection 4 of this section shall apply only to
24 blighted areas located in enterprise zones, pursuant to sections
25 135.200 to 135.256, blighted areas located in federal empowerment
26 zones, or to blighted areas located in central business districts
27 or urban core areas of cities which districts or urban core areas
28 at the time of approval of the project by ordinance, provided

1 that the enterprise zones, federal empowerment zones or blighted
2 areas contained one or more buildings at least fifty years old;
3 and

4 (1) Suffered from generally declining population or
5 property taxes over the twenty-year period immediately preceding
6 the area's designation as a project area by ordinance; or

7 (2) Was a historic hotel located in a county of the first
8 classification without a charter form of government with a
9 population according to the most recent federal decennial census
10 in excess of one hundred fifty thousand and containing a portion
11 of a city with a population according to the most recent federal
12 decennial census in excess of three hundred fifty thousand.

13 10. The initial appropriation of up to fifty percent of the
14 new state revenues authorized pursuant to subsections 4 and 5 of
15 this section shall not be made to or distributed by the
16 department of economic development to a municipality until all of
17 the following conditions have been satisfied:

18 (1) The director of the department of economic development
19 or his or her designee and the commissioner of the office of
20 administration or his or her designee have approved a tax
21 increment financing application made by the municipality for the
22 appropriation of the new state revenues. The municipality shall
23 include in the application the following items in addition to the
24 items in section 99.810:

25 (a) The tax increment financing district or redevelopment
26 area, including the businesses identified within the
27 redevelopment area;

28 (b) The base year of state sales tax revenues or the base

1 year of state income tax withheld on behalf of existing
2 employees, reported by existing businesses within the project
3 area prior to approval of the redevelopment project;

4 (c) The estimate of the incremental increase in the general
5 revenue portion of state sales tax revenue or the estimate for
6 the state income tax withheld by the employer on behalf of new
7 employees expected to fill new jobs created within the
8 redevelopment area after redevelopment;

9 (d) The official statement of any bond issue pursuant to
10 this subsection after December 23, 1997;

11 (e) An affidavit that is signed by the developer or
12 developers attesting that the provisions of subdivision (1) of
13 subsection 1 of section 99.810 have been met and specifying that
14 the redevelopment area would not be reasonably anticipated to be
15 developed without the appropriation of the new state revenues;

16 (f) The cost-benefit analysis required by section 99.810
17 includes a study of the fiscal impact on the state of Missouri;
18 and

19 (g) The statement of election between the use of the
20 incremental increase of the general revenue portion of the state
21 sales tax revenues or the state income tax withheld by employers
22 on behalf of new employees who fill new jobs created in the
23 redevelopment area;

24 (h) The name, street and mailing address, and phone number
25 of the mayor or chief executive officer of the municipality;

26 (i) The street address of the development site;

27 (j) The three-digit North American Industry Classification
28 System number or numbers characterizing the development project;

- 1 (k) The estimated development project costs;
- 2 (l) The anticipated sources of funds to pay such
3 development project costs;
- 4 (m) Evidence of the commitments to finance such development
5 project costs;
- 6 (n) The anticipated type and term of the sources of funds
7 to pay such development project costs;
- 8 (o) The anticipated type and terms of the obligations to be
9 issued;
- 10 (p) The most recent equalized assessed valuation of the
11 property within the development project area;
- 12 (q) An estimate as to the equalized assessed valuation
13 after the development project area is developed in accordance
14 with a development plan;
- 15 (r) The general land uses to apply in the development area;
- 16 (s) The total number of individuals employed in the
17 development area, broken down by full-time, part-time, and
18 temporary positions;
- 19 (t) The total number of full-time equivalent positions in
20 the development area;
- 21 (u) The current gross wages, state income tax withholdings,
22 and federal income tax withholdings for individuals employed in
23 the development area;
- 24 (v) The total number of individuals employed in this state
25 by the corporate parent of any business benefitting from public
26 expenditures in the development area, and all subsidiaries
27 thereof, as of December thirty-first of the prior fiscal year,
28 broken down by full-time, part-time, and temporary positions;

1 (w) The number of new jobs to be created by any business
2 benefitting from public expenditures in the development area,
3 broken down by full-time, part-time, and temporary positions;

4 (x) The average hourly wage to be paid to all current and
5 new employees at the project site, broken down by full-time,
6 part-time, and temporary positions;

7 (y) For project sites located in a metropolitan statistical
8 area, as defined by the federal Office of Management and Budget,
9 the average hourly wage paid to nonmanagerial employees in this
10 state for the industries involved at the project, as established
11 by the United States Bureau of Labor Statistics;

12 (z) For project sites located outside of metropolitan
13 statistical areas, the average weekly wage paid to nonmanagerial
14 employees in the county for industries involved at the project,
15 as established by the United States Department of Commerce;

16 (aa) A list of other community and economic benefits to
17 result from the project;

18 (bb) A list of all development subsidies that any business
19 benefitting from public expenditures in the development area has
20 previously received for the project, and the name of any other
21 granting body from which such subsidies are sought;

22 (cc) A list of all other public investments made or to be
23 made by this state or units of local government to support
24 infrastructure or other needs generated by the project for which
25 the funding pursuant to this section is being sought;

26 (dd) A statement as to whether the development project may
27 reduce employment at any other site, within or without the state,
28 resulting from automation, merger, acquisition, corporate

1 restructuring, relocation, or other business activity;

2 (ee) A statement as to whether or not the project involves
3 the relocation of work from another address and if so, the number
4 of jobs to be relocated and the address from which they are to be
5 relocated;

6 (ff) A list of competing businesses in the county
7 containing the development area and in each contiguous county;

8 (gg) A market study for the development area;

9 (hh) A certification by the chief officer of the applicant
10 as to the accuracy of the development plan;

11 (2) The methodologies used in the application for
12 determining the base year and determining the estimate of the
13 incremental increase in the general revenue portion of the state
14 sales tax revenues or the state income tax withheld by employers
15 on behalf of new employees who fill new jobs created in the
16 redevelopment area shall be approved by the director of the
17 department of economic development or his or her designee and the
18 commissioner of the office of administration or his or her
19 designee. Upon approval of the application, the director of the
20 department of economic development or his or her designee and the
21 commissioner of the office of administration or his or her
22 designee shall issue a certificate of approval. The department
23 of economic development may request the appropriation following
24 application approval;

25 (3) The appropriation shall be either a portion of the
26 estimate of the incremental increase in the general revenue
27 portion of state sales tax revenues in the redevelopment area or
28 a portion of the estimate of the state income tax withheld by the

1 employer on behalf of new employees who fill new jobs created in
2 the redevelopment area as indicated in the municipality's
3 application, approved by the director of the department of
4 economic development or his or her designee and the commissioner
5 of the office of administration or his or her designee. At no
6 time shall the annual amount of the new state revenues approved
7 for disbursements from the Missouri supplemental tax increment
8 financing fund exceed thirty-two million dollars;

9 (4) Redevelopment plans and projects receiving new state
10 revenues shall have a duration of up to fifteen years, unless
11 prior approval for a longer term is given by the director of the
12 department of economic development or his or her designee and the
13 commissioner of the office of administration or his or her
14 designee; except that, in no case shall the duration exceed
15 twenty-three years.

16 11. In addition to the areas authorized in subsection 9 of
17 this section, the funding authorized pursuant to subsection 4 of
18 this section shall also be available in a federally approved
19 levee district, where construction of a levee begins after
20 December 23, 1997, and which is contained within a county of the
21 first classification without a charter form of government with a
22 population between fifty thousand and one hundred thousand
23 inhabitants which contains all or part of a city with a
24 population in excess of four hundred thousand or more
25 inhabitants.

26 12. There is hereby established within the state treasury a
27 special fund to be known as the "Missouri Supplemental Tax
28 Increment Financing Fund", to be administered by the department

1 of economic development. The department shall annually
2 distribute from the Missouri supplemental tax increment financing
3 fund the amount of the new state revenues as appropriated as
4 provided in the provisions of subsections 4 and 5 of this section
5 if and only if the conditions of subsection 10 of this section
6 are met. The fund shall also consist of any gifts,
7 contributions, grants or bequests received from federal, private
8 or other sources. Moneys in the Missouri supplemental tax
9 increment financing fund shall be disbursed per project pursuant
10 to state appropriations.

11 13. Redevelopment project costs may include, at the
12 prerogative of the state, the portion of salaries and expenses of
13 the department of economic development and the department of
14 revenue reasonably allocable to each redevelopment project
15 approved for disbursements from the Missouri supplemental tax
16 increment financing fund for the ongoing administrative functions
17 associated with such redevelopment project. Such amounts shall
18 be recovered from new state revenues deposited into the Missouri
19 supplemental tax increment financing fund created under this
20 section.

21 14. For redevelopment plans or projects approved by
22 ordinance that result in net new jobs from the relocation of a
23 national headquarters from another state to the area of the
24 redevelopment project, the economic activity taxes and new state
25 tax revenues shall not be based on a calculation of the
26 incremental increase in taxes as compared to the base year or
27 prior calendar year for such redevelopment project, rather the
28 incremental increase shall be the amount of total taxes generated

1 from the net new jobs brought in by the national headquarters
2 from another state. In no event shall this subsection be
3 construed to allow a redevelopment project to receive an
4 appropriation in excess of up to fifty percent of the new state
5 revenues.

6 137.090. 1. All tangible personal property of whatever
7 nature and character situate in a county other than the one in
8 which the owner resides shall be assessed in the county where the
9 owner resides; except that, houseboats, cabin cruisers, floating
10 boat docks, and manufactured homes, as defined in section
11 700.010, used for lodging shall be assessed in the county where
12 they are located, and tangible personal property belonging to
13 estates shall be assessed in the county in which the probate
14 division of the circuit court has jurisdiction. Tangible
15 personal property, other than motor vehicles as the term is
16 defined in section 301.010, used exclusively in connection with
17 farm operations of the owner and kept on the farmland, shall not
18 be assessed by a city, town or village unless the farmland is
19 totally within the boundaries of the city, town or village. No
20 tangible personal property shall be simultaneously assessed in
21 more than one county.

22 2. The assessed valuation of any tractor or trailer as
23 defined in section 301.010 owned by an individual, partner, or
24 member and used in interstate commerce must be apportioned to
25 Missouri based on the ratio of miles traveled in this state to
26 miles traveled in the United States in interstate commerce during
27 the preceding tax year or on the basis of the most recent annual
28 mileage figures available.

1 137.095. 1. The real and tangible personal property of all
2 corporations operating in any county in the state of Missouri and
3 in the city of St. Louis, and subject to assessment by county or
4 township assessors, shall be assessed and taxed in the county in
5 which the property is situated on the first day of January of the
6 year for which the taxes are assessed, and every general or
7 business corporation having or owning tangible personal property
8 on the first day of January in each year, which is situated in
9 any other county than the one in which the corporation is
10 located, shall make return to the assessor of the county or
11 township where the property is situated, in the same manner as
12 other tangible personal property is required by law to be
13 returned, except that all motor vehicles which are the property
14 of the corporation and which are subject to regulation under
15 chapter 390 shall be assessed for tax purposes in the county in
16 which the motor vehicles are based.

17 2. For the purposes of subsection 1 of this section, the
18 term "based" means the place where the vehicle is most frequently
19 dispatched, garaged, serviced, maintained, operated or otherwise
20 controlled, except that leased passenger vehicles shall be
21 assessed at the residence of the driver or, if the residence of
22 the driver is unknown, at the location of the lessee.

23 3. The assessed valuation of any tractor or trailer as
24 defined in section 301.010 owned by a corporation and used in
25 interstate commerce must be apportioned to Missouri based on the
26 ratio of miles traveled in this state to miles traveled in the
27 United States in interstate commerce during the preceding tax
28 year or on the basis of the most recent annual mileage figures

1 available.

2 137.720. 1. A percentage of all ad valorem property tax
3 collections allocable to each taxing authority within the county
4 and the county shall be deducted from the collections of taxes
5 each year and shall be deposited into the assessment fund of the
6 county as required pursuant to section 137.750. The percentage
7 shall be one-half of one percent for all counties of the first
8 and second classification and cities not within a county and one
9 percent for counties of the third and fourth classification.

10 2. Prior to July 1, 2009, for counties of the first
11 classification, counties with a charter form of government, and
12 any city not within a county, an additional one-eighth of one
13 percent of all ad valorem property tax collections shall be
14 deducted from the collections of taxes each year and shall be
15 deposited into the assessment fund of the county as required
16 pursuant to section 137.750, and for counties of the second,
17 third, and fourth classification, an additional one-quarter of
18 one percent of all ad valorem property tax collections shall be
19 deducted from the collections of taxes each year and shall be
20 deposited into the assessment fund of the county as required
21 pursuant to section 137.750, provided that such additional
22 amounts shall not exceed one hundred thousand dollars in any year
23 for any county of the first classification and any county with a
24 charter form of government and fifty thousand dollars in any year
25 for any county of the second, third, or fourth classification.

26 3. Effective July 1, 2009, for counties of the first
27 classification, counties with a charter form of government, and
28 any city not within a county, an additional one-eighth of one

1 percent of all ad valorem property tax collections shall be
2 deducted from the collections of taxes each year and shall be
3 deposited into the assessment fund of the county as required
4 pursuant to section 137.750, and for counties of the second,
5 third, and fourth classification, an additional one-half of one
6 percent of all ad valorem property tax collections shall be
7 deducted from the collections of taxes each year and shall be
8 deposited into the assessment fund of the county as required
9 pursuant to section 137.750, provided that such additional
10 amounts shall not exceed one hundred twenty-five thousand dollars
11 in any year for any county of the first classification and any
12 county with a charter form of government and seventy-five
13 thousand dollars in any year for any county of the second, third,
14 or fourth classification.

15 4. The county shall bill any taxing authority collecting
16 its own taxes. The county may also provide additional moneys for
17 the fund. To be eligible for state cost-share funds provided
18 pursuant to section 137.750, every county shall provide from the
19 county general revenue fund an amount equal to an average of the
20 three most recent years of the amount provided from general
21 revenue to the assessment fund; provided, however, that capital
22 expenditures and equipment expenses identified in a memorandum of
23 understanding signed by the county's governing body and the
24 county assessor prior to transfer of county general revenue funds
25 to the assessment fund shall be deducted from a year's
26 contribution before computing the three-year average, except that
27 a lesser amount shall be acceptable if unanimously agreed upon by
28 the county assessor, the county governing body, and the state tax

1 commission. The county shall deposit the county general revenue
2 funds in the assessment fund as agreed to in its original or
3 amended maintenance plan, state reimbursement funds shall be
4 withheld until the amount due is properly deposited in such fund.

5 5. For all years beginning on or after January 1, 2010, any
6 property tax collections deposited into the county assessment
7 funds provided for in subsection 2 of this section shall be
8 disallowed in any year in which the state tax commission notifies
9 the county that state assessment reimbursement funds have been
10 withheld from the county for three consecutive quarters due to
11 noncompliance by the assessor or county commission with the
12 county's assessment maintenance plan.

13 [6. The provisions of subsections 2, 3, and 5 of this
14 section shall expire on December 31, 2015.]

15 137.1018. 1. The commission shall ascertain the statewide
16 average rate of property taxes levied the preceding year, based
17 upon the total assessed valuation of the railroad and street
18 railway companies and the total property taxes levied upon the
19 railroad and street railway companies. It shall determine total
20 property taxes levied from reports prescribed by the commission
21 from the railroad and street railway companies. Total taxes
22 levied shall not include revenues from the surtax on subclass
23 three real property.

24 2. The commission shall report its determination of average
25 property tax rate for the preceding year, together with the
26 taxable distributable assessed valuation of each freight line
27 company for the current year to the director no later than
28 October first of each year.

1 3. Taxes on property of such freight line companies shall
2 be collected at the state level by the director on behalf of the
3 counties and other local public taxing entities and shall be
4 distributed in accordance with sections 137.1021 and 137.1024.
5 The director shall tax such property based upon the distributable
6 assessed valuation attributable to Missouri of each freight line
7 company, using the average tax rate for the preceding year of the
8 railroad and street railway companies certified by the
9 commission. Such tax shall be due and payable on or before
10 December thirty-first of the year levied and, if it becomes
11 delinquent, shall be subject to a penalty equal to that specified
12 in section 140.100.

13 4. (1) As used in this subsection, the following terms
14 mean:

15 (a) "Eligible expenses", expenses incurred in this state to
16 manufacture, maintain, or improve a freight line company's
17 qualified rolling stock;

18 (b) "Qualified rolling stock", any freight, stock,
19 refrigerator, or other railcars subject to the tax levied under
20 this section.

21 (2) For all taxable years beginning on or after January 1,
22 2009, a freight line company shall, subject to appropriation, be
23 allowed a credit against the tax levied under this section for
24 the applicable tax year. The tax credit amount shall be equal to
25 the amount of eligible expenses incurred during the calendar year
26 immediately preceding the tax year for which the credit under
27 this section is claimed. The amount of the tax credit issued
28 shall not exceed the freight line company's liability for the tax

1 levied under this section for the tax year for which the credit
2 is claimed.

3 (3) A freight line company may apply for the credit by
4 submitting to the commission an application in the form
5 prescribed by the state tax commission.

6 (4) Subject to appropriation, the state shall reimburse, on
7 an annual basis, any political subdivision of this state for any
8 decrease in revenue due to the provisions of this subsection.

9 5. Pursuant to section 23.253 of the Missouri sunset act:

10 (1) [The provisions of the new program authorized under
11 this section shall automatically sunset six years after August
12 28, 2008, unless reauthorized by an act of the general assembly;
13 and

14 (2) If such program is reauthorized,] The program
15 authorized under this section shall [automatically sunset twelve
16 years after the effective date of the reauthorization of this
17 section] expire on August 28, 2020; and

18 [(3)] (2) This section shall terminate on September [first
19 of the calendar year immediately following the calendar year in
20 which the program authorized under this section is sunset] 1,
21 2021.

22 144.010. 1. The following words, terms, and phrases when
23 used in sections 144.010 to 144.525 have the meanings ascribed to
24 them in this section, except when the context indicates a
25 different meaning:

26 (1) "Admission" includes seats and tables, reserved or
27 otherwise, and other similar accommodations and charges made
28 therefor and amount paid for admission, exclusive of any

1 admission tax imposed by the federal government or by sections
2 144.010 to 144.525;

3 (2) "Business" includes any activity engaged in by any
4 person, or caused to be engaged in by him, with the object of
5 gain, benefit or advantage, either direct or indirect, and the
6 classification of which business is of such character as to be
7 subject to the terms of sections 144.010 to 144.525. A person is
8 "engaging in business" in this state for purposes of sections
9 144.010 to 144.525 if such person "engages in business in this
10 state" or "maintains a place of business in this state" under
11 section 144.605. The isolated or occasional sale of tangible
12 personal property, service, substance, or thing, by a person not
13 engaged in such business, does not constitute engaging in
14 business within the meaning of sections 144.010 to 144.525 unless
15 the total amount of the gross receipts from such sales, exclusive
16 of receipts from the sale of tangible personal property by
17 persons which property is sold in the course of the partial or
18 complete liquidation of a household, farm or nonbusiness
19 enterprise, exceeds three thousand dollars in any calendar year.
20 The provisions of this subdivision shall not be construed to make
21 any sale of property which is exempt from sales tax or use tax on
22 June 1, 1977, subject to that tax thereafter;

23 (3) "Captive wildlife", includes but is not limited to
24 exotic partridges, gray partridge, northern bobwhite quail,
25 ring-necked pheasant, captive waterfowl, captive white-tailed
26 deer, captive elk, and captive furbearers held under permit
27 issued by the Missouri department of conservation for hunting
28 purposes. The provisions of this subdivision shall not apply to

1 sales tax on a harvested animal;

2 (4) "Gross receipts", except as provided in section
3 144.012, means the total amount of the sale price of the sales at
4 retail including any services other than charges incident to the
5 extension of credit that are a part of such sales made by the
6 businesses herein referred to, capable of being valued in money,
7 whether received in money or otherwise; except that, the term
8 "gross receipts" shall not include the sale price of property
9 returned by customers when the full sale price thereof is
10 refunded either in cash or by credit. In determining any tax due
11 under sections 144.010 to 144.525 on the gross receipts, charges
12 incident to the extension of credit shall be specifically
13 exempted. For the purposes of sections 144.010 to 144.525 the
14 total amount of the sale price above mentioned shall be deemed to
15 be the amount received. It shall also include the lease or
16 rental consideration where the right to continuous possession or
17 use of any article of tangible personal property is granted under
18 a lease or contract and such transfer of possession would be
19 taxable if outright sale were made and, in such cases, the same
20 shall be taxable as if outright sale were made and considered as
21 a sale of such article, and the tax shall be computed and paid by
22 the lessee upon the rentals paid;

23 (5) "Livestock", cattle, calves, sheep, swine, ratite
24 birds, including but not limited to, ostrich and emu, aquatic
25 products as defined in section 277.024, llamas, alpaca, buffalo,
26 elk documented as obtained from a legal source and not from the
27 wild, goats, horses, other equine, or rabbits raised in
28 confinement for human consumption;

1 (6) "Motor vehicle leasing company" shall be a company
2 obtaining a permit from the director of revenue to operate as a
3 motor vehicle leasing company. Not all persons renting or
4 leasing trailers or motor vehicles need to obtain such a permit;
5 however, no person failing to obtain such a permit may avail
6 itself of the optional tax provisions of subsection 5 of section
7 144.070, as hereinafter provided;

8 (7) "Person" includes any individual, firm, copartnership,
9 joint adventure, association, corporation, municipal or private,
10 and whether organized for profit or not, state, county, political
11 subdivision, state department, commission, board, bureau or
12 agency, except the state transportation department, estate,
13 trust, business trust, receiver or trustee appointed by the state
14 or federal court, syndicate, or any other group or combination
15 acting as a unit, and the plural as well as the singular number;

16 (8) "Purchaser" means a person who purchases tangible
17 personal property or to whom are rendered services, receipts from
18 which are taxable under sections 144.010 to 144.525;

19 (9) "Research or experimentation activities" are the
20 development of an experimental or pilot model, plant process,
21 formula, invention or similar property, and the improvement of
22 existing property of such type. Research or experimentation
23 activities do not include activities such as ordinary testing or
24 inspection of materials or products for quality control,
25 efficiency surveys, advertising promotions or research in
26 connection with literary, historical or similar projects;

27 (10) "Sale" or "sales" includes installment and credit
28 sales, and the exchange of properties as well as the sale thereof

1 for money, every closed transaction constituting a sale, and
2 means any transfer, exchange or barter, conditional or otherwise,
3 in any manner or by any means whatsoever, of tangible personal
4 property for valuable consideration and the rendering, furnishing
5 or selling for a valuable consideration any of the substances,
6 things and services herein designated and defined as taxable
7 under the terms of sections 144.010 to 144.525;

8 (11) "Sale at retail" means any transfer made by any person
9 engaged in business as defined herein of the ownership of, or
10 title to, tangible personal property to the purchaser, for use or
11 consumption and not for resale in any form as tangible personal
12 property, for a valuable consideration; except that, for the
13 purposes of sections 144.010 to 144.525 and the tax imposed
14 thereby: (i) purchases of tangible personal property made by duly
15 licensed physicians, dentists, optometrists and veterinarians and
16 used in the practice of their professions shall be deemed to be
17 purchases for use or consumption and not for resale; and (ii) the
18 selling of computer printouts, computer output or microfilm or
19 microfiche and computer-assisted photo compositions to a
20 purchaser to enable the purchaser to obtain for his or her own
21 use the desired information contained in such computer printouts,
22 computer output on microfilm or microfiche and computer-assisted
23 photo compositions shall be considered as the sale of a service
24 and not as the sale of tangible personal property. Where
25 necessary to conform to the context of sections 144.010 to
26 144.525 and the tax imposed thereby, the term "sale at retail"
27 shall be construed to embrace:

28 (a) Sales of admission tickets, cash admissions, charges

1 and fees to or in places of amusement, entertainment and
2 recreation, games and athletic events;

3 (b) Sales of electricity, electrical current, water and
4 gas, natural or artificial, to domestic, commercial or industrial
5 consumers;

6 (c) Sales of local and long distance telecommunications
7 service to telecommunications subscribers and to others through
8 equipment of telecommunications subscribers for the transmission
9 of messages and conversations, and the sale, rental or leasing of
10 all equipment or services pertaining or incidental thereto;

11 (d) Sales of service for transmission of messages by
12 telegraph companies;

13 (e) Sales or charges for all rooms, meals and drinks
14 furnished at any hotel, motel, tavern, inn, restaurant, eating
15 house, drugstore, dining car, tourist camp, tourist cabin, or
16 other place in which rooms, meals or drinks are regularly served
17 to the public;

18 (f) Sales of tickets by every person operating a railroad,
19 sleeping car, dining car, express car, boat, airplane, and such
20 buses and trucks as are licensed by the division of motor carrier
21 and railroad safety of the department of economic development of
22 Missouri, engaged in the transportation of persons for hire;

23 (12) "Seller" means a person selling or furnishing tangible
24 personal property or rendering services, on the receipts from
25 which a tax is imposed pursuant to section 144.020;

26 (13) The noun "tax" means either the tax payable by the
27 purchaser of a commodity or service subject to tax, or the
28 aggregate amount of taxes due from the vendor of such commodities

1 or services during the period for which he or she is required to
2 report his or her collections, as the context may require;

3 (14) "Telecommunications service", for the purpose of this
4 chapter, the transmission of information by wire, radio, optical
5 cable, coaxial cable, electronic impulses, or other similar
6 means. As used in this definition, "information" means knowledge
7 or intelligence represented by any form of writing, signs,
8 signals, pictures, sounds, or any other symbols.

9 Telecommunications service does not include the following if such
10 services are separately stated on the customer's bill or on
11 records of the seller maintained in the ordinary course of
12 business:

13 (a) Access to the internet, access to interactive computer
14 services or electronic publishing services, except the amount
15 paid for the telecommunications service used to provide such
16 access;

17 (b) Answering services and one-way paging services;

18 (c) Private mobile radio services which are not two-way
19 commercial mobile radio services such as wireless telephone,
20 personal communications services or enhanced specialized mobile
21 radio services as defined pursuant to federal law; or

22 (d) Cable or satellite television or music services; and

23 (15) "Product which is intended to be sold ultimately for
24 final use or consumption" means tangible personal property, or
25 any service that is subject to state or local sales or use taxes,
26 or any tax that is substantially equivalent thereto, in this
27 state or any other state.

28 2. For purposes of the taxes imposed under sections 144.010

1 to 144.525, and any other provisions of law pertaining to sales
2 or use taxes which incorporate the provisions of sections 144.010
3 to 144.525 by reference, the term "manufactured homes" shall have
4 the same meaning given it in section 700.010.

5 3. Sections 144.010 to 144.525 may be known and quoted as
6 the "Sales Tax Law".

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

16 (1) Upon every retail sale in this state of tangible
17 personal property, [including but not limited to] excluding motor
18 vehicles, trailers, motorcycles, mopeds, motortricycles, boats
19 and outboard motors required to be titled under the laws of the
20 state of Missouri and subject to tax under subdivision (9) of
21 this subsection, a tax equivalent to four percent of the purchase
22 price paid or charged, or in case such sale involves the exchange
23 of property, a tax equivalent to four percent of the
24 consideration paid or charged, including the fair market value of
25 the property exchanged at the time and place of the exchange,
26 except as otherwise provided in section 144.025;

27 (2) A tax equivalent to four percent of the amount paid for
28 admission and seating accommodations, or fees paid to, or in any

1 place of amusement, entertainment or recreation, games and
2 athletic events;

3 (3) A tax equivalent to four percent of the basic rate paid
4 or charged on all sales of electricity or electrical current,
5 water and gas, natural or artificial, to domestic, commercial or
6 industrial consumers;

7 (4) A tax equivalent to four percent on the basic rate paid
8 or charged on all sales of local and long distance
9 telecommunications service to telecommunications subscribers and
10 to others through equipment of telecommunications subscribers for
11 the transmission of messages and conversations and upon the sale,
12 rental or leasing of all equipment or services pertaining or
13 incidental thereto; except that, the payment made by
14 telecommunications subscribers or others, pursuant to section
15 144.060, and any amounts paid for access to the internet or
16 interactive computer services shall not be considered as amounts
17 paid for telecommunications services;

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

21 (6) A tax equivalent to four percent on the amount of sales
22 or charges for all rooms, meals and drinks furnished at any
23 hotel, motel, tavern, inn, restaurant, eating house, drugstore,
24 dining car, tourist cabin, tourist camp or other place in which
25 rooms, meals or drinks are regularly served to the public;

26 (7) A tax equivalent to four percent of the amount paid or
27 charged for intrastate tickets by every person operating a
28 railroad, sleeping car, dining car, express car, boat, airplane

1 and such buses and trucks as are licensed by the division of
2 motor carrier and railroad safety of the department of economic
3 development of Missouri, engaged in the transportation of persons
4 for hire;

5 (8) A tax equivalent to four percent of the amount paid or
6 charged for rental or lease of tangible personal property,
7 provided that if the lessor or renter of any tangible personal
8 property had previously purchased the property under the
9 conditions of "sale at retail" or leased or rented the property
10 and the tax was paid at the time of purchase, lease or rental,
11 the lessor, sublessor, renter or subrenter shall not apply or
12 collect the tax on the subsequent lease, sublease, rental or
13 subrental receipts from that property. The purchase, rental or
14 lease of motor vehicles, trailers, motorcycles, mopeds,
15 motortricycles, boats, and outboard motors shall be taxed and the
16 tax paid as provided in this section and section 144.070. In no
17 event shall the rental or lease of boats and outboard motors be
18 considered a sale, charge, or fee to, for or in places of
19 amusement, entertainment or recreation nor shall any such rental
20 or lease be subject to any tax imposed to, for, or in such places
21 of amusement, entertainment or recreation. Rental and leased
22 boats or outboard motors shall be taxed under the provisions of
23 the sales tax laws as provided under such laws for motor vehicles
24 and trailers. Tangible personal property which is exempt from
25 the sales or use tax under section 144.030 upon a sale thereof is
26 likewise exempt from the sales or use tax upon the lease or
27 rental thereof[.];

28 (9) A tax equivalent to four percent of the purchase price,

1 as defined in section 144.070, of new and used motor vehicles,
2 trailers, boats, and outboard motors purchased or acquired for
3 use on the highways or waters of this state which are required to
4 be registered under the laws of the state of Missouri. This tax
5 is imposed on the person titling such property, and shall be paid
6 according to the procedures in section 144.440.

7 2. All tickets sold which are sold under the provisions of
8 sections 144.010 to 144.525 which are subject to the sales tax
9 shall have printed, stamped or otherwise endorsed thereon, the
10 words "This ticket is subject to a sales tax."

11 144.021. The purpose and intent of sections 144.010 to
12 144.510 is to impose a tax upon the privilege of engaging in the
13 business, in this state, of selling tangible personal property
14 and those services listed in section 144.020 and for the
15 privilege of titling new and used motor vehicles, trailers,
16 boats, and outboard motors purchased or acquired for use on the
17 highways or waters of this state which are required to be
18 registered under the laws of the state of Missouri. Except as
19 otherwise provided, the primary tax burden is placed upon the
20 seller making the taxable sales of property or service and is
21 levied at the rate provided for in section 144.020. Excluding
22 subdivision (9) of subsection 1 of section 144.020 and sections
23 144.070, 144.440 and 144.450, the extent to which a seller is
24 required to collect the tax from the purchaser of the taxable
25 property or service is governed by section 144.285 and in no way
26 affects sections 144.080 and 144.100, which require all sellers
27 to report to the director of revenue their "gross receipts",
28 defined herein to mean the aggregate amount of the sales price of

1 all sales at retail, and remit tax at four percent of their gross
2 receipts.

3 144.030. 1. There is hereby specifically exempted from the
4 provisions of sections 144.010 to 144.525 and from the
5 computation of the tax levied, assessed or payable pursuant to
6 sections 144.010 to 144.525 such retail sales as may be made in
7 commerce between this state and any other state of the United
8 States, or between this state and any foreign country, and any
9 retail sale which the state of Missouri is prohibited from taxing
10 pursuant to the Constitution or laws of the United States of
11 America, and such retail sales of tangible personal property
12 which the general assembly of the state of Missouri is prohibited
13 from taxing or further taxing by the constitution of this state.

14 2. There are also specifically exempted from the provisions
15 of the local sales tax law as defined in section 32.085, section
16 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761
17 and from the computation of the tax levied, assessed or payable
18 pursuant to the local sales tax law as defined in section 32.085,
19 section 238.235, and sections 144.010 to 144.525 and 144.600 to
20 144.745:

21 (1) Motor fuel or special fuel subject to an excise tax of
22 this state, unless all or part of such excise tax is refunded
23 pursuant to section 142.824; or upon the sale at retail of fuel
24 to be consumed in manufacturing or creating gas, power, steam,
25 electrical current or in furnishing water to be sold ultimately
26 at retail; or feed for livestock or poultry; or grain to be
27 converted into foodstuffs which are to be sold ultimately in
28 processed form at retail; or seed, limestone or fertilizer which

1 is to be used for seeding, liming or fertilizing crops which when
2 harvested will be sold at retail or will be fed to livestock or
3 poultry to be sold ultimately in processed form at retail;
4 economic poisons registered pursuant to the provisions of the
5 Missouri pesticide registration law (sections 281.220 to 281.310)
6 which are to be used in connection with the growth or production
7 of crops, fruit trees or orchards applied before, during, or
8 after planting, the crop of which when harvested will be sold at
9 retail or will be converted into foodstuffs which are to be sold
10 ultimately in processed form at retail;

11 (2) Materials, manufactured goods, machinery and parts
12 which when used in manufacturing, processing, compounding,
13 mining, producing or fabricating become a component part or
14 ingredient of the new personal property resulting from such
15 manufacturing, processing, compounding, mining, producing or
16 fabricating and which new personal property is intended to be
17 sold ultimately for final use or consumption; and materials,
18 including without limitation, gases and manufactured goods,
19 including without limitation slagging materials and firebrick,
20 which are ultimately consumed in the manufacturing process by
21 blending, reacting or interacting with or by becoming, in whole
22 or in part, component parts or ingredients of steel products
23 intended to be sold ultimately for final use or consumption;

24 (3) Materials, replacement parts and equipment purchased
25 for use directly upon, and for the repair and maintenance or
26 manufacture of, motor vehicles, watercraft, railroad rolling
27 stock or aircraft engaged as common carriers of persons or
28 property;

1 (4) Motor vehicles registered in excess of fifty-four
2 thousand pounds, and the trailers pulled by such motor vehicles,
3 that are actually used in the normal course of business to haul
4 property on the public highways of the state, and that are
5 capable of hauling loads commensurate with the motor vehicle's
6 registered weight; and the materials, replacement parts, and
7 equipment purchased for use directly upon, and for the repair and
8 maintenance or manufacture of such vehicles. For purposes of
9 this subdivision "motor vehicle" and "public highway" shall have
10 the meaning as ascribed in section 390.020;

11 (5) Replacement machinery, equipment, and parts and the
12 materials and supplies solely required for the installation or
13 construction of such replacement machinery, equipment, and parts,
14 used directly in manufacturing, mining, fabricating or producing
15 a product which is intended to be sold ultimately for final use
16 or consumption; and machinery and equipment, and the materials
17 and supplies required solely for the operation, installation or
18 construction of such machinery and equipment, purchased and used
19 to establish new, or to replace or expand existing, material
20 recovery processing plants in this state. For the purposes of
21 this subdivision, a "material recovery processing plant" means a
22 facility that has as its primary purpose the recovery of
23 materials into a useable product or a different form which is
24 used in producing a new product and shall include a facility or
25 equipment which are used exclusively for the collection of
26 recovered materials for delivery to a material recovery
27 processing plant but shall not include motor vehicles used on
28 highways. For purposes of this section, the terms motor vehicle

1 and highway shall have the same meaning pursuant to section
2 301.010. Material recovery is not the reuse of materials within
3 a manufacturing process or the use of a product previously
4 recovered. The material recovery processing plant shall qualify
5 under the provisions of this section regardless of ownership of
6 the material being recovered;

7 (6) Machinery and equipment, and parts and the materials
8 and supplies solely required for the installation or construction
9 of such machinery and equipment, purchased and used to establish
10 new or to expand existing manufacturing, mining or fabricating
11 plants in the state if such machinery and equipment is used
12 directly in manufacturing, mining or fabricating a product which
13 is intended to be sold ultimately for final use or consumption;

14 (7) Tangible personal property which is used exclusively in
15 the manufacturing, processing, modification or assembling of
16 products sold to the United States government or to any agency of
17 the United States government;

18 (8) Animals or poultry used for breeding or feeding
19 purposes, or captive wildlife;

20 (9) Newsprint, ink, computers, photosensitive paper and
21 film, toner, printing plates and other machinery, equipment,
22 replacement parts and supplies used in producing newspapers
23 published for dissemination of news to the general public;

24 (10) The rentals of films, records or any type of sound or
25 picture transcriptions for public commercial display;

26 (11) Pumping machinery and equipment used to propel
27 products delivered by pipelines engaged as common carriers;

28 (12) Railroad rolling stock for use in transporting persons

1 or property in interstate commerce and motor vehicles licensed
2 for a gross weight of twenty-four thousand pounds or more or
3 trailers used by common carriers, as defined in section 390.020,
4 in the transportation of persons or property;

5 (13) Electrical energy used in the actual primary
6 manufacture, processing, compounding, mining or producing of a
7 product, or electrical energy used in the actual secondary
8 processing or fabricating of the product, or a material recovery
9 processing plant as defined in subdivision (5) of this
10 subsection, in facilities owned or leased by the taxpayer, if the
11 total cost of electrical energy so used exceeds ten percent of
12 the total cost of production, either primary or secondary,
13 exclusive of the cost of electrical energy so used or if the raw
14 materials used in such processing contain at least twenty-five
15 percent recovered materials as defined in section 260.200. There
16 shall be a rebuttable presumption that the raw materials used in
17 the primary manufacture of automobiles contain at least
18 twenty-five percent recovered materials. For purposes of this
19 subdivision, "processing" means any mode of treatment, act or
20 series of acts performed upon materials to transform and reduce
21 them to a different state or thing, including treatment necessary
22 to maintain or preserve such processing by the producer at the
23 production facility;

24 (14) Anodes which are used or consumed in manufacturing,
25 processing, compounding, mining, producing or fabricating and
26 which have a useful life of less than one year;

27 (15) Machinery, equipment, appliances and devices purchased
28 or leased and used solely for the purpose of preventing, abating

1 or monitoring air pollution, and materials and supplies solely
2 required for the installation, construction or reconstruction of
3 such machinery, equipment, appliances and devices;

4 (16) Machinery, equipment, appliances and devices purchased
5 or leased and used solely for the purpose of preventing, abating
6 or monitoring water pollution, and materials and supplies solely
7 required for the installation, construction or reconstruction of
8 such machinery, equipment, appliances and devices;

9 (17) Tangible personal property purchased by a rural water
10 district;

11 (18) All amounts paid or charged for admission or
12 participation or other fees paid by or other charges to
13 individuals in or for any place of amusement, entertainment or
14 recreation, games or athletic events, including museums, fairs,
15 zoos and planetariums, owned or operated by a municipality or
16 other political subdivision where all the proceeds derived
17 therefrom benefit the municipality or other political subdivision
18 and do not inure to any private person, firm, or corporation,
19 provided, however, that a municipality or other political
20 subdivision may enter into revenue-sharing agreements with
21 private persons, firms, or corporations providing goods or
22 services, including management services, in or for the place of
23 amusement, entertainment or recreation, games or athletic events,
24 and provided further that nothing in this subdivision shall
25 exempt from tax any amounts retained by any private person, firm,
26 or corporation under such revenue-sharing agreement;

27 (19) All sales of insulin and prosthetic or orthopedic
28 devices as defined on January 1, 1980, by the federal Medicare

1 program pursuant to Title XVIII of the Social Security Act of
2 1965, including the items specified in Section 1862(a)(12) of
3 that act, and also specifically including hearing aids and
4 hearing aid supplies and all sales of drugs which may be legally
5 dispensed by a licensed pharmacist only upon a lawful
6 prescription of a practitioner licensed to administer those
7 items, including samples and materials used to manufacture
8 samples which may be dispensed by a practitioner authorized to
9 dispense such samples and all sales or rental of medical oxygen,
10 home respiratory equipment and accessories, hospital beds and
11 accessories and ambulatory aids, all sales or rental of manual
12 and powered wheelchairs, stairway lifts, Braille writers,
13 electronic Braille equipment and, if purchased or rented by or on
14 behalf of a person with one or more physical or mental
15 disabilities to enable them to function more independently, all
16 sales or rental of scooters, reading machines, electronic print
17 enlargers and magnifiers, electronic alternative and augmentative
18 communication devices, and items used solely to modify motor
19 vehicles to permit the use of such motor vehicles by individuals
20 with disabilities or sales of over-the-counter or nonprescription
21 drugs to individuals with disabilities, and drugs required by the
22 Food and Drug Administration to meet the over-the-counter drug
23 product labeling requirements in 21 CFR 201.66, or its successor,
24 as prescribed by a health care practitioner licensed to
25 prescribe;

26 (20) All sales made by or to religious and charitable
27 organizations and institutions in their religious, charitable or
28 educational functions and activities and all sales made by or to

1 all elementary and secondary schools operated at public expense
2 in their educational functions and activities;

3 (21) All sales of aircraft to common carriers for storage
4 or for use in interstate commerce and all sales made by or to
5 not-for-profit civic, social, service or fraternal organizations,
6 including fraternal organizations which have been declared
7 tax-exempt organizations pursuant to Section 501(c)(8) or (10) of
8 the 1986 Internal Revenue Code, as amended, in their civic or
9 charitable functions and activities and all sales made to
10 eleemosynary and penal institutions and industries of the state,
11 and all sales made to any private not-for-profit institution of
12 higher education not otherwise excluded pursuant to subdivision
13 (20) of this subsection or any institution of higher education
14 supported by public funds, and all sales made to a state relief
15 agency in the exercise of relief functions and activities;

16 (22) All ticket sales made by benevolent, scientific and
17 educational associations which are formed to foster, encourage,
18 and promote progress and improvement in the science of
19 agriculture and in the raising and breeding of animals, and by
20 nonprofit summer theater organizations if such organizations are
21 exempt from federal tax pursuant to the provisions of the
22 Internal Revenue Code and all admission charges and entry fees to
23 the Missouri state fair or any fair conducted by a county
24 agricultural and mechanical society organized and operated
25 pursuant to sections 262.290 to 262.530;

26 (23) All sales made to any private not-for-profit
27 elementary or secondary school, all sales of feed additives,
28 medications or vaccines administered to livestock or poultry in

1 the production of food or fiber, all sales of pesticides used in
2 the production of crops, livestock or poultry for food or fiber,
3 all sales of bedding used in the production of livestock or
4 poultry for food or fiber, all sales of propane or natural gas,
5 electricity or diesel fuel used exclusively for drying
6 agricultural crops, natural gas used in the primary manufacture
7 or processing of fuel ethanol as defined in section 142.028,
8 natural gas, propane, and electricity used by an eligible new
9 generation cooperative or an eligible new generation processing
10 entity as defined in section 348.432, and all sales of farm
11 machinery and equipment, other than airplanes, motor vehicles and
12 trailers, and any freight charges on any exempt item. As used in
13 this subdivision, the term "feed additives" means tangible
14 personal property which, when mixed with feed for livestock or
15 poultry, is to be used in the feeding of livestock or poultry.
16 As used in this subdivision, the term "pesticides" includes
17 adjuvants such as crop oils, surfactants, wetting agents and
18 other assorted pesticide carriers used to improve or enhance the
19 effect of a pesticide and the foam used to mark the application
20 of pesticides and herbicides for the production of crops,
21 livestock or poultry. As used in this subdivision, the term
22 "farm machinery and equipment" means new or used farm tractors
23 and such other new or used farm machinery and equipment and
24 repair or replacement parts thereon and any accessories for and
25 upgrades to such farm machinery and equipment, rotary mowers used
26 exclusively for agricultural purposes, and supplies and
27 lubricants used exclusively, solely, and directly for producing
28 crops, raising and feeding livestock, fish, poultry, pheasants,

1 chukar, quail, or for producing milk for ultimate sale at retail,
2 including field drain tile, and one-half of each purchaser's
3 purchase of diesel fuel therefor which is:

4 (a) Used exclusively for agricultural purposes;

5 (b) Used on land owned or leased for the purpose of
6 producing farm products; and

7 (c) Used directly in producing farm products to be sold
8 ultimately in processed form or otherwise at retail or in
9 producing farm products to be fed to livestock or poultry to be
10 sold ultimately in processed form at retail;

11 (24) Except as otherwise provided in section 144.032, all
12 sales of metered water service, electricity, electrical current,
13 natural, artificial or propane gas, wood, coal or home heating
14 oil for domestic use and in any city not within a county, all
15 sales of metered or unmetered water service for domestic use:

16 (a) "Domestic use" means that portion of metered water
17 service, electricity, electrical current, natural, artificial or
18 propane gas, wood, coal or home heating oil, and in any city not
19 within a county, metered or unmetered water service, which an
20 individual occupant of a residential premises uses for
21 nonbusiness, noncommercial or nonindustrial purposes. Utility
22 service through a single or master meter for residential
23 apartments or condominiums, including service for common areas
24 and facilities and vacant units, shall be deemed to be for
25 domestic use. Each seller shall establish and maintain a system
26 whereby individual purchases are determined as exempt or
27 nonexempt;

28 (b) Regulated utility sellers shall determine whether

1 individual purchases are exempt or nonexempt based upon the
2 seller's utility service rate classifications as contained in
3 tariffs on file with and approved by the Missouri public service
4 commission. Sales and purchases made pursuant to the rate
5 classification "residential" and sales to and purchases made by
6 or on behalf of the occupants of residential apartments or
7 condominiums through a single or master meter, including service
8 for common areas and facilities and vacant units, shall be
9 considered as sales made for domestic use and such sales shall be
10 exempt from sales tax. Sellers shall charge sales tax upon the
11 entire amount of purchases classified as nondomestic use. The
12 seller's utility service rate classification and the provision of
13 service thereunder shall be conclusive as to whether or not the
14 utility must charge sales tax;

15 (c) Each person making domestic use purchases of services
16 or property and who uses any portion of the services or property
17 so purchased for a nondomestic use shall, by the fifteenth day of
18 the fourth month following the year of purchase, and without
19 assessment, notice or demand, file a return and pay sales tax on
20 that portion of nondomestic purchases. Each person making
21 nondomestic purchases of services or property and who uses any
22 portion of the services or property so purchased for domestic
23 use, and each person making domestic purchases on behalf of
24 occupants of residential apartments or condominiums through a
25 single or master meter, including service for common areas and
26 facilities and vacant units, under a nonresidential utility
27 service rate classification may, between the first day of the
28 first month and the fifteenth day of the fourth month following

1 the year of purchase, apply for credit or refund to the director
2 of revenue and the director shall give credit or make refund for
3 taxes paid on the domestic use portion of the purchase. The
4 person making such purchases on behalf of occupants of
5 residential apartments or condominiums shall have standing to
6 apply to the director of revenue for such credit or refund;

7 (25) All sales of handicraft items made by the seller or
8 the seller's spouse if the seller or the seller's spouse is at
9 least sixty-five years of age, and if the total gross proceeds
10 from such sales do not constitute a majority of the annual gross
11 income of the seller;

12 (26) Excise taxes, collected on sales at retail, imposed by
13 Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and
14 4271 of Title 26, United States Code. The director of revenue
15 shall promulgate rules pursuant to chapter 536 to eliminate all
16 state and local sales taxes on such excise taxes;

17 (27) Sales of fuel consumed or used in the operation of
18 ships, barges, or waterborne vessels which are used primarily in
19 or for the transportation of property or cargo, or the conveyance
20 of persons for hire, on navigable rivers bordering on or located
21 in part in this state, if such fuel is delivered by the seller to
22 the purchaser's barge, ship, or waterborne vessel while it is
23 afloat upon such river;

24 (28) All sales made to an interstate compact agency created
25 pursuant to sections 70.370 to 70.441 or sections 238.010 to
26 238.100 in the exercise of the functions and activities of such
27 agency as provided pursuant to the compact;

28 (29) Computers, computer software and computer security

1 systems purchased for use by architectural or engineering firms
2 headquartered in this state. For the purposes of this
3 subdivision, "headquartered in this state" means the office for
4 the administrative management of at least four integrated
5 facilities operated by the taxpayer is located in the state of
6 Missouri;

7 (30) All livestock sales when either the seller is engaged
8 in the growing, producing or feeding of such livestock, or the
9 seller is engaged in the business of buying and selling,
10 bartering or leasing of such livestock;

11 (31) All sales of barges which are to be used primarily in
12 the transportation of property or cargo on interstate waterways;

13 (32) Electrical energy or gas, whether natural, artificial
14 or propane, water, or other utilities which are ultimately
15 consumed in connection with the manufacturing of cellular glass
16 products or in any material recovery processing plant as defined
17 in subdivision (5) of this subsection;

18 (33) Notwithstanding other provisions of law to the
19 contrary, all sales of pesticides or herbicides used in the
20 production of crops, aquaculture, livestock or poultry;

21 (34) Tangible personal property and utilities purchased for
22 use or consumption directly or exclusively in the research and
23 development of agricultural/biotechnology and plant genomics
24 products and prescription pharmaceuticals consumed by humans or
25 animals;

26 (35) All sales of grain bins for storage of grain for
27 resale;

28 (36) All sales of feed which are developed for and used in

1 the feeding of pets owned by a commercial breeder when such sales
2 are made to a commercial breeder, as defined in section 273.325,
3 and licensed pursuant to sections 273.325 to 273.357;

4 (37) All purchases by a contractor on behalf of an entity
5 located in another state, provided that the entity is authorized
6 to issue a certificate of exemption for purchases to a contractor
7 under the provisions of that state's laws. For purposes of this
8 subdivision, the term "certificate of exemption" shall mean any
9 document evidencing that the entity is exempt from sales and use
10 taxes on purchases pursuant to the laws of the state in which the
11 entity is located. Any contractor making purchases on behalf of
12 such entity shall maintain a copy of the entity's exemption
13 certificate as evidence of the exemption. If the exemption
14 certificate issued by the exempt entity to the contractor is
15 later determined by the director of revenue to be invalid for any
16 reason and the contractor has accepted the certificate in good
17 faith, neither the contractor or the exempt entity shall be
18 liable for the payment of any taxes, interest and penalty due as
19 the result of use of the invalid exemption certificate.

20 Materials shall be exempt from all state and local sales and use
21 taxes when purchased by a contractor for the purpose of
22 fabricating tangible personal property which is used in
23 fulfilling a contract for the purpose of constructing, repairing
24 or remodeling facilities for the following:

25 (a) An exempt entity located in this state, if the entity
26 is one of those entities able to issue project exemption
27 certificates in accordance with the provisions of section
28 144.062; or

1 (b) An exempt entity located outside the state if the
2 exempt entity is authorized to issue an exemption certificate to
3 contractors in accordance with the provisions of that state's law
4 and the applicable provisions of this section;

5 (38) All sales or other transfers of tangible personal
6 property to a lessor who leases the property under a lease of one
7 year or longer executed or in effect at the time of the sale or
8 other transfer to an interstate compact agency created pursuant
9 to sections 70.370 to 70.441 or sections 238.010 to 238.100;

10 (39) Sales of tickets to any collegiate athletic
11 championship event that is held in a facility owned or operated
12 by a governmental authority or commission, a quasi-governmental
13 agency, a state university or college or by the state or any
14 political subdivision thereof, including a municipality, and that
15 is played on a neutral site and may reasonably be played at a
16 site located outside the state of Missouri. For purposes of this
17 subdivision, "neutral site" means any site that is not located on
18 the campus of a conference member institution participating in
19 the event;

20 (40) All purchases by a sports complex authority created
21 under section 64.920, and all sales of utilities by such
22 authority at the authority's cost that are consumed in connection
23 with the operation of a sports complex leased to a professional
24 sports team;

25 (41) Beginning January 1, 2009, but not after January 1,
26 2015, materials, replacement parts, and equipment purchased for
27 use directly upon, and for the modification, replacement, repair,
28 and maintenance of aircraft, aircraft power plants, and aircraft

1 accessories;

2 (42) Sales of sporting clays, wobble, skeet, and trap
3 targets to any shooting range or similar places of business for
4 use in the normal course of business and money received by a
5 shooting range or similar places of business from patrons and
6 held by a shooting range or similar place of business for
7 redistribution to patrons at the conclusion of a shooting event.

8 3. Any ruling, agreement, or contract, whether written or
9 oral, express or implied, between a person and this state's
10 executive branch, or any other state agency or department,
11 stating, agreeing, or ruling that such person is not required to
12 collect sales and use tax in this state despite the presence of a
13 warehouse, distribution center, or fulfillment center in this
14 state that is owned or operated by the person or an affiliated
15 person shall be null and void unless it is specifically approved
16 by a majority vote of each of the houses of the general assembly.
17 For purposes of this subsection, an "affiliated person" means any
18 person that is a member of the same "controlled group of
19 corporations" as defined in Section 1563(a) of the Internal
20 Revenue Code of 1986, as amended, as the vendor or any other
21 entity that, notwithstanding its form of organization, bears the
22 same ownership relationship to the vendor as a corporation that
23 is a member of the same "controlled group of corporations" as
24 defined in Section 1563(a) of the Internal Revenue Code, as
25 amended.

26 144.069. All sales taxes associated with the titling of
27 motor vehicles, trailers, boats and outboard motors under the
28 laws of Missouri shall be [deemed to be consummated] imposed at

1 the rate in effect at the location of the address of the owner
2 thereof, and all sales taxes associated with the titling of
3 vehicles under leases of over sixty-day duration of motor
4 vehicles, trailers, boats and outboard motors [subject to sales
5 taxes under this chapter] shall be [deemed to be consummated]
6 imposed at the rate in effect, unless the vehicle, trailer, boat
7 or motor has been registered and sales taxes have been paid prior
8 to the consummation of the lease agreement at the location of the
9 address of the lessee thereof on the date the lease is
10 consummated, and all applicable sales taxes levied by any
11 political subdivision shall be collected and remitted on such
12 sales from the purchaser or lessee by the state department of
13 revenue on that basis.

14 144.071. 1. In all cases where the purchaser of a motor
15 vehicle, trailer, boat or outboard motor rescinds the sale of
16 that motor vehicle, trailer, boat or outboard motor and receives
17 a refund of the purchase price and returns the motor vehicle,
18 trailer, boat or outboard motor to the seller within sixty
19 calendar days from the date of the sale, any [the sales or use]
20 tax paid to the department of revenue shall be refunded to the
21 purchaser upon proper application to the director of revenue.

22 2. In any rescission whereby a seller reacquires title to
23 the motor vehicle, trailer, boat or outboard motor sold by him
24 and the reacquisition is within sixty calendar days from the date
25 of the original sale, the person reacquiring the motor vehicle,
26 trailer, boat or outboard motor shall be entitled to a refund of
27 any [sales or use] tax paid as a result of the reacquisition of
28 the motor vehicle, trailer, boat or outboard motor, upon proper

1 application to the director of revenue.

2 3. Any city or county [sales or use] tax refunds shall be
3 deducted by the director of revenue from the next remittance made
4 to that city or county.

5 4. Each claim for refund must be made within one year after
6 payment of the tax on which the refund is claimed.

7 5. As used in this section, the term "boat" includes all
8 motorboats and vessels as the terms "motorboat" and "vessel" are
9 defined in section 306.010.

10 144.440. 1. [In addition to all other taxes now or
11 hereafter levied and imposed upon every person for the privilege
12 of using the highways or waterways of this state, there is hereby
13 levied and imposed a tax equivalent to four percent of the
14 purchase price, as defined in section 144.070, which is paid or
15 charged on new and used motor vehicles, trailers, boats, and
16 outboard motors purchased or acquired for use on the highways or
17 waters of this state which are required to be registered under
18 the laws of the state of Missouri.

19 2.] At the time the owner of any [such] motor vehicle,
20 trailer, boat, or outboard motor makes application to the
21 director of revenue for an official certificate of title and the
22 registration of the same as otherwise provided by law, he shall
23 present to the director of revenue evidence satisfactory to the
24 director showing the purchase price paid by or charged to the
25 applicant in the acquisition of the motor vehicle, trailer, boat,
26 or outboard motor, or that the motor vehicle, trailer, boat, or
27 outboard motor is not subject to the tax herein provided and, if
28 the motor vehicle, trailer, boat, or outboard motor is subject to

1 the tax herein provided, the applicant shall pay or cause to be
2 paid to the director of revenue the tax provided herein.

3 [3.] 2. In the event that the purchase price is unknown or
4 undisclosed, or that the evidence thereof is not satisfactory to
5 the director of revenue, the same shall be fixed by appraisalment
6 by the director.

7 [4.] 3. No certificate of title shall be issued for such
8 motor vehicle, trailer, boat, or outboard motor unless the tax
9 for the privilege of using the highways or waters of this state
10 has been paid or the vehicle, trailer, boat, or outboard motor is
11 registered under the provisions of subsection [5] 4 of this
12 section.

13 [5.] 4. The owner of any motor vehicle, trailer, boat, or
14 outboard motor which is to be used exclusively for rental or
15 lease purposes may pay the tax due thereon required in section
16 144.020 at the time of registration or in lieu thereof may pay a
17 [use] sales tax as provided in sections 144.010, 144.020, 144.070
18 and 144.440. A [use] sales tax shall be charged and paid on the
19 amount charged for each rental or lease agreement while the motor
20 vehicle, trailer, boat, or outboard motor is domiciled in the
21 state. If the owner elects to pay upon each rental or lease, he
22 shall make an affidavit to that effect in such form as the
23 director of revenue shall require and shall remit the tax due at
24 such times as the director of revenue shall require.

25 [6.] 5. In the event that any leasing company which rents
26 or leases motor vehicles, trailers, boats, or outboard motors
27 elects to collect a [use] sales tax, all of its lease receipts
28 would be subject to the [use] sales tax[,] regardless of whether

1 [or not] the leasing company previously paid a sales tax when the
2 vehicle, trailer, boat, or outboard motor was originally
3 purchased.

4 [7.] 6. The provisions of this section, and the tax imposed
5 by this section, shall not apply to manufactured homes.

6 144.450. In order to avoid double taxation under the
7 provisions of sections 144.010 to 144.510, any person who
8 purchases a motor vehicle, trailer, manufactured home, boat, or
9 outboard motor in any other state and seeks to register or obtain
10 a certificate of title for it in this state shall be credited
11 with the amount of any sales tax or use tax shown to have been
12 previously paid by him on the purchase price of such motor
13 vehicle, trailer, boat, or outboard motor in such other state.
14 The tax imposed by subdivision (9) of subsection 1 of section
15 [144.440] 144.020 shall not apply:

16 (1) [To motor vehicles, trailers, boats, or outboard motors
17 on account of which the sales tax provided by sections 144.010 to
18 144.510 shall have been paid;

19 (2)] To motor vehicles, trailers, boats, or outboard motors
20 brought into this state by a person moving any such vehicle,
21 trailer, boat, or outboard motor into Missouri from another state
22 who shall have registered and in good faith regularly operated
23 any such motor vehicle, trailer, boat, or outboard motor in such
24 other state at least ninety days prior to the time it is
25 registered in this state;

26 [(3)] (2) To motor vehicles, trailers, boats, or outboard
27 motors acquired by registered dealers for resale;

28 [(4)] (3) To motor vehicles, trailers, boats, or outboard

1 motors purchased, owned or used by any religious, charitable or
2 eleemosynary institution for use in the conduct of regular
3 religious, charitable or eleemosynary functions and activities;

4 [(5)] (4) To motor vehicles owned and used by religious
5 organizations in transferring pupils to and from schools
6 supported by such organization;

7 [(6)] (5) Where the motor vehicle, trailer, boat, or
8 outboard motor has been acquired by the applicant for a
9 certificate of title therefor by gift or under a will or by
10 inheritance, and the tax hereby imposed has been paid by the
11 donor or decedent;

12 [(7)] (6) To any motor vehicle, trailer, boat, or outboard
13 motor owned or used by the state of Missouri or any other
14 political subdivision thereof, or by an educational institution
15 supported by public funds; or

16 [(8)] (7) To farm tractors.

17 144.455. The tax imposed by subdivision (9) of subsection 1
18 of section [144.440] 144.020 on the titling of motor vehicles and
19 trailers is levied for the purpose of providing revenue to be
20 used by this state to defray in whole or in part the cost of
21 constructing, widening, reconstructing, maintaining, resurfacing
22 and repairing the public highways, roads and streets of this
23 state, and the cost and expenses incurred in the administration
24 and enforcement of subdivision (9) of subsection 1 of section
25 144.020 and sections 144.440 to 144.455, and for no other purpose
26 whatsoever, and all revenue collected or received by the director
27 of revenue from the tax imposed by subdivision (9) of subsection
28 1 of section [144.440] 144.020 on motor vehicles and trailers

1 shall be promptly deposited [in the state treasury to the credit
2 of the state highway department fund] as dictated by article IV,
3 section 30(b) of the Constitution of Missouri.

4 144.525. Notwithstanding any other provision of law, the
5 amount of any state and local sales [or use] taxes due on the
6 purchase of a motor vehicle, trailer, boat or outboard motor
7 required to be registered under the provisions of sections
8 301.001 to 301.660 and sections 306.010 to 306.900 shall be
9 computed on the rate of such taxes in effect on the date the
10 purchaser submits application for a certificate of ownership to
11 the director of revenue; except that, in the case of a sale at
12 retail, of an outboard motor by a retail business which is not
13 required to be registered under the provisions of section
14 301.251, the amount of state and local [sales and use] taxes due
15 shall be computed on the rate of such taxes in effect as of the
16 calendar date of the retail sale.

17 144.605. The following words and phrases as used in
18 sections 144.600 to 144.745 mean and include:

19 (1) "Calendar quarter", the period of three consecutive
20 calendar months ending on March thirty-first, June thirtieth,
21 September thirtieth or December thirty-first;

22 (2) "Engages in business activities within this state"
23 includes:

24 (a) [Purposefully or systematically exploiting the market
25 provided by this state by any media-assisted, media-facilitated,
26 or media-solicited means, including, but not limited to, direct
27 mail advertising, distribution of catalogs, computer-assisted
28 shopping, telephone, television, radio, or other electronic

1 media, or magazine or newspaper advertisements, or other media;
2 or

3 (b) Being owned or controlled by the same interests which
4 own or control any seller engaged in the same or similar line of
5 business in this state; or

6 (c) Maintaining or having a franchisee or licensee
7 operating under the seller's trade name in this state if the
8 franchisee or licensee is required to collect sales tax pursuant
9 to sections 144.010 to 144.525; [or]

10 [(d)] (b) Soliciting sales or taking orders by sales agents
11 or traveling representatives;

12 (c) A vendor is presumed to "engage in business activities
13 within this state" if any person, other than a common carrier
14 acting in its capacity as such, that has substantial nexus with
15 this state:

16 a. Sells a similar line of products as the vendor and does
17 so under the same or a similar business name;

18 b. Maintains an office, distribution facility, warehouse,
19 or storage place, or similar place of business in the state to
20 facilitate the delivery of property or services sold by the
21 vendor to the vendor's customers;

22 c. Delivers, installs, assembles, or performs maintenance
23 services for the vendor's customers within the state;

24 d. Facilitates the vendor's delivery of property to
25 customers in the state by allowing the vendor's customers to pick
26 up property sold by the vendor at an office, distribution
27 facility, warehouse, storage place, or similar place of business
28 maintained by the person in the state; or

1 e. Conducts any other activities in the state that are
2 significantly associated with the vendor's ability to establish
3 and maintain a market in the state for the sales;

4 (d) The presumption in paragraph (c) may be rebutted by
5 demonstrating that the person's activities in the state are not
6 significantly associated with the vendor's ability to establish
7 or maintain a market in this state for the vendor's sales;

8 (e) Notwithstanding paragraph (c), a vendor shall be
9 presumed to engage in business activities within this state if
10 the vendor enters into an agreement with one or more residents of
11 this state under which the resident, for a commission or other
12 consideration, directly or indirectly refers potential customers,
13 whether by a link on an internet website, an in-person oral
14 presentation, telemarketing, or otherwise, to the vendor, if the
15 cumulative gross receipts from sales by the vendor to customers
16 in the state who are referred to the vendor by all residents with
17 this type of an agreement with the vendor is in excess of ten
18 thousand dollars during the preceding twelve months;

19 (f) The presumption in paragraph (e) may be rebutted by
20 submitting proof that the residents with whom the vendor has an
21 agreement did not engage in any activity within the state that
22 was significantly associated with the vendor's ability to
23 establish or maintain the vendor's market in the state during the
24 preceding twelve months. Such proof may consist of sworn written
25 statements from all of the residents with whom the vendor has an
26 agreement stating that they did not engage in any solicitation in
27 the state on behalf of the vendor during the preceding year
28 provided that such statements were provided and obtained in good

1 faith;

2 (3) "Maintains a place of business in this state" includes
3 maintaining, occupying, or using, permanently or temporarily,
4 directly or indirectly, [or through a subsidiary, or agent,] by
5 whatever name called, an office, place of distribution, sales or
6 sample room or place, warehouse or storage place, or other place
7 of business in this state, whether owned or operated by the
8 vendor or by any other person other than a common carrier acting
9 in its capacity as such;

10 (4) "Person", any individual, firm, copartnership, joint
11 venture, association, corporation, municipal or private, and
12 whether organized for profit or not, state, county, political
13 subdivision, state department, commission, board, bureau or
14 agency, except the state transportation department, estate,
15 trust, business trust, receiver or trustee appointed by the state
16 or federal court, syndicate, or any other group or combination
17 acting as a unit, and the plural as well as the singular number;

18 (5) "Purchase", the acquisition of the ownership of, or
19 title to, tangible personal property, through a sale, as defined
20 herein, for the purpose of storage, use or consumption in this
21 state;

22 (6) "Purchaser", any person who is the recipient for a
23 valuable consideration of any sale of tangible personal property
24 acquired for use, storage or consumption in this state;

25 (7) "Sale", any transfer, barter or exchange of the title
26 or ownership of tangible personal property, or the right to use,
27 store or consume the same, for a consideration paid or to be
28 paid, and any transaction whether called leases, rentals,

1 bailments, loans, conditional sales or otherwise, and
2 notwithstanding that the title or possession of the property or
3 both is retained for security. For the purpose of this law the
4 place of delivery of the property to the purchaser, user, storer
5 or consumer is deemed to be the place of sale, whether the
6 delivery be by the vendor or by common carriers, private
7 contractors, mails, express, agents, salesmen, solicitors,
8 hawkers, representatives, consignors, peddlers, canvassers or
9 otherwise;

10 (8) "Sales price", the consideration including the charges
11 for services, except charges incident to the extension of credit,
12 paid or given, or contracted to be paid or given, by the
13 purchaser to the vendor for the tangible personal property,
14 including any services that are a part of the sale, valued in
15 money, whether paid in money or otherwise, and any amount for
16 which credit is given to the purchaser by the vendor, without any
17 deduction therefrom on account of the cost of the property sold,
18 the cost of materials used, labor or service cost, losses or any
19 other expenses whatsoever, except that cash discounts allowed and
20 taken on sales shall not be included and "sales price" shall not
21 include the amount charged for property returned by customers
22 upon rescission of the contract of sales when the entire amount
23 charged therefor is refunded either in cash or credit or the
24 amount charged for labor or services rendered in installing or
25 applying the property sold, the use, storage or consumption of
26 which is taxable pursuant to sections 144.600 to 144.745. In
27 determining the amount of tax due pursuant to sections 144.600 to
28 144.745, any charge incident to the extension of credit shall be

1 specifically exempted;

2 (9) "Selling agent", every person acting as a
3 representative of a principal, when such principal is not
4 registered with the director of revenue of the state of Missouri
5 for the collection of the taxes imposed pursuant to sections
6 144.010 to 144.525 or sections 144.600 to 144.745 and who
7 receives compensation by reason of the sale of tangible personal
8 property of the principal, if such property is to be stored,
9 used, or consumed in this state;

10 (10) "Storage", any keeping or retention in this state of
11 tangible personal property purchased from a vendor, except
12 property for sale or property that is temporarily kept or
13 retained in this state for subsequent use outside the state;

14 (11) "Tangible personal property", all items subject to the
15 Missouri sales tax as provided in subdivisions (1) and (3) of
16 section 144.020;

17 (12) "Taxpayer", any person remitting the tax or who should
18 remit the tax levied by sections 144.600 to 144.745;

19 (13) "Use", the exercise of any right or power over
20 tangible personal property incident to the ownership or control
21 of that property, except that it does not include the temporary
22 storage of property in this state for subsequent use outside the
23 state, or the sale of the property in the regular course of
24 business;

25 (14) "Vendor", every person engaged in making sales of
26 tangible personal property by mail order, by advertising, by
27 agent or peddling tangible personal property, soliciting or
28 taking orders for sales of tangible personal property, for

1 storage, use or consumption in this state, all salesmen,
2 solicitors, hawkers, representatives, consignees, peddlers or
3 canvassers, as agents of the dealers, distributors, consignors,
4 supervisors, principals or employers under whom they operate or
5 from whom they obtain the tangible personal property sold by
6 them, and every person who maintains a place of business in this
7 state, maintains a stock of goods in this state, or engages in
8 business activities within this state and every person who
9 engages in this state in the business of acting as a selling
10 agent for persons not otherwise vendors as defined in this
11 subdivision. Irrespective of whether they are making sales on
12 their own behalf or on behalf of the dealers, distributors,
13 consignors, supervisors, principals or employers, they must be
14 regarded as vendors and the dealers, distributors, consignors,
15 supervisors, principals or employers must be regarded as vendors
16 for the purposes of sections 144.600 to 144.745. [A person shall
17 not be considered a vendor for the purposes of sections 144.600
18 to 144.745 if all of the following apply:

19 (a) The person's total gross receipts did not exceed five
20 hundred thousand dollars in this state, or twelve and one-half
21 million dollars in the entire United States, in the immediately
22 preceding calendar year;

23 (b) The person maintains no place of business in this
24 state; and

25 (c) The person has no selling agents in this state.]

26 144.610. 1. A tax is imposed for the privilege of storing,
27 using or consuming within this state any article of tangible
28 personal property, excluding motor vehicles, trailers,

1 motorcycles, mopeds, motortricycles, boats, and outboard motors
2 required to be titled under the laws of the state of Missouri and
3 subject to tax under subdivision (9) of subsection 1 of section
4 144.020, purchased on or after the effective date of sections
5 144.600 to 144.745 in an amount equivalent to the percentage
6 imposed on the sales price in the sales tax law in section
7 144.020. This tax does not apply with respect to the storage,
8 use or consumption of any article of tangible personal property
9 purchased, produced or manufactured outside this state until the
10 transportation of the article has finally come to rest within
11 this state or until the article has become commingled with the
12 general mass of property of this state.

13 2. Every person storing, using or consuming in this state
14 tangible personal property subject to the tax in subsection 1 of
15 this section is liable for the tax imposed by this law, and the
16 liability shall not be extinguished until the tax is paid to this
17 state, but a receipt from a vendor authorized by the director of
18 revenue under the rules and regulations that he prescribes to
19 collect the tax, given to the purchaser in accordance with the
20 provisions of section 144.650, relieves the purchaser from
21 further liability for the tax to which receipt refers.

22 3. Because this section no longer imposes a Missouri use
23 tax on the storage, use, or consumption of motor vehicles,
24 trailers, motorcycles, mopeds, motortricycles, boats, and
25 outboard motors required to be titled under the laws of the state
26 of Missouri, in that the state sales tax is now imposed on the
27 titling of such property, the local sales tax, rather than the
28 local use tax, applies.

1 144.613. Notwithstanding the provisions of section 144.655,
2 at the time the owner of any new or used boat or boat motor which
3 was acquired after December 31, 1979, in a transaction subject to
4 [use] tax under [the Missouri use tax law] this chapter makes
5 application to the director of revenue for the registration of
6 the boat or boat motor, he shall present to the director of
7 revenue evidence satisfactory to the director of revenue showing
8 the purchase price, exclusive of any charge incident to the
9 extension of credit, paid by or charged to the applicant in the
10 acquisition of the boat or boat motor, or that no sales or use
11 tax was incurred in its acquisition, and, if [sales or use] tax
12 was incurred in its acquisition, that the same has been paid, or
13 the applicant shall pay or cause to be paid to the director of
14 revenue the [use] tax provided by [the Missouri use tax law] this
15 chapter in addition to the registration fees now or hereafter
16 required according to law, and the director of revenue shall not
17 issue a registration for any new or used boat or boat motor
18 subject to [use] tax [as provided in the Missouri use tax law] in
19 this chapter until the tax levied for the use of the same under
20 [sections 144.600 to 144.748] this chapter has been paid.

21 144.615. There are specifically exempted from the taxes
22 levied in sections 144.600 to 144.745:

23 (1) Property, the storage, use or consumption of which this
24 state is prohibited from taxing pursuant to the constitution or
25 laws of the United States or of this state;

26 (2) Property, the gross receipts from the sale of which are
27 required to be included in the measure of the tax imposed
28 pursuant to the Missouri sales tax law;

1 (3) Tangible personal property, the sale or other transfer
2 of which, if made in this state, would be exempt from or not
3 subject to the Missouri sales tax pursuant to the provisions of
4 subsection 2 of section 144.030;

5 (4) Motor vehicles, trailers, boats, and outboard motors
6 subject to the tax imposed by section ~~[144.440]~~ 144.020;

7 (5) Tangible personal property which has been subjected to
8 a tax by any other state in this respect to its sales or use;
9 provided, if such tax is less than the tax imposed by sections
10 144.600 to 144.745, such property, if otherwise taxable, shall be
11 subject to a tax equal to the difference between such tax and the
12 tax imposed by sections 144.600 to 144.745;

13 (6) Tangible personal property held by processors,
14 retailers, importers, manufacturers, wholesalers, or jobbers
15 solely for resale in the regular course of business;

16 (7) Personal and household effects and farm machinery used
17 while an individual was a bona fide resident of another state and
18 who thereafter became a resident of this state, or tangible
19 personal property brought into the state by a nonresident for his
20 own storage, use or consumption while temporarily within the
21 state.

22 169.270. Unless a different meaning is clearly required by
23 the context, the following words and phrases as used in sections
24 169.270 to 169.400 shall have the following meanings:

25 (1) "Accumulated contributions", the sum of all amounts
26 deducted from the compensation of a member or paid on behalf of
27 the member by the employer and credited to the member's
28 individual account together with interest thereon in the

1 employees' contribution fund. The board of trustees shall
2 determine the rate of interest allowed thereon as provided for in
3 section 169.295;

4 (2) "Actuarial equivalent", a benefit of equal value when
5 computed upon the basis of formulas and/or tables which have been
6 approved by the board of trustees. The formulas and tables in
7 effect at any time shall be set forth in a written document which
8 shall be maintained at the offices of the retirement system and
9 treated for all purposes as part of the documents governing the
10 retirement system established by section 169.280. The formulas
11 and tables may be changed from time to time if recommended by the
12 retirement system's actuary and approved by the board of
13 trustees;

14 (3) "Average final compensation", the highest average
15 annual compensation received for any four consecutive years of
16 service. In determining whether years of service are
17 "consecutive", only periods for which creditable service is
18 earned shall be considered, and all other periods shall be
19 disregarded;

20 (4) "Beneficiary", any person designated by a member for a
21 retirement allowance or other benefit as provided by sections
22 169.270 to 169.400;

23 (5) "Board of education", the board of directors or
24 corresponding board, by whatever name, having charge of the
25 public schools of the school district in which the retirement
26 system is established;

27 (6) "Board of trustees", the board provided for in section
28 169.291 to administer the retirement system;

1 (7) "Break in service", an occurrence when a regular
2 employee ceases to be a regular employee for any reason other
3 than retirement (including termination of employment,
4 resignation, or furlough but not including vacation, sick leave,
5 excused absence or leave of absence granted by an employer) and
6 such person does not again become a regular employee until after
7 sixty consecutive calendar days have elapsed, or after fifteen
8 consecutive school or work days have elapsed, whichever occurs
9 later. A break in service also occurs when a regular employee
10 retires under the retirement system established by section
11 169.280 and does not again become a regular employee until after
12 fifteen consecutive school or work days have elapsed. A "school
13 or work day" is a day on which the employee's employer requires
14 (or if the position no longer exists, would require, based on
15 past practice) employees having the former employee's last job
16 description to report to their place of employment for any
17 reason;

18 (8) "Charter school", any charter school established
19 pursuant to sections 160.400 to 160.420 and located, at the time
20 it is established, within the school district;

21 (9) "Compensation", the regular compensation as shown on
22 the salary and wage schedules of the employer, including any
23 amounts paid by the employer on a member's behalf pursuant to
24 subdivision (5) of subsection 1 of section 169.350, but such term
25 is not to include extra pay, overtime pay, consideration for
26 entering into early retirement, or any other payments not
27 included on salary and wage schedules. For any year beginning
28 after December 31, 1988, the annual compensation of each member

1 taken into account under the retirement system shall not exceed
2 the limitation set forth in Section 401(a)(17) of the Internal
3 Revenue Code of 1986, as amended;

4 (10) "Creditable service", the amount of time that a
5 regular employee is a member of the retirement system and makes
6 contributions thereto in accordance with the provisions of
7 sections 169.270 to 169.400;

8 (11) "Employee", any person who is classified by the school
9 district, a charter school, the library district or the
10 retirement system established by section 169.280 as an employee
11 of such employer and is reported contemporaneously for federal
12 and state tax purposes as an employee of such employer. A person
13 is not considered to be an employee for purposes of such
14 retirement system with respect to any service for which the
15 person was not reported contemporaneously for federal and state
16 tax purposes as an employee of such employer, regardless of
17 whether the person is or may later be determined to be or to have
18 been a common law employee of such employer, including but not
19 limited to a person classified by the employer as independent
20 contractors and persons employed by other entities which contract
21 to provide staff and services to the employer. In no event shall
22 a person reported for federal tax purposes as an employee of a
23 private, for-profit entity be deemed to be an employee eligible
24 to participate in the retirement system established by section
25 169.280 with respect to such employment;

26 (12) "Employer", the school district, any charter school,
27 the library district, or the retirement system established by
28 section 169.280, or any combination thereof, as required by the

1 context to identify the employer of any member, or, for purposes
2 only of subsection 2 of section 169.324, of any retirant;

3 (13) "Employer's board", the board of education, the
4 governing board of any charter school, the board of trustees of
5 the library district, the board of trustees, or any combination
6 thereof, as required by the context to identify the governing
7 body of an employer;

8 (14) "Library district", any urban public library district
9 created from or within a school district under the provisions of
10 section 182.703;

11 (15) "Medical board", the board of physicians provided for
12 in section 169.291;

13 (16) "Member", any person who is a regular employee after
14 the retirement system has been established hereunder ("active
15 member"), and any person who (i) was an active member, (ii) has
16 vested retirement benefits hereunder, and (iii) is not receiving
17 a retirement allowance hereunder ("inactive member"). A person
18 shall cease to be a member if the person has a break in service
19 before earning any vested retirement benefits or if the person
20 withdraws his or her accumulated contributions from the
21 retirement system;

22 (17) "Minimum normal retirement age", for any member who
23 retires before January 1, 2014, or who is a member of the
24 retirement system on December 31, 2013, and remains a member
25 continuously to retirement, the earlier of the date the member
26 attains the age of sixty or the date the member has a total of at
27 least seventy-five credits, with each year of creditable service
28 and each year of age equal to one credit[,] and with both years

1 of creditable service and years of age prorated for fractional
2 years; for any person who becomes a member of the retirement
3 system on or after January 1, 2014, including any person who was
4 previously a member of the retirement system before January 1,
5 2014, but ceased to be a member for any reason other than
6 retirement, the earlier of the date the member attains the age of
7 sixty-two or the date the member has a total of at least eighty
8 credits, with each year of creditable service and each year of
9 age equal to one credit and with both years of creditable service
10 and years of age prorated for fractional years;

11 (18) "Prior service", service prior to the date the system
12 becomes operative which is creditable in accordance with the
13 provisions of section 169.311. Prior service in excess of
14 thirty-eight years shall be considered thirty-eight years;

15 (19) "Regular employee", any employee who is assigned to an
16 established position which requires service of not less than
17 twenty-five hours per week, and not less than nine calendar
18 months a year. Any regular employee who is subsequently assigned
19 without break in service to a position demanding less service
20 than is required of a regular employee shall continue the
21 employee's status as a regular employee. Except as stated in the
22 preceding sentence, a temporary, part-time, or furloughed
23 employee is not a regular employee;

24 (20) "Retirant", a former member receiving a retirement
25 allowance hereunder;

26 (21) "Retirement allowance", annuity payments to a retirant
27 or to such beneficiary as is entitled to same;

28 (22) "School district", any school district in which a

1 retirement system shall be established under section 169.280.

2 169.291. 1. The general administration and the
3 responsibility for the proper operation of the retirement system
4 are hereby vested in a board of trustees of twelve persons who
5 shall be resident taxpayers of the school district, as follows:

6 (1) Four trustees to be appointed for terms of four years
7 by the board of education; provided, however, that the terms of
8 office of the first four trustees so appointed shall begin
9 immediately upon their appointment and shall expire one, two,
10 three and four years from the date the retirement system becomes
11 operative, respectively;

12 (2) Four trustees to be elected for terms of four years by
13 and from the members of the retirement system; provided, however,
14 that the terms of office of the first four trustees so elected
15 shall begin immediately upon their election and shall expire one,
16 two, three and four years from the date the retirement system
17 becomes operative, respectively;

18 (3) The ninth trustee shall be the superintendent of
19 schools of the school district;

20 (4) The tenth trustee shall be one retirant of the
21 retirement system elected for a term of four years beginning the
22 first day of January immediately following August 13, 1986, by
23 the retirants of the retirement system;

24 (5) The eleventh trustee shall be appointed for a term of
25 four years beginning the first day of January immediately
26 following August 13, 1990, by the board of trustees described in
27 subdivision (3) of section 182.701;

28 (6) The twelfth trustee shall be a retirant of the

1 retirement system elected for a term of four years beginning the
2 first day of January immediately following August 28, 1992, by
3 the retirants of the retirement system.

4 2. If a vacancy occurs in the office of a trustee, the
5 vacancy shall be filled for the unexpired term in the same manner
6 as the office was previously filled, except that the board of
7 trustees may appoint a qualified person to fill the vacancy in
8 the office of an elected member until the next regular election
9 at which time a member shall be elected for the unexpired term.
10 No vacancy or vacancies on the board of trustees shall impair the
11 power of the remaining trustees to administer the retirement
12 system pending the filling of such vacancy or vacancies.

13 3. In the event of a lapse of the school district's
14 corporate organization as described in subsections 1 and 4 of
15 section 162.081, the general administration and responsibility
16 for the proper operation of the retirement system shall continue
17 to be vested in a twelve-person board of trustees, all of whom
18 shall be resident taxpayers of a city, other than a city not
19 within a county, of four hundred thousand or more. In such
20 event, if vacancies occur in the offices of the four trustees
21 appointed, prior to the lapse, by the board of education, or in
22 the offices of the four trustees elected, prior to the lapse, by
23 the members of the retirement system, or in the office of trustee
24 held, prior to the lapse, by the superintendent of schools in the
25 school district, as provided in subdivisions (1), (2) and (3) of
26 subsection 1 of this section, the board of trustees shall appoint
27 a qualified person to fill each vacancy and subsequent vacancies
28 in the office of trustee for terms of up to four years, as

1 determined by the board of trustees.

2 4. Each trustee shall, before assuming the duties of a
3 trustee, take the oath of office before the court of the judicial
4 circuit or one of the courts of the judicial circuit in which the
5 school district is located that so far as it devolves upon the
6 trustee, such trustee shall diligently and honestly administer
7 the affairs of the board of trustees and that the trustee will
8 not knowingly violate or willingly permit to be violated any of
9 the provisions of the law applicable to the retirement system.
10 Such oath shall be subscribed to by the trustee making it and
11 filed in the office of the clerk of the circuit court.

12 5. Each trustee shall be entitled to one vote in the board
13 of trustees. Seven trustees shall constitute a quorum at any
14 meeting of the board of trustees. At any meeting of the board of
15 trustees where a quorum is present, the vote of at least seven of
16 the trustees in support of a motion, resolution or other matter
17 is necessary to be the decision of the board; provided, however,
18 that in the event of a lapse in the school district's corporate
19 organization as described in subsections 1 and 4 of section
20 162.081, a majority of the trustees then in office shall
21 constitute a quorum at any meeting of the board of trustees, and
22 the vote of a majority of the trustees then in office in support
23 of a motion, resolution or other matter shall be necessary to be
24 the decision of the board.

25 6. The board of trustees shall have exclusive original
26 jurisdiction in all matters relating to or affecting the funds
27 herein provided for, including, in addition to all other matters,
28 all claims for benefits or refunds, and its action, decision or

1 determination in any matter shall be reviewable in accordance
2 with chapter 536 or chapter 621. Subject to the limitations of
3 sections 169.270 to 169.400, the board of trustees shall, from
4 time to time, establish rules and regulations for the
5 administration of funds of the retirement system, for the
6 transaction of its business, and for the limitation of the time
7 within which claims may be filed.

8 7. The trustees shall serve without compensation. The
9 board of trustees shall elect from its membership a chairman and
10 a vice chairman. The board of trustees shall appoint an
11 executive director who shall serve as the administrative officer
12 of the retirement system and as secretary to the board of
13 trustees. It shall employ one or more persons, firms or
14 corporations experienced in the investment of moneys to serve as
15 investment counsel to the board of trustees. The compensation of
16 all persons engaged by the board of trustees and all other
17 expenses of the board necessary for the operation of the
18 retirement system shall be paid at such rates and in such amounts
19 as the board of trustees shall approve, and shall be paid from
20 the investment income.

21 8. The board of trustees shall keep in convenient form such
22 data as shall be necessary for actuarial valuations of the
23 various funds of the retirement system and for checking the
24 experience of the system.

25 9. The board of trustees shall keep a record of all its
26 proceedings which shall be open to public inspection. It shall
27 prepare annually and furnish to the board of education and to
28 each member of the retirement system who so requests a report

1 showing the fiscal transactions of the retirement system for the
2 preceding fiscal year, the amount of accumulated cash and
3 securities of the system, and the last balance sheet showing the
4 financial condition of the system by means of an actuarial
5 valuation of the assets and liabilities of the retirement system.

6 10. The board of trustees shall have, in its own name,
7 power to sue and to be sued, to enter into contracts, to own
8 property, real and personal, and to convey the same; but the
9 members of such board of trustees shall not be personally liable
10 for obligations or liabilities of the board of trustees or of the
11 retirement system.

12 11. The board of trustees shall arrange for necessary legal
13 advice for the operation of the retirement system.

14 12. The board of trustees shall designate a medical board
15 to be composed of three or more physicians who shall not be
16 eligible for membership in the system and who shall pass upon all
17 medical examinations required under the provisions of sections
18 169.270 to 169.400, shall investigate all essential statements
19 and certificates made by or on behalf of a member in connection
20 with an application for disability retirement and shall report in
21 writing to the board of trustees its conclusions and
22 recommendations upon all matters referred to it.

23 13. The board of trustees shall designate an actuary who
24 shall be the technical advisor of the board of trustees on
25 matters regarding the operation of the retirement system and
26 shall perform such other duties as are required in connection
27 therewith. Such person shall be qualified as an actuary by
28 membership as a Fellow of the Society of Actuaries or by similar

1 objective standards.

2 14. At least once in each five-year period the actuary
3 shall make an investigation into the actuarial experience of the
4 members, retirants and beneficiaries of the retirement system
5 and, taking into account the results of such investigation, the
6 board of trustees shall adopt for the retirement system such
7 actuarial assumptions as the board of trustees deems necessary
8 for the financial soundness of the retirement system.

9 15. On the basis of such actuarial assumptions as the board
10 of trustees adopts, the actuary shall make annual valuations of
11 the assets and liabilities of the funds of the retirement system.

12 16. The rate of contribution payable by the [employer]
13 employers shall equal one and ninety-nine one-hundredths percent,
14 effective July 1, 1993; three and ninety-nine one-hundredths
15 percent, effective July 1, 1995; five and ninety-nine one-
16 hundredths percent, effective July 1, 1996; seven and one-half
17 percent effective January 1, 1999, and for [all] subsequent
18 calendar years through 2013. For calendar year 2014 and each
19 subsequent year, the rate of contribution payable by the
20 employers for each year shall be determined by the actuary for
21 the retirement system in the manner provided in subsection 4 of
22 section 169.350 and shall be certified by the board of trustees
23 to the employers at least six months prior to the date such rate
24 is to be effective.

25 17. In the event of a lapse of a school district's
26 corporate organization as described in subsections 1 and 4 of
27 section 162.081, no retirement system, nor any of the assets of
28 any retirement system, shall be transferred to or merged with

1 another retirement system without prior approval of such transfer
2 or merge by the board of trustees of the retirement system.

3 169.301. 1. Any active member who has completed five or
4 more years of actual (not purchased) creditable service shall be
5 entitled to a vested retirement benefit equal to the annual
6 service retirement allowance provided in sections 169.270 to
7 169.400 payable after attaining the minimum normal retirement age
8 and calculated in accordance with the law in effect on the last
9 date such person was a regular employee; provided, that such
10 member does not withdraw such person's accumulated contributions
11 pursuant to section 169.328 prior to attaining the minimum normal
12 retirement age.

13 2. Any member who elected on October 13, 1961, or within
14 thirty days thereafter, to continue to contribute and to receive
15 benefits under sections 169.270 to 169.400 may continue to be a
16 member of the retirement system under the terms and conditions of
17 the plan in effect immediately prior to October 13, 1961, or may,
18 upon written request to the board of trustees, transfer to the
19 present plan, provided that the member pays into the system any
20 additional contributions with interest the member would have
21 credited to the member's account if such person had been a member
22 of the current plan since its inception or, if the person's
23 contributions and interest are in excess of what the person would
24 have paid, such person will receive a refund of such excess. The
25 board of trustees shall adopt appropriate rules and regulations
26 governing the operation of the plan in effect immediately prior
27 to October 13, 1961.

28 3. Should a retirant again become an active member, such

1 person's retirement allowance payments shall cease during such
2 membership and shall be recalculated upon subsequent retirement
3 to include any creditable service earned during the person's
4 latest period of active membership in accordance with subsection
5 2 of section 169.324.

6 4. In the event of the complete termination of the
7 retirement system established by section 169.280 or the complete
8 discontinuance of contributions to such retirement system, the
9 rights of all members to benefits accrued to the date of such
10 termination or discontinuance, to the extent then funded, shall
11 be fully vested and nonforfeitable.

12 5. If a member leaves employment with an employer to
13 perform qualified military service, as defined in Section 414(u)
14 of the Internal Revenue Code of 1986, as amended, and dies while
15 in such service, the member's survivors shall be entitled to any
16 additional benefits (other than benefit accruals relating to the
17 period of qualified military service) that would have been
18 provided had the member resumed employment with the employer and
19 then terminated on account of death in accordance with the
20 requirements of Sections ~~[407(a)(37)]~~ 401(a)(37) and 414(u) of
21 the Internal Revenue Code of 1986, as amended. In such event,
22 the member's period of qualified military ~~[services]~~ service
23 shall be counted as creditable service for purposes of vesting
24 but not for purposes of determining the amount of the member's
25 retirement allowance.

26 169.324. 1. The annual service retirement allowance
27 payable pursuant to section 169.320 ~~[in equal monthly~~
28 installments for life shall be the retirant's number of years of

1 creditable service multiplied by one and three-fourths percent of
2 the person's average final compensation, subject to a maximum of
3 sixty percent of the person's average final compensation. For
4 any member who retires as an active member on or after June 30,
5 1999, the annual service retirement allowance payable pursuant to
6 section 169.320 in equal monthly installments for life shall be
7 the retirant's number of years of creditable service multiplied
8 by two percent of the person's average final compensation,
9 subject to a maximum of sixty percent of the person's average
10 final compensation. Any member whose number of years of
11 creditable service is greater than thirty-four and one-quarter on
12 August 28, 1993, shall receive an annual service retirement
13 allowance payable pursuant to section 169.320 in equal monthly
14 installments for life equal to the retirant's number of years of
15 creditable service as of August 28, 1993, multiplied by one and
16 three-fourths percent of the person's average final compensation
17 but shall not receive a greater annual service retirement
18 allowance based on additional years of creditable service after
19 August 28, 1993. Provided, however, that,] shall be the
20 retirant's number of years of creditable service multiplied by a
21 percentage of the retirant's average final compensation,
22 determined as follows:

23 (1) A retirant whose last employment as a regular employee
24 ended prior to June 30, 1999, shall receive an annual service
25 retirement allowance payable pursuant to section 169.320 in equal
26 monthly installments for life equal to the retirant's number of
27 years of creditable service multiplied by one and three-fourths
28 percent of the person's average final compensation, subject to a

1 maximum of sixty percent of the person's average final
2 compensation;

3 (2) A retirant whose number of years of creditable service
4 is greater than thirty-four and one-quarter on August 28, 1993,
5 shall receive an annual service retirement allowance payable
6 pursuant to section 169.320 in equal monthly installments for
7 life equal to the retirant's number of years of creditable
8 service as of August 28, 1993, multiplied by one and three-
9 fourths percent of the person's average final compensation but
10 shall not receive a greater annual service retirement allowance
11 based on additional years of creditable service after August 28,
12 1993;

13 (3) A retirant who was an active member of the retirement
14 system at any time on or after June 30, 1999, and who either
15 retires before January 1, 2014, or is a member of the retirement
16 system on December 31, 2013, and remains a member continuously to
17 retirement shall receive an annual service retirement allowance
18 payable pursuant to section 169.320 in equal monthly installments
19 for life equal to the retirant's number of years of creditable
20 service multiplied by two percent of the person's average final
21 compensation, subject to a maximum of sixty percent of the
22 person's final compensation;

23 (4) A retirant who becomes a member of the retirement
24 system on or after January 1, 2014, including any retirant who
25 was a member of the retirement system before January 1, 2014, but
26 ceased to be a member for any reason other than retirement, shall
27 receive an annual service retirement allowance payable pursuant
28 to section 169.320 in equal monthly installments for life equal

1 to the retirant's number of years of creditable service
2 multiplied by one and three-fourths percent of the person's
3 average final compensation, subject to a maximum of sixty percent
4 of the person's average final compensation;

5 (5) Notwithstanding the provisions of subdivisions (1) to
6 (4) of this subsection, effective January 1, 1996, any [retiree]
7 retirant who retired on, before or after January 1, 1996, with at
8 least twenty years of creditable service shall receive at least
9 three hundred dollars each month as a retirement allowance, or
10 the actuarial equivalent thereof if the [retiree] retirant
11 elected any of the options available under section 169.326.

12 [Provided, further, any retiree] Any retirant who retired with at
13 least ten years of creditable service shall receive at least one
14 hundred fifty dollars each month as a retirement allowance, plus
15 fifteen dollars for each additional full year of creditable
16 service greater than ten years but less than twenty years (or the
17 actuarial equivalent thereof if the [retiree] retirant elected
18 any of the options available under section 169.326). Any
19 beneficiary of a deceased [retiree] retirant who retired with at
20 least ten years of creditable service and elected one of the
21 options available under section 169.326 shall also be entitled to
22 the actuarial equivalent of the minimum benefit provided by this
23 subsection, determined from the option chosen.

24 2. Except as otherwise provided in sections 169.331,
25 169.580 and 169.585, payment of a retirant's retirement allowance
26 will be suspended for any month for which such person receives
27 remuneration from the person's employer or from any other
28 employer in the retirement system established by section 169.280

1 for the performance of services except any such person other than
2 a person receiving a disability retirement allowance under
3 section 169.322 may serve as a nonregular substitute, part-time
4 or temporary employee for not more than six hundred hours in any
5 school year without becoming a member and without having the
6 person's retirement allowance discontinued, provided that through
7 such substitute, part-time, or temporary employment, the person
8 may earn no more than fifty percent of the annual salary or wages
9 the person was last paid by the employer before the person
10 retired and commenced receiving a retirement allowance, adjusted
11 for inflation. If a person exceeds such hours limit or such
12 compensation limit, payment of the person's retirement allowance
13 shall be suspended for the month in which such limit was exceeded
14 and each subsequent month in the school year for which the person
15 receives remuneration from any employer in the retirement system.
16 If a retirant is reemployed by any employer in any capacity,
17 whether pursuant to this section, or section 169.331, 169.580, or
18 169.585, or as a regular employee, the amount of such person's
19 retirement allowance attributable to service prior to the
20 person's first retirement date shall not be changed by the
21 reemployment. If the person again becomes an active member and
22 earns additional creditable service, upon the person's second
23 retirement the person's retirement allowance shall be the sum of:
24 (1) The retirement allowance the person was receiving at
25 the time the person's retirement allowance was suspended,
26 pursuant to the payment option elected as of the first retirement
27 date, plus the amount of any increase in such retirement
28 allowance the person would have received pursuant to subsection 3

1 of this section had payments not been suspended during the
2 person's reemployment; and

3 (2) An additional retirement allowance computed using the
4 benefit formula in effect on the person's second retirement date,
5 the person's creditable service following reemployment, and the
6 person's average final annual compensation as of the second
7 retirement date. The sum calculated pursuant to this subsection
8 shall not exceed the greater of sixty percent of the person's
9 average final compensation as of the second retirement date or
10 the amount determined pursuant to subdivision (1) of this
11 subsection. Compensation earned prior to the person's first
12 retirement date shall be considered in determining the person's
13 average final compensation as of the second retirement date if
14 such compensation would otherwise be included in determining the
15 person's average final compensation.

16 3. The board of trustees shall determine annually whether
17 the investment return on funds of the system can provide for an
18 increase in benefits for retirants eligible for such increase. A
19 retirant shall and will be eligible for an increase awarded
20 pursuant to this section as of the second January following the
21 date the retirant commenced receiving retirement benefits. Any
22 such increase shall also apply to any monthly joint and survivor
23 retirement allowance payable to such retirant's beneficiaries,
24 regardless of age. The board shall make such determination as
25 follows:

26 (1) After determination by the actuary of the investment
27 return for the preceding year as of December thirty-first (the
28 "valuation year"), the actuary shall recommend to the board of

1 trustees what portion of the investment return is available to
2 provide such benefits increase, if any, and shall recommend the
3 amount of such benefits increase, if any, to be implemented as of
4 the first day of the thirteenth month following the end of the
5 valuation year, and [the] first payable on or about the first day
6 of the fourteenth month following the end of the valuation year.
7 The actuary shall make such recommendations so as not to affect
8 the financial soundness of the retirement system, recognizing the
9 following safeguards:

10 (a) The retirement system's funded ratio as of January
11 first of the year preceding the year of a proposed increase shall
12 be at least one hundred percent after adjusting for the effect of
13 the proposed increase. The funded ratio is the ratio of assets
14 to the pension benefit obligation;

15 (b) The actuarially required contribution rate, after
16 adjusting for the effect of the proposed increase, may not exceed
17 the [statutory] then applicable employer and member contribution
18 rate as determined under subsection 4 of section 169.350;

19 (c) The actuary shall certify to the board of trustees that
20 the proposed increase will not impair the actuarial soundness of
21 the retirement system;

22 (d) A benefit increase, under this section, once awarded,
23 cannot be reduced in succeeding years;

24 (2) The board of trustees shall review the actuary's
25 recommendation and report and shall, in their discretion,
26 determine if any increase is prudent and, if so, shall determine
27 the amount of increase to be awarded.

28 4. This section does not guarantee an annual increase to

1 any retirant.

2 5. If an inactive member becomes an active member after
3 June 30, 2001, and after a break in service, unless the person
4 earns at least four additional years of creditable service
5 without another break in service, upon retirement the person's
6 retirement allowance shall be calculated separately for each
7 separate period of service ending in a break in service. The
8 retirement allowance shall be the sum of the separate retirement
9 allowances computed for each such period of service using the
10 benefit formula in effect, the person's average final
11 compensation as of the last day of such period of service and the
12 creditable service the person earned during such period of
13 service; provided, however, if the person earns at least four
14 additional years of creditable service without another break in
15 service, all of the person's creditable service prior to and
16 including such service shall be aggregated and, upon retirement,
17 the retirement allowance shall be computed using the benefit
18 formula in effect and the person's average final compensation as
19 of the last day of such period of four or more years and all of
20 the creditable service the person earned prior to and during such
21 period.

22 6. Notwithstanding anything contained in this section to
23 the contrary, the amount of the annual service retirement
24 allowance payable to any retirant pursuant to the provisions of
25 sections 169.270 to 169.400, including any adjustments made
26 pursuant to subsection 3 of this section, shall at all times
27 comply with the provisions and limitations of Section 415 of the
28 Internal Revenue Code of 1986, as amended, and the regulations

1 thereunder, the terms of which are specifically incorporated
2 herein by reference.

3 7. All retirement systems established by the laws of the
4 state of Missouri shall develop a procurement action plan for
5 utilization of minority and women money managers, brokers and
6 investment counselors. Such retirement systems shall report
7 their progress annually to the joint committee on public employee
8 retirement and the governor's minority advocacy commission.

9 169.350. 1. All of the assets of the retirement system
10 (other than tangible real or personal property owned by the
11 retirement system for use in carrying out its duties, such as
12 office supplies and furniture) shall be credited, according to
13 the purpose for which they are held, in either the employees'
14 contribution fund or the general reserve fund.

15 (1) The employees' contribution fund shall be the fund in
16 which shall be accumulated the contributions of the members. The
17 employer shall, except as provided in subdivision (5) of this
18 subsection, cause to be deducted from the compensation of each
19 member on each and every payroll, for each and every payroll
20 period, the pro rata portion of five and nine-tenths percent of
21 his annualized compensation. Effective January 1, 1999, through
22 December 31, 2013, the employer shall deduct an additional one
23 and six-tenths percent of the member's annualized compensation.
24 For 2014 and for each subsequent year, the employer shall deduct
25 from each member's annualized compensation the rate of
26 contribution determined for such year by the actuary for the
27 retirement system in the manner provided in subsection 4 of this
28 section.

1 (2) The employer shall pay all such deductions and any
2 amount it may elect to pay pursuant to subdivision (5) of this
3 subsection to the retirement system at once. The retirement
4 system shall credit such deductions and such amounts to the
5 individual account of each member from whose compensation the
6 deduction was made or with respect to whose compensation the
7 amount was paid pursuant to subdivision (5) of this subsection.
8 In determining the deduction for a member in any payroll period,
9 the board of trustees may consider the rate of compensation
10 payable to such member on the first day of the payroll period as
11 continuing throughout such period.

12 (3) The deductions provided for herein are declared to be a
13 part of the compensation of the member and the making of such
14 deductions shall constitute payments by the member out of the
15 person's compensation and such deductions shall be made
16 notwithstanding that the amount actually paid to the member after
17 such deductions is less than the minimum compensation provided by
18 law for any member. Every member shall be deemed to consent to
19 the deductions made and provided for herein, and shall receipt
20 for the person's full compensation, and the making of the
21 deduction and the payment of compensation less the deduction
22 shall be a full and complete discharge and acquittance of all
23 claims and demands whatsoever for services rendered during the
24 period covered by the payment except as to benefits provided by
25 sections 169.270 to 169.400.

26 (4) The accumulated contributions with interest of a member
27 withdrawn by the person or paid to the person's estate or
28 designated beneficiary in the event of the person's death before

1 retirement shall be paid from the employees' contribution fund.
2 Upon retirement of a member the member's accumulated
3 contributions with interest shall be transferred from the
4 employees' contribution fund to the general reserve fund.

5 (5) The employer may elect to pay on behalf of all members
6 all or part of the amount that the members would otherwise be
7 required to contribute to the employees' contribution fund
8 pursuant to subdivision (1) of this subsection. Such amounts
9 paid by the employer shall be in lieu of members' contributions
10 and shall be treated for all purposes of sections 169.270 to
11 169.400 as contributions made by members. Notwithstanding any
12 other provision of this chapter to the contrary, no member shall
13 be entitled to receive such amounts directly. The election shall
14 be made by a duly adopted resolution of the employer's board and
15 shall remain in effect for at least one year from the effective
16 date thereof. The election may be thereafter terminated only by
17 an affirmative act of the employer's board notwithstanding any
18 limitation in the term thereof in the adopting resolution. Any
19 such termination resolution shall be adopted at least sixty days
20 prior to the effective date thereof, and the effective date
21 thereof shall coincide with a fiscal year-end of the employer.
22 In the absence of such a termination resolution, the election
23 shall remain in effect from fiscal year to fiscal year.

24 2. The general reserve fund shall be the fund in which
25 shall be accumulated all reserves for the payment of all benefit
26 expenses and other demands whatsoever upon the retirement system
27 except those items heretofore allocated to the employees'
28 contribution fund.

1 (1) All contributions by the employer, except those the
2 employer elects to make on behalf of the members pursuant to
3 subdivision (5) of subsection 1 of this section, shall be
4 credited to the general reserve fund.

5 (2) Should a retirant be restored to active service and
6 again become a member of the retirement system, the excess, if
7 any, of the person's accumulated contributions over benefits
8 received by the retirant shall be transferred from the general
9 reserve fund to the employees' contribution fund and credited to
10 the person's account.

11 3. Gifts, devises, bequests and legacies may be accepted by
12 the board of trustees and deposited in the general reserve fund
13 to be held, invested and used at its discretion for the benefit
14 of the retirement system except where specific direction for the
15 use of a gift is made by a donor.

16 4. Beginning in 2013, the actuary for the retirement system
17 shall annually calculate the rate of employer contributions and
18 member contributions for 2014 and for each subsequent calendar
19 year, expressed as a level percentage of the annualized
20 compensation of the members, subject to the following:

21 (1) The rate of contribution for any calendar year shall be
22 determined based on an actuarial valuation of the retirement
23 system as of the first day of the prior calendar year. Such
24 actuarial valuation shall be performed using the actuarial cost
25 method and actuarial assumptions adopted by the board of trustees
26 and in accordance with accepted actuarial standards of practice
27 in effect at the time the valuation is performed, as promulgated
28 by the actuarial standards board or its successor;

1 (2) The target combined employer and member contribution
2 rate shall be the amount actuarially required to cover the normal
3 cost and amortize any unfunded accrued actuarial liability over a
4 period that shall not exceed thirty years from the date of the
5 valuation;

6 (3) The target combined rate as so determined shall be
7 allocated equally between the employer contribution rate and the
8 member contribution rate, provided, however, that the level rate
9 of contributions to be paid by the employers and the level rate
10 of contributions to be deducted from the compensation of members
11 for any calender year shall each be limited as follows:

12 (a) The contribution rate shall not be less than seven and
13 one-half percent;

14 (b) The contribution rate shall not exceed nine percent;
15 and

16 (c) Changes in the contribution rate from year to year
17 shall be in increments of one-half percent such that the
18 contribution rate for any year shall not be greater than or less
19 than the rate in effect for the prior year by more than one-half
20 percent;

21 (4) The board of trustees shall certify to the employers
22 the contribution rate for the following calendar year no later
23 than six months prior to the date such rate is to be effective.

24 184.800. Sections 184.800 to 184.880 shall be known as the
25 "Missouri Museum and Cultural District Act".

26 184.805. 1. As used in sections 184.800 to 184.880, the
27 following terms mean:

28 (1) "Board", the board of directors of a district;

1 (2) "Cultural asset", a building or area used for the
2 purposes of promoting community culture and the arts, recreation
3 and knowledge, including for purposes of supporting or promoting
4 the performing arts, theater, music, entertainment, public
5 spaces, public libraries or other public assets;

6 (3) "Disaster area", an area located within a municipality
7 for which public and individual assistance has been declared by
8 the President under Section 401 of the Robert T. Stafford
9 Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section
10 5121, et seq., provided that the municipality adopts or has
11 adopted an ordinance approving a redevelopment plan within three
12 years after the President declares such disaster;

13 (4) "District", a museum and cultural district organized
14 pursuant to sections 184.800 to 184.880;

15 [(3)] (5) "Museum", a building or area used for the purpose
16 of exhibiting and/or preserving objects or specimens of interest
17 to the public, including but not limited to photographs, art,
18 historical items, items of natural history, and items connected
19 with wildlife [and], conservation, and historical events;

20 [(4)] (6) "Owner of real property", the owner of the fee
21 interest in the real property[, except that when the real
22 property is subject to a lease of ten or more years, the lessee
23 rather than the owner of the fee interest shall be considered as
24 the "owner of real property"]. An owner may be either a natural
25 person or a [juridical] legal entity.

26 2. For the purposes of sections 11(c), 16 and 22 of article
27 X of the Constitution of Missouri, section 137.073, and as used
28 in sections 184.800 to 184.880, the following terms shall have

1 the meanings given:

2 (1) "Approval of the required majority" [or "direct voter
3 approval"], a simple majority;

4 (2) "Qualified voters", the owners of real property located
5 within the proposed district [or any person residing in the
6 district who is a legal voter within the district].

7 184.810. 1. A district where the majority of the property
8 is located within a disaster area may be created to fund,
9 promote, plan, design, construct, improve, maintain and operate
10 one or more projects relating to [a museum] one or more museums
11 and cultural assets or to assist in such activity.

12 2. A district is a political subdivision of the state.

13 3. No structures operated by a museum and cultural district
14 board pursuant to sections 184.800 to 184.880 shall be named for
15 a commercial venture.

16 184.815. 1. Whenever the creation of a district is
17 desired, the owners of real property who own at least two-thirds
18 of the real property within the proposed district may file a
19 petition requesting the creation of a district. The petition
20 shall be filed in the circuit court of the county in which the
21 proposed district is located. Any petition to create a museum
22 and cultural district pursuant to the provisions of sections
23 184.800 to 184.880 shall be filed [on or before December 31,
24 1998] within five years after the Presidential declaration
25 establishing the disaster area.

26 2. The proposed district area [shall be contiguous and] may
27 contain one or more parcels of real property, which may or may
28 not be contiguous and may further include any portion of one or

1 more municipalities.

2 3. The petition shall set forth:

3 (1) The name and address of each owner of real property
4 located within the proposed district [or who is a legal voter
5 resident within the proposed district];

6 (2) A specific description of the proposed district
7 boundaries including a map illustrating such boundaries;

8 (3) A general description of the purpose or purposes for
9 which the district is being formed, including a description of
10 the proposed museum or museums and cultural asset or cultural
11 assets and a general plan for [its] operation of each museum and
12 each cultural asset within the district; and

13 (4) The name of the proposed district.

14 4. In the event any owner of real property within the
15 proposed district who is named in the petition [or any legal
16 voter resident within the district] shall not join in the
17 petition or file an entry of appearance and waiver of service of
18 process in the case, a copy of the petition shall be served upon
19 said owner [or legal voter] in the manner provided by supreme
20 court rule for the service of petitions generally. Any
21 objections to the petition shall be raised by answer within the
22 time provided by supreme court rule for the filing of an answer
23 to a petition.

24 184.820. 1. Any owner of real property within the proposed
25 district [and any legal voter who is a resident within the
26 proposed district] may join in or file a petition supporting or
27 answer opposing the creation of the district and seeking a
28 judgment respecting these same issues.

1 2. The court shall hear the case without a jury. If the
2 court determines the petition is defective or the proposed
3 district or its plan of operation is unconstitutional, it shall
4 enter its judgment to that effect and shall refuse to incorporate
5 the district as requested in the pleadings. If the court
6 determines the petition is not legally defective and the proposed
7 district and plan of operation are not unconstitutional, the
8 court shall determine and declare the district organized and
9 incorporated and shall approve the plan of operation stated in
10 the petition.

11 3. Any party having filed a petition or answer to a
12 petition may appeal the circuit court's order or judgment in the
13 same manner as provided for other appeals. Any order either
14 refusing to incorporate the district or incorporating the
15 district shall be deemed a final judgment for purposes of appeal.

16 184.827. A museum and cultural district created pursuant to
17 sections 184.800 to 184.880 shall be governed by a board of
18 directors consisting of [~~eight~~] five members[. Five of the
19 members] who shall be elected as provided in section 184.830.

20 [Three members of the board of directors shall be appointed by
21 the governor with the advice and consent of the senate for a
22 three-year term. Not more than two of the three members
23 appointed by the governor shall be of the same political party.
24 The governor shall appoint an interim director to complete the
25 unexpired term of a director caused by resignation or
26 disqualification who was appointed by the governor.]

27 184.830. 1. Within thirty days after the order declaring
28 the district organized has become final, the circuit clerk of the

1 county in which the petition was filed shall, give notice by
2 causing publication to be made once a week for two consecutive
3 weeks in a newspaper of general circulation in the county, the
4 last publication of which shall be at least ten days before the
5 day of the meeting required by this section, call a meeting of
6 the owners of real property within the district at a day and hour
7 specified in a public place in the county in which the petition
8 was filed for the purpose of electing a board of five directors,
9 to be composed of owners or representatives of owners of real
10 property in the district.

11 2. The owners of real property, when assembled, shall
12 organize by the election of a chairman and secretary of the
13 meeting who shall conduct the election. At the election, each
14 acre of real property within the district shall be considered as
15 a voting interest, and each owner of real property shall have one
16 vote in person or by proxy for every acre of real property owned
17 within the district for each director to be elected. A director
18 need not be a legal voter of the district.

19 3. Each director shall serve for a term of three years and
20 until his or her successor is duly elected and qualified.
21 Successor directors shall be elected in the same manner as the
22 initial directors at a meeting of the owners of real property
23 called by the board. Each successor director shall serve a
24 three-year term. The remaining directors shall have the
25 authority to elect an interim director to complete any unexpired
26 term of a director caused by resignation or disqualification.

27 4. Directors shall be at least twenty-one years of age.

28 184.835. 1. The board shall possess and exercise all of

1 the district's legislative and executive powers.

2 2. Within thirty days after the election of the initial
3 directors, the board shall meet. At its first meeting and after
4 each election of new board members the board shall elect a
5 chairman, a secretary, a treasurer and such other officers as it
6 deems necessary from its members. A director may fill more than
7 one office, except that a director may not fill both the office
8 of chairman and secretary.

9 3. [The board may employ such employees as it deems
10 necessary; provided, however, that the board shall not employ any
11 employee who is related within the fourth degree by blood or
12 marriage to a member of the board.

13 4.] At the first meeting, the board, by resolution, shall
14 define the first and subsequent fiscal years of the district, and
15 shall adopt a corporate seal.

16 [5.] 4. A simple majority of the board shall constitute a
17 quorum. If a quorum exists, a simple majority of those voting
18 shall have the authority to act in the name of the board, and
19 approve any board resolution.

20 [6.] 5. Each director shall devote such time to the duties
21 of the office as the faithful discharge thereof may require and
22 may be reimbursed for his or her actual expenditures in the
23 performance of his or her duties on behalf of the district.

24 184.840. 1. A district may receive and use funds for the
25 purposes of planning, designing, constructing, reconstructing,
26 maintaining and operating [a museum] one or more museums and
27 cultural assets, conducting educational programs in connection
28 therewith [for any public purpose] which is reasonably connected

1 with the museum or cultural asset and for any other purposes
2 authorized by sections 184.840 to 184.880. Such funds may be
3 derived from any funding method which is authorized by sections
4 184.800 to 184.880 and from any other source, including but not
5 limited to funds from federal sources, the state of Missouri or
6 an agency thereof, a political subdivision of the state or
7 private sources.

8 2. The general assembly may annually for a period of twenty
9 years after ~~July 7, 1997~~ January 1, 2013, make appropriations
10 from general revenue to a district which is created pursuant to
11 the provisions of sections 184.800 to 184.880.

12 184.845. 1. The board of the district may impose a museum
13 and cultural district sales tax by resolution on all retail sales
14 made in such museum and cultural district which are subject to
15 taxation pursuant to the provisions of sections 144.010 to
16 144.525. Such museum and cultural district sales tax may be
17 imposed for any museum or cultural purpose designated by the
18 board of the museum and cultural district. If the resolution is
19 adopted the board of the district may submit the question of
20 whether to impose a sales tax authorized by this section to
21 [either the legal voters of the district and/or to the owners of
22 real property within the district] the qualified voters, who
23 shall have the same voting interests as with the election of
24 members of the board of the district.

25 2. The sales tax authorized by this section shall become
26 effective on the first day of the second calendar quarter
27 following adoption of the tax by the board or qualified voters,
28 if the board elects to submit the question of whether to impose a

1 sales tax to the qualified voters.

2 3. In each museum and cultural district in which a sales
3 tax has been imposed in the manner provided by this section,
4 every retailer shall add the tax imposed by the museum and
5 cultural district pursuant to this section to the retailer's sale
6 price, and when so added such tax shall constitute a part of the
7 price, shall be a debt of the purchaser to the retailer until
8 paid, and shall be recoverable at law in the same manner as the
9 purchase price.

10 4. In order to permit sellers required to collect and
11 report the sales tax authorized by this section to collect the
12 amount required to be reported and remitted, but not to change
13 the requirements of reporting or remitting tax or to serve as a
14 levy of the tax, and in order to avoid fractions of pennies, the
15 museum and cultural district may establish appropriate brackets
16 which shall be used in the district imposing a tax pursuant to
17 this section in lieu of those brackets provided in section
18 ~~[144.825]~~ 144.285.

19 5. All revenue received by a museum and cultural district
20 from the tax authorized by this section which has been designated
21 for a certain museum or cultural purpose shall be deposited in a
22 special trust fund and shall be used solely for such designated
23 purpose. All funds remaining in the special trust fund shall
24 continue to be used solely for such designated museum or cultural
25 purpose. Any funds in such special trust fund which are not
26 needed for current expenditures may be invested by the board of
27 directors in accordance with applicable laws relating to the
28 investment of other museum or cultural district funds.

1 6. The sales tax may be imposed at a rate of one-half of
2 one percent, three-fourths of one percent or one percent on the
3 receipts from the sale at retail of all tangible personal
4 property or taxable services at retail within the museum and
5 cultural district adopting such tax, if such property and
6 services are subject to taxation by the state of Missouri
7 pursuant to the provisions of sections 144.010 to 144.525. Any
8 museum and cultural district sales tax imposed pursuant to this
9 section shall be imposed at a rate that shall be uniform
10 throughout the district.

11 7. On and after the effective date of any tax imposed
12 pursuant to this section, the museum and cultural district shall
13 perform all functions incident to the administration, collection,
14 enforcement, and operation of the tax. The tax imposed pursuant
15 to this section shall be collected and reported upon such forms
16 and under such administrative rules and regulations as may be
17 prescribed by the museum and cultural district.

18 8. All applicable provisions contained in sections 144.010
19 to 144.525 governing the state sales tax, sections 32.085 and
20 32.087, and section 32.057, the uniform confidentiality
21 provision, shall apply to the collection of the tax imposed by
22 this section, except as modified in this section. All revenue
23 collected under this section by the director of the department of
24 revenue on behalf of the museum and cultural districts, except
25 for one percent for the cost of collection which shall be
26 deposited in the state's general revenue fund, shall be deposited
27 in a special trust fund, which is hereby created and shall be
28 known as the "Missouri Museum Cultural District Tax Fund", and

1 shall be used solely for such designated purpose. Moneys in the
2 fund shall not be deemed to be state funds, and shall not be
3 commingled with any funds of the state. The director may make
4 refunds from the amounts in the fund and credited to the district
5 for erroneous payments and overpayments made, and may redeem
6 dishonored checks and drafts deposited to the credit of such
7 county.

8 9. All exemptions granted to agencies of government,
9 organizations, persons and to the sale of certain articles and
10 items of tangible personal property and taxable services pursuant
11 to the provisions of sections 144.010 to 144.525 are hereby made
12 applicable to the imposition and collection of the tax imposed by
13 this section.

14 10. The same sales tax permit, exemption certificate and
15 retail certificate required by sections 144.010 to 144.525 for
16 the administration and collection of the state sales tax shall
17 satisfy the requirements of this section, and no additional
18 permit or exemption certificate or retail certificate shall be
19 required; except that the museum and cultural district may
20 prescribe a form of exemption certificate for an exemption from
21 the tax imposed by this section.

22 11. The penalties provided in section 32.057 and sections
23 144.010 to 144.525 for violation of those sections are hereby
24 made applicable to violations of this section.

25 12. For the purpose of a sales tax imposed by a resolution
26 pursuant to this section, all retail sales except retail sales of
27 motor vehicles shall be deemed to be consummated at the place of
28 business of the retailer unless the tangible personal property

1 sold is delivered by the retailer or the retailer's agent to an
2 out-of-state destination or to a common carrier for delivery to
3 an out-of-state destination. In the event a retailer has more
4 than one place of business in this state which participates in
5 the sale, the sale shall be deemed to be consummated at the place
6 of business of the retailer where the initial order for the
7 tangible personal property is taken, even though the order shall
8 be forwarded elsewhere for acceptance, approval of credit,
9 shipment or billing. A sale by a retailer's employee shall be
10 deemed to be consummated at the place of business from which the
11 employee works.

12 13. All sales taxes collected by the museum and cultural
13 district shall be deposited by the museum and cultural district
14 in a special fund to be expended for the purposes authorized in
15 this section. The museum and cultural district shall keep
16 accurate records of the amount of money which was collected
17 pursuant to this section, and the records shall be open to the
18 inspection by the officers and directors of each museum and
19 cultural district and the Missouri department of revenue. Tax
20 returns filed by businesses within the district shall otherwise
21 be considered as confidential in the same manner as sales tax
22 returns filed with the Missouri department of revenue.

23 14. No museum and cultural district imposing a sales tax
24 pursuant to this section may repeal or amend such sales tax
25 unless such repeal or amendment will not impair the district's
26 ability to repay any liabilities which it has incurred, money
27 which it has borrowed or revenue bonds, notes or other
28 obligations which it has issued or which have been issued to

1 finance any project or projects.

2 184.847. 1. The board of a district may impose an
3 admissions fee on every person, firm, association, company or
4 partnership of whatever form offering or managing any form of
5 entertainment, amusement, athletic or other commercial or
6 nonprofit event or venue for which admission is charged and which
7 is presented within the district. The fee shall be at a rate of
8 no more than one dollar per seat or admission sold. This fee is
9 in addition to any state or local tax. Such admission fee may be
10 imposed for any museum and cultural purpose designated by the
11 board of the museum and cultural district. If the resolution is
12 adopted, the board of the district may submit the question of
13 whether to impose such admission fee authorized by this section
14 to the qualified voters, who shall have the same voting interests
15 as with the election of members of the board of the district.
16 The question shall specify the particular types of events or
17 venues that shall be subject to such admission fee.

18 2. The admission fee authorized by this section shall
19 become effective on the first day of the second calendar quarter
20 following the adoption of the admission fee by the qualified
21 voters.

22 3. All revenue received by a museum and cultural district
23 from the admission fee authorized by this section shall be
24 deposited into a special trust fund and shall be used solely for
25 such designated purpose. All funds remaining in the special
26 trust fund shall continue to be used solely for such designated
27 museum or cultural purpose. Any funds in such special trust fund
28 which are not needed for current expenditures may be invested by

1 the board of directors in accordance with applicable laws
2 relating to the investment of other museum and cultural district
3 funds.

4 4. On and after the effective date of any admission fee
5 imposed pursuant to this section, the museum and cultural
6 district shall perform all functions incident to the
7 administration, collection, enforcement, and operation of the
8 admission fee. The admission fee imposed under this section
9 shall be collected and reported upon such forms and under such
10 administrative rules and regulations as may be prescribed by the
11 museum and cultural district.

12 184.850. 1. A district may contract and incur obligations
13 appropriate to accomplish its purposes.

14 2. A district may enter into any lease or lease-purchase
15 agreement for or with respect to any real or personal property
16 necessary or convenient for its purposes.

17 3. A district may enter into operating agreements and/or
18 management agreements [with not-for-profit corporations] to
19 operate [the] a museum or cultural asset or carry out any other
20 authorized purposes or functions of the district.

21 4. A district may borrow money for its purposes at such
22 rates of interest as the district may determine.

23 5. A district may issue bonds, notes and other obligations,
24 and may secure any of such obligations by mortgage, pledge,
25 assignment, security agreement or deed of trust of any or all of
26 the property and income of the district, subject to the
27 restrictions provided in sections 184.800 to 184.880. The
28 district shall also have the power and authority to secure

1 financing on the issuance of bonds for financing through another
2 political subdivision or an agency of the state.

3 6. A district may enter into labor agreements, establish
4 all bid conditions, decide all contract awards, pay all
5 contractors and generally supervise the construction of [the] a
6 museum or cultural asset project.

7 7. A district may hire employees, enter leases and
8 contracts, and otherwise take such actions and enter into such
9 agreements as are necessary or incidental to the ownership,
10 operation, and maintenance of each museum and each cultural asset
11 within the district.

12 184.865. The district may contract with a federal agency, a
13 state or its agencies and political subdivisions, a corporation,
14 partnership or limited partnership, limited liability company, or
15 individual regarding funding, promotion, planning, designing,
16 constructing, improving, maintaining, or operating [a project]
17 any museum or cultural asset within the district or to assist in
18 such activity[; provided, however, that any contract providing
19 for the overall management and operation of the museum for the
20 district shall only be with a governmental entity or a
21 not-for-profit corporation].

22 198.345. Nothing in sections 198.200 to 198.350 shall
23 prohibit a nursing home district from establishing and
24 maintaining apartments for seniors that provide at a minimum
25 housing[,] and food services[, and emergency call buttons to the
26 apartment residents] in any county of the third or fourth
27 classification [without a township form of government and with
28 more than twenty-eight thousand two hundred but fewer than

1 twenty-eight thousand three hundred inhabitants or any county of
2 the third classification without a township form of government
3 and with more than nine thousand five hundred fifty but fewer
4 than nine thousand six hundred fifty inhabitants] within its
5 corporate limits. Such nursing home districts shall not lease
6 such apartments for less than fair market rent as reported by the
7 United States Department of Housing and Urban Development.

8 302.060. 1. The director shall not issue any license and
9 shall immediately deny any driving privilege:

10 (1) To any person who is under the age of eighteen years,
11 if such person operates a motor vehicle in the transportation of
12 persons or property as classified in section 302.015;

13 (2) To any person who is under the age of sixteen years,
14 except as hereinafter provided;

15 (3) To any person whose license has been suspended, during
16 such suspension, or to any person whose license has been revoked,
17 until the expiration of one year after such license was revoked;

18 (4) To any person who is an habitual drunkard or is
19 addicted to the use of narcotic drugs;

20 (5) To any person who has previously been adjudged to be
21 incapacitated and who at the time of application has not been
22 restored to partial capacity;

23 (6) To any person who, when required by this law to take an
24 examination, has failed to pass such examination;

25 (7) To any person who has an unsatisfied judgment against
26 such person, as defined in chapter 303, until such judgment has
27 been satisfied or the financial responsibility of such person, as
28 defined in section 303.120, has been established;

1 (8) To any person whose application shows that the person
2 has been convicted within one year prior to such application of
3 violating the laws of this state relating to failure to stop
4 after an accident and to disclose the person's identity or
5 driving a motor vehicle without the owner's consent;

6 (9) To any person who has been convicted more than twice of
7 violating state law, or a county or municipal ordinance where the
8 defendant was represented by or waived the right to an attorney
9 in writing, relating to driving while intoxicated; except that,
10 after the expiration of ten years from the date of conviction of
11 the last offense of violating such law or ordinance relating to
12 driving while intoxicated, a person who was so convicted may
13 petition the circuit court of the county in which such last
14 conviction was rendered and the court shall review the person's
15 habits and conduct since such conviction, including the results
16 of a criminal history check as defined in section 302.010. If
17 the court finds that the petitioner has not been convicted, pled
18 guilty to or been found guilty of, and has no pending charges for
19 any offense related to alcohol, controlled substances or drugs
20 and has no other alcohol-related enforcement contacts as defined
21 in section 302.525 during the preceding ten years and that the
22 petitioner's habits and conduct show such petitioner to no longer
23 pose a threat to the public safety of this state, the court [may]
24 shall order the director to issue a license to the petitioner if
25 the petitioner is otherwise qualified pursuant to the provisions
26 of sections 302.010 to 302.540. No person may obtain a license
27 pursuant to the provisions of this subdivision through court
28 action more than one time;

1 (10) To any person who has pled guilty to or been convicted
2 of the crime of involuntary manslaughter while operating a motor
3 vehicle in an intoxicated condition, or to any person who has
4 been convicted twice within a five-year period of violating state
5 law, county or municipal ordinance of driving while intoxicated,
6 or any other intoxication-related traffic offense as defined in
7 section 577.023, except that, after the expiration of five years
8 from the date of conviction of the last offense of violating such
9 law or ordinance, a person who was so convicted may petition the
10 circuit court of the county in which such last conviction was
11 rendered and the court shall review the person's habits and
12 conduct since such conviction, including the results of a
13 criminal history check as defined in section 302.010. If the
14 court finds that the petitioner has not been convicted, pled
15 guilty to, or been found guilty of, and has no pending charges
16 for any offense related to alcohol, controlled substances, or
17 drugs and has no other alcohol-related enforcement contacts as
18 defined in section 302.525 during the preceding five years, and
19 that the petitioner's habits and conduct show such petitioner to
20 no longer pose a threat to the public safety of this state, the
21 court ~~may~~ shall order the director to issue a license to the
22 petitioner if the petitioner is otherwise qualified pursuant to
23 the provisions of sections 302.010 to 302.540;

24 (11) To any person who is otherwise disqualified pursuant
25 to the provisions of sections 302.010 to 302.780, chapter 303, or
26 section 544.046;

27 (12) To any person who is under the age of eighteen years,
28 if such person's parents or legal guardians file a certified

1 document with the department of revenue stating that the director
2 shall not issue such person a driver's license. Each document
3 filed by the person's parents or legal guardians shall be made
4 upon a form furnished by the director and shall include
5 identifying information of the person for whom the parents or
6 legal guardians are denying the driver's license. The document
7 shall also contain identifying information of the person's
8 parents or legal guardians. The document shall be certified by
9 the parents or legal guardians to be true and correct. This
10 provision shall not apply to any person who is legally
11 emancipated. The parents or legal guardians may later file an
12 additional document with the department of revenue which
13 reinstates the person's ability to receive a driver's license.

14 2. Any person whose license is reinstated under the
15 provisions of [subdivisions (9) and (10)] subdivision (9) or (10)
16 of subsection 1 of this section shall be required to file proof
17 with the director of revenue that any motor vehicle operated by
18 the person is equipped with a functioning, certified ignition
19 interlock device as a required condition of reinstatement. The
20 ignition interlock device required for reinstatement under this
21 subsection and for obtaining a limited driving privilege under
22 paragraph (a) or (b) of subdivision (8) of subsection 3 of
23 section 302.309 shall have photo identification technology and
24 global positioning system features. The ignition interlock
25 device shall further be required to be maintained on all motor
26 vehicles operated by the person for a period of not less than six
27 months immediately following the date of reinstatement. If the
28 monthly monitoring reports show that the ignition interlock

1 device has registered any confirmed blood alcohol concentration
2 readings above the alcohol setpoint established by the department
3 of transportation or that the person has tampered with or
4 circumvented the ignition interlock device, then the period for
5 which the person must maintain the ignition interlock device
6 following the date of reinstatement shall be extended for an
7 additional six months. If the person fails to maintain such
8 proof with the director, the license shall be suspended for the
9 remainder of the six-month period or until proof as required by
10 this section is filed with the director. Upon the completion of
11 the six-month period, the license shall be shown as reinstated,
12 if the person is otherwise eligible.

13 3. Any person who petitions the court for reinstatement of
14 his or her license pursuant to subdivision (9) or (10) of
15 subsection 1 of this section shall make application with the
16 Missouri state highway patrol as provided in section 43.540, and
17 shall submit two sets of fingerprints collected pursuant to
18 standards as determined by the highway patrol. One set of
19 fingerprints shall be used by the highway patrol to search the
20 criminal history repository and the second set shall be forwarded
21 to the Federal Bureau of Investigation for searching the federal
22 criminal history files. At the time of application, the
23 applicant shall supply to the highway patrol the court name and
24 case number for the court where he or she has filed his or her
25 petition for reinstatement. The applicant shall pay the fee for
26 the state criminal history check pursuant to section 43.530 and
27 pay the appropriate fee determined by the Federal Bureau of
28 Investigation for the federal criminal history record. The

1 Missouri highway patrol, upon receipt of the results of the
2 criminal history check, shall forward a copy of the results to
3 the circuit court designated by the applicant and to the
4 department. Notwithstanding the provisions of section 610.120,
5 all records related to any criminal history check shall be
6 accessible and available to the director and the court.

7 [302.060. 1. The director shall not issue any
8 license and shall immediately deny any driving
9 privilege:

10 (1) To any person who is under the age of
11 eighteen years, if such person operates a motor vehicle
12 in the transportation of persons or property as
13 classified in section 302.015;

14 (2) To any person who is under the age of sixteen
15 years, except as hereinafter provided;

16 (3) To any person whose license has been
17 suspended, during such suspension, or to any person
18 whose license has been revoked, until the expiration of
19 one year after such license was revoked;

20 (4) To any person who is an habitual drunkard or
21 is addicted to the use of narcotic drugs;

22 (5) To any person who has previously been
23 adjudged to be incapacitated and who at the time of
24 application has not been restored to partial capacity;

25 (6) To any person who, when required by this law
26 to take an examination, has failed to pass such
27 examination;

28 (7) To any person who has an unsatisfied judgment
29 against such person, as defined in chapter 303, until
30 such judgment has been satisfied or the financial
31 responsibility of such person, as defined in section
32 303.120, has been established;

33 (8) To any person whose application shows that
34 the person has been convicted within one year prior to
35 such application of violating the laws of this state
36 relating to failure to stop after an accident and to
37 disclose the person's identity or driving a motor
38 vehicle without the owner's consent;

39 (9) To any person who has been convicted more
40 than twice of violating state law, or a county or
41 municipal ordinance where the defendant was represented
42 by or waived the right to an attorney in writing,
43 relating to driving while intoxicated; except that,
44 after the expiration of ten years from the date of
45 conviction of the last offense of violating such law or
46 ordinance relating to driving while intoxicated, a

1 person who was so convicted may petition the circuit
2 court of the county in which such last conviction was
3 rendered and the court shall review the person's habits
4 and conduct since such conviction, including the
5 results of a criminal history check as defined in
6 section 302.010. If the court finds that the
7 petitioner has not been convicted, pled guilty to or
8 been found guilty of, and has no pending charges for
9 any offense related to alcohol, controlled substances
10 or drugs and has no other alcohol-related enforcement
11 contacts as defined in section 302.525 during the
12 preceding ten years and that the petitioner's habits
13 and conduct show such petitioner to no longer pose a
14 threat to the public safety of this state, the court
15 may order the director to issue a license to the
16 petitioner if the petitioner is otherwise qualified
17 pursuant to the provisions of sections 302.010 to
18 302.540. No person may obtain a license pursuant to
19 the provisions of this subdivision through court action
20 more than one time;

21 (10) To any person who has pled guilty to or been
22 convicted of the crime of involuntary manslaughter
23 while operating a motor vehicle in an intoxicated
24 condition, or to any person who has been convicted
25 twice within a five-year period of violating state law,
26 county or municipal ordinance of driving while
27 intoxicated, or any other intoxication-related traffic
28 offense as defined in section 577.023, except that,
29 after the expiration of five years from the date of
30 conviction of the last offense of violating such law or
31 ordinance, a person who was so convicted may petition
32 the circuit court of the county in which such last
33 conviction was rendered and the court shall review the
34 person's habits and conduct since such conviction,
35 including the results of a criminal history check as
36 defined in section 302.010. If the court finds that
37 the petitioner has not been convicted, pled guilty to,
38 or been found guilty of, and has no pending charges for
39 any offense related to alcohol, controlled substances,
40 or drugs and has no other alcohol-related enforcement
41 contacts as defined in section 302.525 during the
42 preceding five years, and that the petitioner's habits
43 and conduct show such petitioner to no longer pose a
44 threat to the public safety of this state, the court
45 may order the director to issue a license to the
46 petitioner if the petitioner is otherwise qualified
47 pursuant to the provisions of sections 302.010 to
48 302.540;

49 (11) To any person who is otherwise disqualified
50 pursuant to the provisions of sections 302.010 to
51 302.780, chapter 303, or section 544.046;

1 (12) To any person who is under the age of
2 eighteen years, if such person's parents or legal
3 guardians file a certified document with the department
4 of revenue stating that the director shall not issue
5 such person a driver's license. Each document filed by
6 the person's parents or legal guardians shall be made
7 upon a form furnished by the director and shall include
8 identifying information of the person for whom the
9 parents or legal guardians are denying the driver's
10 license. The document shall also contain identifying
11 information of the person's parents or legal guardians.
12 The document shall be certified by the parents or legal
13 guardians to be true and correct. This provision shall
14 not apply to any person who is legally emancipated.
15 The parents or legal guardians may later file an
16 additional document with the department of revenue
17 which reinstates the person's ability to receive a
18 driver's license.

19 2. Any person whose license is reinstated under
20 the provisions of subdivisions (9) and (10) of
21 subsection 1 of this section shall be required to file
22 proof with the director of revenue that any motor
23 vehicle operated by the person is equipped with a
24 functioning, certified ignition interlock device as a
25 required condition of reinstatement. The ignition
26 interlock device shall further be required to be
27 maintained on all motor vehicles operated by the person
28 for a period of not less than six months immediately
29 following the date of reinstatement. If the person
30 fails to maintain such proof with the director, the
31 license shall be suspended for the remainder of the
32 six-month period or until proof as required by this
33 section is filed with the director. Upon the
34 completion of the six-month period, the license shall
35 be shown as reinstated, if the person is otherwise
36 eligible.

37 3. Any person who petitions the court for
38 reinstatement of his or her license pursuant to
39 subdivision (9) or (10) of subsection 1 of this section
40 shall make application with the Missouri state highway
41 patrol as provided in section 43.540, and shall submit
42 two sets of fingerprints collected pursuant to
43 standards as determined by the highway patrol. One set
44 of fingerprints shall be used by the highway patrol to
45 search the criminal history repository and the second
46 set shall be forwarded to the Federal Bureau of
47 Investigation for searching the federal criminal
48 history files. At the time of application, the
49 applicant shall supply to the highway patrol the court
50 name and case number for the court where he or she has
51 filed his or her petition for reinstatement. The

1 applicant shall pay the fee for the state criminal
2 history check pursuant to section 43.530 and pay the
3 appropriate fee determined by the Federal Bureau of
4 Investigation for the federal criminal history record.
5 The Missouri highway patrol, upon receipt of the
6 results of the criminal history check, shall forward a
7 copy of the results to the circuit court designated by
8 the applicant and to the department. Notwithstanding
9 the provisions of section 610.120, all records related
10 to any criminal history check shall be accessible and
11 available to the director and the court.]
12

13 302.302. 1. The director of revenue shall put into effect
14 a point system for the suspension and revocation of licenses.
15 Points shall be assessed only after a conviction or forfeiture of
16 collateral. The initial point value is as follows:

17 (1) Any moving violation of a state law or county or
18 municipal or federal traffic ordinance or regulation not listed
19 in this section, other than a violation of vehicle equipment
20 provisions or a court-ordered supervision as provided in section
21 302.303.. 2 points
22 (except any violation of municipal stop sign ordinance where no
23 accident

24 is involved.. 1 point)

25 (2) Speeding
26 In violation of a state law.. 3 points
27 In violation of a county or municipal ordinance.. . . 2 points

28 (3) Leaving the scene of an accident in violation of
29 section 577.060.. 12 points
30 In violation of any county or municipal ordinance.. . 6 points

31 (4) Careless and imprudent driving in violation of
32 subsection 4 of
33 section 304.016.. 4 points
34 In violation of a county or municipal ordinance.. . . 2 points

- 1 (5) Operating without a valid license in violation of
- 2 subdivision (1) or (2) of subsection 1 of section 302.020:
- 3 (a) For the first conviction. 2 points
- 4 (b) For the second conviction.. . . . 4 points
- 5 (c) For the third conviction. 6 points
- 6 (6) Operating with a suspended or revoked license prior to
- 7 restoration of operating privileges.. . . . 12 points
- 8 (7) Obtaining a license by misrepresentation. . . 12 points
- 9 (8) For the first conviction of driving while in an
- 10 intoxicated condition or under the influence of controlled
- 11 substances or drugs.. . . . 8 points
- 12 (9) For the second or subsequent conviction of any of the
- 13 following offenses however combined: driving while in an
- 14 intoxicated condition, driving under the influence of controlled
- 15 substances or drugs or driving with a blood alcohol content of
- 16 eight-hundredths of one percent or more by weight.. . 12 points
- 17 (10) For the first conviction for driving with blood
- 18 alcohol content eight-hundredths of one percent or more by weight
- 19 In violation of state law.. . . . 8 points
- 20 In violation of a county or municipal ordinance or federal law or
- 21 regulation. 8 points
- 22 (11) Any felony involving the use of a motor vehicle. . . 2 points
- 23 (12) Knowingly permitting unlicensed operator to operate a
- 24 motor vehicle. . . 4 points
- 25 (13) For a conviction for failure to maintain financial
- 26 responsibility pursuant to county or municipal ordinance or
- 27 pursuant to section 303.025.. . . . 4 points
- 28 (14) Endangerment of a highway worker in violation of

1 section 304.585.. 4 points

2 (15) Aggravated endangerment of a highway worker in
3 violation of

4 section 304.585.. 12 points

5 (16) For a conviction of violating a municipal ordinance
6 that prohibits tow truck operators from stopping at or proceeding
7 to the scene of an accident unless they have been requested to
8 stop or proceed to such scene by a party involved in such
9 accident or by an officer of a public safety agency.. 4 points

10 2. The director shall, as provided in subdivision (5) of
11 subsection 1 of this section, assess an operator points for a
12 conviction pursuant to subdivision (1) or (2) of subsection 1 of
13 section 302.020, when the director issues such operator a license
14 or permit pursuant to the provisions of sections 302.010 to
15 302.340.

16 3. An additional two points shall be assessed when personal
17 injury or property damage results from any violation listed in
18 subdivisions (1) to (13) of subsection 1 of this section and if
19 found to be warranted and certified by the reporting court.

20 4. When any of the acts listed in subdivision (2), (3), (4)
21 or (8) of subsection 1 of this section constitutes both a
22 violation of a state law and a violation of a county or municipal
23 ordinance, points may be assessed for either violation but not
24 for both. Notwithstanding that an offense arising out of the
25 same occurrence could be construed to be a violation of
26 subdivisions (8), (9) and (10) of subsection 1 of this section,
27 no person shall be tried or convicted for more than one offense
28 pursuant to subdivisions (8), (9) and (10) of subsection 1 of

1 this section for offenses arising out of the same occurrence.

2 5. The director of revenue shall put into effect a system
3 for staying the assessment of points against an operator. The
4 system shall provide that the satisfactory completion of a
5 driver-improvement program or, in the case of violations
6 committed while operating a motorcycle, a motorcycle-rider
7 training course approved by the state highways and transportation
8 commission, by an operator, when so ordered and verified by any
9 court having jurisdiction over any law of this state or county or
10 municipal ordinance, regulating motor vehicles, other than a
11 violation committed in a commercial motor vehicle as defined in
12 section 302.700 or a violation committed by an individual who has
13 been issued a commercial driver's license or is required to
14 obtain a commercial driver's license in this state or any other
15 state, shall be accepted by the director in lieu of the
16 assessment of points for a violation pursuant to subdivision (1),
17 (2) or (4) of subsection 1 of this section or pursuant to
18 subsection 3 of this section. The operator shall be given the
19 option to complete the driver-improvement program through an
20 online or in-person course. A court using a centralized
21 violation bureau established under section 476.385 may elect to
22 have the bureau order and verify completion of a
23 driver-improvement program or motorcycle-rider training course as
24 prescribed by order of the court. For the purposes of this
25 subsection, the driver-improvement program shall meet or exceed
26 the standards of the National Safety Council's eight-hour
27 "Defensive Driving Course" or, in the case of a violation which
28 occurred during the operation of a motorcycle, the program shall

1 meet the standards established by the state highways and
2 transportation commission pursuant to sections 302.133 to
3 302.137. The completion of a driver-improvement program or a
4 motorcycle-rider training course shall not be accepted in lieu of
5 points more than one time in any thirty-six-month period and
6 shall be completed within sixty days of the date of conviction in
7 order to be accepted in lieu of the assessment of points. Every
8 court having jurisdiction pursuant to the provisions of this
9 subsection shall, within fifteen days after completion of the
10 driver-improvement program or motorcycle-rider training course by
11 an operator, forward a record of the completion to the director,
12 all other provisions of the law to the contrary notwithstanding.
13 The director shall establish procedures for record keeping and
14 the administration of this subsection.

15 302.304. 1. The director shall notify by ordinary mail any
16 operator of the point value charged against the operator's record
17 when the record shows four or more points have been accumulated
18 in a twelve-month period.

19 2. In an action to suspend or revoke a license or driving
20 privilege under this section points shall be accumulated on the
21 date of conviction. No case file of any conviction for a driving
22 violation for which points may be assessed pursuant to section
23 302.302 may be closed until such time as a copy of the record of
24 such conviction is forwarded to the department of revenue.

25 3. The director shall suspend the license and driving
26 privileges of any person whose driving record shows the driver
27 has accumulated eight points in eighteen months.

28 4. The license and driving privilege of any person whose

1 license and driving privilege have been suspended under the
2 provisions of sections 302.010 to 302.540 except those persons
3 whose license and driving privilege have been suspended under the
4 provisions of subdivision (8) of subsection 1 of section 302.302
5 or has accumulated sufficient points together with a conviction
6 under subdivision (10) of subsection 1 of section 302.302 and who
7 has filed proof of financial responsibility with the department
8 of revenue, in accordance with chapter 303, and is otherwise
9 eligible, shall be reinstated as follows:

10 (1) In the case of an initial suspension, thirty days after
11 the effective date of the suspension;

12 (2) In the case of a second suspension, sixty days after
13 the effective date of the suspension;

14 (3) In the case of the third and subsequent suspensions,
15 ninety days after the effective date of the suspension.

16 Unless proof of financial responsibility is filed with the
17 department of revenue, a suspension shall continue in effect for
18 two years from its effective date.

19 5. The period of suspension of the driver's license and
20 driving privilege of any person under the provisions of
21 subdivision (8) of subsection 1 of section 302.302 or who has
22 accumulated sufficient points together with a conviction under
23 subdivision (10) of subsection 1 of section 302.302 shall be
24 thirty days, followed by a sixty-day period of restricted driving
25 privilege as defined in section 302.010. Upon completion of such
26 period of restricted driving privilege, upon compliance with
27 other requirements of law and upon filing of proof of financial
28 responsibility with the department of revenue, in accordance with

1 chapter 303, the license and driving privilege shall be
2 reinstated. If a person, otherwise subject to the provisions of
3 this subsection, files proof of installation with the department
4 of revenue that any vehicle operated by such person is equipped
5 with a functioning, certified ignition interlock device, [then
6 the] there shall be no period of suspension [shall be fifteen
7 days, followed by a seventy-five]. However, in lieu of a
8 suspension the person shall instead complete a ninety-day period
9 of restricted driving privilege. If the person fails to maintain
10 such proof of the device with the director of revenue as
11 required, the restricted driving privilege shall be terminated.
12 Upon completion of such [seventy-five day] ninety-day period of
13 restricted driving privilege, upon compliance with other
14 requirements of law, and upon filing of proof of financial
15 responsibility with the department of revenue, in accordance with
16 chapter 303, the license and driving privilege shall be
17 reinstated. However, if the monthly monitoring reports during
18 such [seventy-five day] ninety-day period indicate that the
19 ignition interlock device has registered a confirmed blood
20 alcohol concentration level above the alcohol setpoint
21 established by the department of transportation or such reports
22 indicate that the ignition interlock device has been tampered
23 with or circumvented, then the license and driving privilege of
24 such person shall not be reinstated until the person completes an
25 additional [seventy-five day] thirty-day period of restricted
26 driving privilege [without any such violations].

27 6. If the person fails to maintain proof of financial
28 responsibility in accordance with chapter 303, or, if applicable,

1 if the person fails to maintain proof that any vehicle operated
2 is equipped with a functioning, certified ignition interlock
3 device installed pursuant to subsection 5 of this section, the
4 person's driving privilege and license shall be resuspended.

5 7. The director shall revoke the license and driving
6 privilege of any person when the person's driving record shows
7 such person has accumulated twelve points in twelve months or
8 eighteen points in twenty-four months or twenty-four points in
9 thirty-six months. The revocation period of any person whose
10 license and driving privilege have been revoked under the
11 provisions of sections 302.010 to 302.540 and who has filed proof
12 of financial responsibility with the department of revenue in
13 accordance with chapter 303 and is otherwise eligible, shall be
14 terminated by a notice from the director of revenue after one
15 year from the effective date of the revocation. Unless proof of
16 financial responsibility is filed with the department of revenue,
17 except as provided in subsection 2 of section 302.541, the
18 revocation shall remain in effect for a period of two years from
19 its effective date. If the person fails to maintain proof of
20 financial responsibility in accordance with chapter 303, the
21 person's license and driving privilege shall be rerevoked. Any
22 person whose license and driving privilege have been revoked
23 under the provisions of sections 302.010 to 302.540 shall, upon
24 receipt of the notice of termination of the revocation from the
25 director, pass the complete driver examination and apply for a
26 new license before again operating a motor vehicle upon the
27 highways of this state.

28 8. If, prior to conviction for an offense that would

1 require suspension or revocation of a person's license under the
2 provisions of this section, the person's total points accumulated
3 are reduced, pursuant to the provisions of section 302.306, below
4 the number of points required for suspension or revocation
5 pursuant to the provisions of this section, then the person's
6 license shall not be suspended or revoked until the necessary
7 points are again obtained and accumulated.

8 9. If any person shall neglect or refuse to surrender the
9 person's license, as provided herein, the director shall direct
10 the state highway patrol or any peace or police officer to secure
11 possession thereof and return it to the director.

12 10. Upon the issuance of a reinstatement or termination
13 notice after a suspension or revocation of any person's license
14 and driving privilege under the provisions of sections 302.010 to
15 302.540, the accumulated point value shall be reduced to four
16 points, except that the points of any person serving as a member
17 of the Armed Forces of the United States outside the limits of
18 the United States during a period of suspension or revocation
19 shall be reduced to zero upon the date of the reinstatement or
20 termination of notice. It shall be the responsibility of such
21 member of the Armed Forces to submit copies of official orders to
22 the director of revenue to substantiate such overseas service.
23 Any other provision of sections 302.010 to 302.540 to the
24 contrary notwithstanding, the effective date of the four points
25 remaining on the record upon reinstatement or termination shall
26 be the date of the reinstatement or termination notice.

27 11. No credit toward reduction of points shall be given
28 during periods of suspension or revocation or any period of

1 driving under a limited driving privilege granted by a court or
2 the director of revenue.

3 12. Any person or nonresident whose license or privilege to
4 operate a motor vehicle in this state has been suspended or
5 revoked under this or any other law shall, before having the
6 license or privilege to operate a motor vehicle reinstated, pay
7 to the director a reinstatement fee of twenty dollars which shall
8 be in addition to all other fees provided by law.

9 13. Notwithstanding any other provision of law to the
10 contrary, if after two years from the effective date of any
11 suspension or revocation issued under this chapter, the person or
12 nonresident has not paid the reinstatement fee of twenty dollars,
13 the director shall reinstate such license or privilege to operate
14 a motor vehicle in this state.

15 14. No person who has had a license to operate a motor
16 vehicle suspended or revoked as a result of an assessment of
17 points for a violation under subdivision (8), (9) or (10) of
18 subsection 1 of section 302.302 shall have that license
19 reinstated until such person has participated in and successfully
20 completed a substance abuse traffic offender program defined in
21 section 302.010, or a program determined to be comparable by the
22 department of mental health. Assignment recommendations, based
23 upon the needs assessment as described in subdivision [(22)] (24)
24 of section 302.010, shall be delivered in writing to the person
25 with written notice that the person is entitled to have such
26 assignment recommendations reviewed by the court if the person
27 objects to the recommendations. The person may file a motion in
28 the associate division of the circuit court of the county in

1 which such assignment was given, on a printed form provided by
2 the state courts administrator, to have the court hear and
3 determine such motion pursuant to the provisions of chapter 517.
4 The motion shall name the person or entity making the needs
5 assessment as the respondent and a copy of the motion shall be
6 served upon the respondent in any manner allowed by law. Upon
7 hearing the motion, the court may modify or waive any assignment
8 recommendation that the court determines to be unwarranted based
9 upon a review of the needs assessment, the person's driving
10 record, the circumstances surrounding the offense, and the
11 likelihood of the person committing a like offense in the future,
12 except that the court may modify but may not waive the assignment
13 to an education or rehabilitation program of a person determined
14 to be a prior or persistent offender as defined in section
15 577.023 or of a person determined to have operated a motor
16 vehicle with fifteen-hundredths of one percent or more by weight
17 in such person's blood. Compliance with the court determination
18 of the motion shall satisfy the provisions of this section for
19 the purpose of reinstating such person's license to operate a
20 motor vehicle. The respondent's personal appearance at any
21 hearing conducted pursuant to this subsection shall not be
22 necessary unless directed by the court.

23 15. The fees for the program authorized in subsection 14 of
24 this section, or a portion thereof to be determined by the
25 department of mental health, shall be paid by the person enrolled
26 in the program. Any person who is enrolled in the program shall
27 pay, in addition to any fee charged for the program, a
28 supplemental fee in an amount to be determined by the department

1 of mental health for the purposes of funding the substance abuse
2 traffic offender program defined in section 302.010 and section
3 577.001 or a program determined to be comparable by the
4 department of mental health. The administrator of the program
5 shall remit to the division of alcohol and drug abuse of the
6 department of mental health on or before the fifteenth day of
7 each month the supplemental fee for all persons enrolled in the
8 program, less two percent for administrative costs. Interest
9 shall be charged on any unpaid balance of the supplemental fees
10 due the division of alcohol and drug abuse pursuant to this
11 section and shall accrue at a rate not to exceed the annual rate
12 established pursuant to the provisions of section 32.065, plus
13 three percentage points. The supplemental fees and any interest
14 received by the department of mental health pursuant to this
15 section shall be deposited in the mental health earnings fund
16 which is created in section 630.053.

17 16. Any administrator who fails to remit to the division of
18 alcohol and drug abuse of the department of mental health the
19 supplemental fees and interest for all persons enrolled in the
20 program pursuant to this section shall be subject to a penalty
21 equal to the amount of interest accrued on the supplemental fees
22 due the division pursuant to this section. If the supplemental
23 fees, interest, and penalties are not remitted to the division of
24 alcohol and drug abuse of the department of mental health within
25 six months of the due date, the attorney general of the state of
26 Missouri shall initiate appropriate action of the collection of
27 said fees and interest accrued. The court shall assess attorney
28 fees and court costs against any delinquent program.

1 17. Any person who has had a license to operate a motor
2 vehicle suspended or revoked as a result of an assessment of
3 points for a [violation under subdivision (9) of subsection 1 of
4 section 302.302] conviction for an intoxication-related traffic
5 offense as defined under section 577.023, and who has a prior
6 alcohol-related enforcement contact as defined under section
7 302.525, shall be required to file proof with the director of
8 revenue that any motor vehicle operated by the person is equipped
9 with a functioning, certified ignition interlock device as a
10 required condition of reinstatement of the license. The ignition
11 interlock device shall further be required to be maintained on
12 all motor vehicles operated by the person for a period of not
13 less than six months immediately following the date of
14 reinstatement. If the monthly monitoring reports show that the
15 ignition interlock device has registered any confirmed blood
16 alcohol concentration readings above the alcohol setpoint
17 established by the department of transportation or that the
18 person has tampered with or circumvented the ignition interlock
19 device, then the period for which the person must maintain the
20 ignition interlock device following the date of reinstatement
21 shall be extended for an additional six months. If the person
22 fails to maintain such proof with the director, the license shall
23 be resuspended or revoked and the person shall be guilty of a
24 class A misdemeanor.

25 [302.304. 1. The director shall notify by
26 ordinary mail any operator of the point value charged
27 against the operator's record when the record shows
28 four or more points have been accumulated in a
29 twelve-month period.

30 2. In an action to suspend or revoke a license or
31 driving privilege under this section points shall be

1 accumulated on the date of conviction. No case file of
2 any conviction for a driving violation for which points
3 may be assessed pursuant to section 302.302 may be
4 closed until such time as a copy of the record of such
5 conviction is forwarded to the department of revenue.

6 3. The director shall suspend the license and
7 driving privileges of any person whose driving record
8 shows the driver has accumulated eight points in
9 eighteen months.

10 4. The license and driving privilege of any
11 person whose license and driving privilege have been
12 suspended under the provisions of sections 302.010 to
13 302.540 except those persons whose license and driving
14 privilege have been suspended under the provisions of
15 subdivision (8) of subsection 1 of section 302.302 or
16 has accumulated sufficient points together with a
17 conviction under subdivision (10) of subsection 1 of
18 section 302.302 and who has filed proof of financial
19 responsibility with the department of revenue, in
20 accordance with chapter 303, and is otherwise eligible,
21 shall be reinstated as follows:

22 (1) In the case of an initial suspension, thirty
23 days after the effective date of the suspension;

24 (2) In the case of a second suspension, sixty
25 days after the effective date of the suspension;

26 (3) In the case of the third and subsequent
27 suspensions, ninety days after the effective date of
28 the suspension.

29 Unless proof of financial responsibility is filed with
30 the department of revenue, a suspension shall continue
31 in effect for two years from its effective date.

32 5. The period of suspension of the driver's
33 license and driving privilege of any person under the
34 provisions of subdivision (8) of subsection 1 of
35 section 302.302 or who has accumulated sufficient
36 points together with a conviction under subdivision
37 (10) of subsection 1 of section 302.302 shall be thirty
38 days, followed by a sixty-day period of restricted
39 driving privilege as defined in section 302.010. Upon
40 completion of such period of restricted driving
41 privilege, upon compliance with other requirements of
42 law and upon filing of proof of financial
43 responsibility with the department of revenue, in
44 accordance with chapter 303, the license and driving
45 privilege shall be reinstated.

46 6. If the person fails to maintain proof of
47 financial responsibility in accordance with chapter
48 303, the person's driving privilege and license shall
49 be resuspended.

50 7. The director shall revoke the license and
51 driving privilege of any person when the person's

1 driving record shows such person has accumulated twelve
2 points in twelve months or eighteen points in
3 twenty-four months or twenty-four points in thirty-six
4 months. The revocation period of any person whose
5 license and driving privilege have been revoked under
6 the provisions of sections 302.010 to 302.540 and who
7 has filed proof of financial responsibility with the
8 department of revenue in accordance with chapter 303
9 and is otherwise eligible, shall be terminated by a
10 notice from the director of revenue after one year from
11 the effective date of the revocation. Unless proof of
12 financial responsibility is filed with the department
13 of revenue, except as provided in subsection 2 of
14 section 302.541, the revocation shall remain in effect
15 for a period of two years from its effective date. If
16 the person fails to maintain proof of financial
17 responsibility in accordance with chapter 303, the
18 person's license and driving privilege shall be
19 rerevoked. Any person whose license and driving
20 privilege have been revoked under the provisions of
21 sections 302.010 to 302.540 shall, upon receipt of the
22 notice of termination of the revocation from the
23 director, pass the complete driver examination and
24 apply for a new license before again operating a motor
25 vehicle upon the highways of this state.

26 8. If, prior to conviction for an offense that
27 would require suspension or revocation of a person's
28 license under the provisions of this section, the
29 person's total points accumulated are reduced, pursuant
30 to the provisions of section 302.306, below the number
31 of points required for suspension or revocation
32 pursuant to the provisions of this section, then the
33 person's license shall not be suspended or revoked
34 until the necessary points are again obtained and
35 accumulated.

36 9. If any person shall neglect or refuse to
37 surrender the person's license, as provided herein, the
38 director shall direct the state highway patrol or any
39 peace or police officer to secure possession thereof
40 and return it to the director.

41 10. Upon the issuance of a reinstatement or
42 termination notice after a suspension or revocation of
43 any person's license and driving privilege under the
44 provisions of sections 302.010 to 302.540, the
45 accumulated point value shall be reduced to four
46 points, except that the points of any person serving as
47 a member of the Armed Forces of the United States
48 outside the limits of the United States during a period
49 of suspension or revocation shall be reduced to zero
50 upon the date of the reinstatement or termination of
51 notice. It shall be the responsibility of such member

1 of the Armed Forces to submit copies of official orders
2 to the director of revenue to substantiate such
3 overseas service. Any other provision of sections
4 302.010 to 302.540 to the contrary notwithstanding, the
5 effective date of the four points remaining on the
6 record upon reinstatement or termination shall be the
7 date of the reinstatement or termination notice.

8 11. No credit toward reduction of points shall be
9 given during periods of suspension or revocation or any
10 period of driving under a limited driving privilege
11 granted by a court or the director of revenue.

12 12. Any person or nonresident whose license or
13 privilege to operate a motor vehicle in this state has
14 been suspended or revoked under this or any other law
15 shall, before having the license or privilege to
16 operate a motor vehicle reinstated, pay to the director
17 a reinstatement fee of twenty dollars which shall be in
18 addition to all other fees provided by law.

19 13. Notwithstanding any other provision of law to
20 the contrary, if after two years from the effective
21 date of any suspension or revocation issued under this
22 chapter, the person or nonresident has not paid the
23 reinstatement fee of twenty dollars, the director shall
24 reinstate such license or privilege to operate a motor
25 vehicle in this state.

26 14. No person who has had a license to operate a
27 motor vehicle suspended or revoked as a result of an
28 assessment of points for a violation under subdivision
29 (8), (9) or (10) of subsection 1 of section 302.302
30 shall have that license reinstated until such person
31 has participated in and successfully completed a
32 substance abuse traffic offender program defined in
33 section 302.010, or a program determined to be
34 comparable by the department of mental health.
35 Assignment recommendations, based upon the needs
36 assessment as described in subdivision (22) of section
37 302.010, shall be delivered in writing to the person
38 with written notice that the person is entitled to have
39 such assignment recommendations reviewed by the court
40 if the person objects to the recommendations. The
41 person may file a motion in the associate division of
42 the circuit court of the county in which such
43 assignment was given, on a printed form provided by the
44 state courts administrator, to have the court hear and
45 determine such motion pursuant to the provisions of
46 chapter 517. The motion shall name the person or
47 entity making the needs assessment as the respondent
48 and a copy of the motion shall be served upon the
49 respondent in any manner allowed by law. Upon hearing
50 the motion, the court may modify or waive any
51 assignment recommendation that the court determines to

1 be unwarranted based upon a review of the needs
2 assessment, the person's driving record, the
3 circumstances surrounding the offense, and the
4 likelihood of the person committing a like offense in
5 the future, except that the court may modify but may
6 not waive the assignment to an education or
7 rehabilitation program of a person determined to be a
8 prior or persistent offender as defined in section
9 577.023 or of a person determined to have operated a
10 motor vehicle with fifteen-hundredths of one percent or
11 more by weight in such person's blood. Compliance with
12 the court determination of the motion shall satisfy the
13 provisions of this section for the purpose of
14 reinstating such person's license to operate a motor
15 vehicle. The respondent's personal appearance at any
16 hearing conducted pursuant to this subsection shall not
17 be necessary unless directed by the court.

18 15. The fees for the program authorized in
19 subsection 14 of this section, or a portion thereof to
20 be determined by the department of mental health, shall
21 be paid by the person enrolled in the program. Any
22 person who is enrolled in the program shall pay, in
23 addition to any fee charged for the program, a
24 supplemental fee in an amount to be determined by the
25 department of mental health for the purposes of funding
26 the substance abuse traffic offender program defined in
27 section 302.010 and section 577.001 or a program
28 determined to be comparable by the department of mental
29 health. The administrator of the program shall remit
30 to the division of alcohol and drug abuse of the
31 department of mental health on or before the fifteenth
32 day of each month the supplemental fee for all persons
33 enrolled in the program, less two percent for
34 administrative costs. Interest shall be charged on any
35 unpaid balance of the supplemental fees due the
36 division of alcohol and drug abuse pursuant to this
37 section and shall accrue at a rate not to exceed the
38 annual rate established pursuant to the provisions of
39 section 32.065, plus three percentage points. The
40 supplemental fees and any interest received by the
41 department of mental health pursuant to this section
42 shall be deposited in the mental health earnings fund
43 which is created in section 630.053.

44 16. Any administrator who fails to remit to the
45 division of alcohol and drug abuse of the department of
46 mental health the supplemental fees and interest for
47 all persons enrolled in the program pursuant to this
48 section shall be subject to a penalty equal to the
49 amount of interest accrued on the supplemental fees due
50 the division pursuant to this section. If the
51 supplemental fees, interest, and penalties are not

1 remitted to the division of alcohol and drug abuse of
2 the department of mental health within six months of
3 the due date, the attorney general of the state of
4 Missouri shall initiate appropriate action of the
5 collection of said fees and interest accrued. The
6 court shall assess attorney fees and court costs
7 against any delinquent program.

8 17. Any person who has had a license to operate a
9 motor vehicle suspended or revoked as a result of an
10 assessment of points for a violation under subdivision
11 (9) of subsection 1 of section 302.302 shall be
12 required to file proof with the director of revenue
13 that any motor vehicle operated by the person is
14 equipped with a functioning, certified ignition
15 interlock device as a required condition of
16 reinstatement of the license. The ignition interlock
17 device shall further be required to be maintained on
18 all motor vehicles operated by the person for a period
19 of not less than six months immediately following the
20 date of reinstatement. If the person fails to maintain
21 such proof with the director, the license shall be
22 resuspended or revoked and the person shall be guilty
23 of a class A misdemeanor.]
24

25 [302.309. 1. Whenever any license is suspended
26 pursuant to sections 302.302 to 302.309, the director
27 of revenue shall return the license to the operator
28 immediately upon the termination of the period of
29 suspension and upon compliance with the requirements of
30 chapter 303.

31 2. Any operator whose license is revoked pursuant
32 to these sections, upon the termination of the period
33 of revocation, shall apply for a new license in the
34 manner prescribed by law.

35 3. (1) All circuit courts, the director of
36 revenue, or a commissioner operating under section
37 478.007 shall have jurisdiction to hear applications
38 and make eligibility determinations granting limited
39 driving privileges. Any application may be made in
40 writing to the director of revenue and the person's
41 reasons for requesting the limited driving privilege
42 shall be made therein.

43 (2) When any court of record having jurisdiction
44 or the director of revenue finds that an operator is
45 required to operate a motor vehicle in connection with
46 any of the following:

- 47 (a) A business, occupation, or employment;
48 (b) Seeking medical treatment for such operator;
49 (c) Attending school or other institution of
50 higher education;
51 (d) Attending alcohol or drug treatment programs;

1 (e) Seeking the required services of a certified
2 ignition interlock device provider; or

3 (f) Any other circumstance the court or director
4 finds would create an undue hardship on the operator;
5 the court or director may grant such limited driving
6 privilege as the circumstances of the case justify if
7 the court or director finds undue hardship would result
8 to the individual, and while so operating a motor
9 vehicle within the restrictions and limitations of the
10 limited driving privilege the driver shall not be
11 guilty of operating a motor vehicle without a valid
12 license.

13 (3) An operator may make application to the
14 proper court in the county in which such operator
15 resides or in the county in which is located the
16 operator's principal place of business or employment.
17 Any application for a limited driving privilege made to
18 a circuit court shall name the director as a party
19 defendant and shall be served upon the director prior
20 to the grant of any limited privilege, and shall be
21 accompanied by a copy of the applicant's driving record
22 as certified by the director. Any applicant for a
23 limited driving privilege shall have on file with the
24 department of revenue proof of financial responsibility
25 as required by chapter 303. Any application by a
26 person who transports persons or property as classified
27 in section 302.015 may be accompanied by proof of
28 financial responsibility as required by chapter 303,
29 but if proof of financial responsibility does not
30 accompany the application, or if the applicant does not
31 have on file with the department of revenue proof of
32 financial responsibility, the court or the director has
33 discretion to grant the limited driving privilege to
34 the person solely for the purpose of operating a
35 vehicle whose owner has complied with chapter 303 for
36 that vehicle, and the limited driving privilege must
37 state such restriction. When operating such vehicle
38 under such restriction the person shall carry proof
39 that the owner has complied with chapter 303 for that
40 vehicle.

41 (4) No limited driving privilege shall be issued
42 to any person otherwise eligible under the provisions
43 of paragraph (a) of subdivision (6) of this subsection
44 on a license revocation resulting from a conviction
45 under subdivision (9) of subsection 1 of section
46 302.302, or a license denial under paragraph (a) or (b)
47 of subdivision (8) of this subsection, until the
48 applicant has filed proof with the department of
49 revenue that any motor vehicle operated by the person
50 is equipped with a functioning, certified ignition
51 interlock device as a required condition of limited

1 driving privilege.

2 (5) The court order or the director's grant of
3 the limited or restricted driving privilege shall
4 indicate the termination date of the privilege, which
5 shall be not later than the end of the period of
6 suspension or revocation. A copy of any court order
7 shall be sent by the clerk of the court to the
8 director, and a copy shall be given to the driver which
9 shall be carried by the driver whenever such driver
10 operates a motor vehicle. The director of revenue upon
11 granting a limited driving privilege shall give a copy
12 of the limited driving privilege to the applicant. The
13 applicant shall carry a copy of the limited driving
14 privilege while operating a motor vehicle. A
15 conviction which results in the assessment of points
16 pursuant to section 302.302, other than a violation of
17 a municipal stop sign ordinance where no accident is
18 involved, against a driver who is operating a vehicle
19 pursuant to a limited driving privilege terminates the
20 privilege, as of the date the points are assessed to
21 the person's driving record. If the date of arrest is
22 prior to the issuance of the limited driving privilege,
23 the privilege shall not be terminated. Failure of the
24 driver to maintain proof of financial responsibility,
25 as required by chapter 303, or to maintain proof of
26 installation of a functioning, certified ignition
27 interlock device, as applicable, shall terminate the
28 privilege. The director shall notify by ordinary mail
29 the driver whose privilege is so terminated. (6)

30 Except as provided in subdivision (8) of this
31 subsection, no person is eligible to receive a limited
32 driving privilege who at the time of application for a
33 limited driving privilege has previously been granted
34 such a privilege within the immediately preceding five
35 years, or whose license has been suspended or revoked
36 for the following reasons:

37 (a) A conviction of violating the provisions of
38 section 577.010 or 577.012, or any similar provision of
39 any federal or state law, or a municipal or county law
40 where the judge in such case was an attorney and the
41 defendant was represented by or waived the right to an
42 attorney in writing, until the person has completed the
43 first thirty days of a suspension or revocation imposed
44 pursuant to this chapter;

45 (b) A conviction of any felony in the commission
46 of which a motor vehicle was used;

47 (c) Ineligibility for a license because of the
48 provisions of subdivision (1), (2), (4), (5), (6), (7),
49 (8), (9), (10) or (11) of section 302.060;

50 (d) Because of operating a motor vehicle under
51 the influence of narcotic drugs, a controlled substance

1 as defined in chapter 195, or having left the scene of
2 an accident as provided in section 577.060;

3 (e) Due to a revocation for the first time for
4 failure to submit to a chemical test pursuant to
5 section 577.041 or due to a refusal to submit to a
6 chemical test in any other state, if such person has
7 not completed the first ninety days of such revocation;

8 (f) Violation more than once of the provisions of
9 section 577.041 or a similar implied consent law of any
10 other state; or

11 (g) Due to a suspension pursuant to subsection 2
12 of section 302.525 and who has not completed the first
13 thirty days of such suspension, provided the person is
14 not otherwise ineligible for a limited driving
15 privilege; or due to a revocation pursuant to
16 subsection 2 of section 302.525 if such person has not
17 completed such revocation.

18 (7) No person who possesses a commercial driver's
19 license shall receive a limited driving privilege
20 issued for the purpose of operating a commercial motor
21 vehicle if such person's driving privilege is
22 suspended, revoked, cancelled, denied, or disqualified.
23 Nothing in this section shall prohibit the issuance of
24 a limited driving privilege for the purpose of
25 operating a noncommercial motor vehicle provided that
26 pursuant to the provisions of this section, the
27 applicant is not otherwise ineligible for a limited
28 driving privilege.

29 (8) (a) Provided that pursuant to the provisions
30 of this section, the applicant is not otherwise
31 ineligible for a limited driving privilege, a circuit
32 court or the director may, in the manner prescribed in
33 this subsection, allow a person who has had such
34 person's license to operate a motor vehicle revoked
35 where that person cannot obtain a new license for a
36 period of ten years, as prescribed in subdivision (9)
37 of subsection 1 of section 302.060, to apply for a
38 limited driving privilege pursuant to this subsection
39 if such person has served at least three years of such
40 disqualification or revocation. Such person shall
41 present evidence satisfactory to the court or the
42 director that such person has not been convicted of any
43 offense related to alcohol, controlled substances or
44 drugs during the preceding three years and that the
45 person's habits and conduct show that the person no
46 longer poses a threat to the public safety of this
47 state. The court or the director shall review the
48 results of a criminal history check prior to granting
49 any limited privilege under this subdivision. If the
50 court or the director finds that the petitioner has
51 been convicted, pled guilty to, or been found guilty

1 of, or has a pending charge for any offense related to
2 alcohol, controlled substances, or drugs, or has any
3 other alcohol-related enforcement contact as defined in
4 section 302.525 during the preceding three years, the
5 court or the director shall not grant a limited driving
6 privilege to the applicant.

7 (b) Provided that pursuant to the provisions of
8 this section, the applicant is not otherwise ineligible
9 for a limited driving privilege or convicted of
10 involuntary manslaughter while operating a motor
11 vehicle in an intoxicated condition, a circuit court or
12 the director may, in the manner prescribed in this
13 subsection, allow a person who has had such person's
14 license to operate a motor vehicle revoked where that
15 person cannot obtain a new license for a period of five
16 years because of two convictions of driving while
17 intoxicated, as prescribed in subdivision (10) of
18 subsection 1 of section 302.060, to apply for a limited
19 driving privilege pursuant to this subsection if such
20 person has served at least two years of such
21 disqualification or revocation. Such person shall
22 present evidence satisfactory to the court or the
23 director that such person has not been convicted of any
24 offense related to alcohol, controlled substances or
25 drugs during the preceding two years and that the
26 person's habits and conduct show that the person no
27 longer poses a threat to the public safety of this
28 state. The court or the director shall review the
29 results of a criminal history check prior to granting
30 any limited privilege under this subdivision. If the
31 court or director finds that the petitioner has been
32 convicted, pled guilty to, or been found guilty of, or
33 has a pending charge for any offense related to
34 alcohol, controlled substances, or drugs, or has any
35 other alcohol-related enforcement contact as defined in
36 section 302.525 during the preceding two years, the
37 court or the director shall not grant a limited driving
38 privilege to the applicant. Any person who is denied a
39 license permanently in this state because of an
40 alcohol-related conviction subsequent to a restoration
41 of such person's driving privileges pursuant to
42 subdivision (9) of section 302.060 shall not be
43 eligible for limited driving privilege pursuant to the
44 provisions of this subdivision.

45 (9) A DWI docket or court established under
46 section 478.007 may grant a limited driving privilege
47 to a participant in or graduate of the program who
48 would otherwise be ineligible for such privilege under
49 another provision of law. The DWI docket or court
50 shall not grant a limited driving privilege to a
51 participant during his or her initial forty-five days

1 of participation.

2 4. Any person who has received notice of denial
3 of a request of limited driving privilege by the
4 director of revenue may make a request for a review of
5 the director's determination in the circuit court of
6 the county in which the person resides or the county in
7 which is located the person's principal place of
8 business or employment within thirty days of the date
9 of mailing of the notice of denial. Such review shall
10 be based upon the records of the department of revenue
11 and other competent evidence and shall be limited to a
12 review of whether the applicant was statutorily
13 entitled to the limited driving privilege.

14 5. Any person who petitions a court or makes
15 application with the director for a limited driving
16 privilege pursuant to paragraph (a) or (b) of
17 subdivision (8) of subsection 3 of this section shall
18 make application with the Missouri state highway patrol
19 as provided in section 43.540 and shall submit two sets
20 of fingerprints collected pursuant to standards as
21 determined by the highway patrol. One set of
22 fingerprints shall be used by the highway patrol to
23 search the criminal history repository and the second
24 set shall be forwarded to the Federal Bureau of
25 Investigation for searching the federal criminal
26 history files. At the time of application, the
27 applicant shall supply to the highway patrol the court
28 name and case number for the court where he or she has
29 filed his or her petition for limited driving
30 privileges. The applicant shall pay the fee for the
31 state criminal history record information pursuant to
32 section 43.530 and pay the appropriate fee determined
33 by the Federal Bureau of Investigation for the federal
34 criminal history record. The Missouri highway patrol,
35 upon receipt of the results of the criminal history
36 check, shall forward the results to the circuit court
37 designated by the applicant and to the department.
38 Notwithstanding the provisions of section 610.120, all
39 records related to any criminal history check shall be
40 accessible and available to the director and the court.

41 6. The director of revenue shall promulgate rules
42 and regulations necessary to carry out the provisions
43 of this section. Any rule or portion of a rule, as
44 that term is defined in section 536.010, that is
45 created under the authority delegated in this section
46 shall become effective only if it complies with and is
47 subject to all of the provisions of chapter 536 and, if
48 applicable, section 536.028. This section and chapter
49 536 are nonseverable and if any of the powers vested
50 with the general assembly pursuant to chapter 536 to
51 review, to delay the effective date or to disapprove

1 and annul a rule are subsequently held
2 unconstitutional, then the grant of rulemaking
3 authority and any rule proposed or adopted after August
4 28, 2001, shall be invalid and void.】
5

6 302.309. 1. Whenever any license is suspended pursuant to
7 sections 302.302 to 302.309, the director of revenue shall return
8 the license to the operator immediately upon the termination of
9 the period of suspension and upon compliance with the
10 requirements of chapter 303.

11 2. Any operator whose license is revoked pursuant to these
12 sections, upon the termination of the period of revocation, shall
13 apply for a new license in the manner prescribed by law.

14 3. (1) All circuit courts, the director of revenue, or a
15 commissioner operating under section 478.007 shall have
16 jurisdiction to hear applications and make eligibility
17 determinations granting limited driving privileges, except as
18 provided under subdivision (8) of this subsection. Any
19 application may be made in writing to the director of revenue and
20 the person's reasons for requesting the limited driving privilege
21 shall be made therein.

22 (2) When any court of record having jurisdiction or the
23 director of revenue finds that an operator is required to operate
24 a motor vehicle in connection with any of the following:

- 25 (a) A business, occupation, or employment;
- 26 (b) Seeking medical treatment for such operator;
- 27 (c) Attending school or other institution of higher
28 education;
- 29 (d) Attending alcohol or drug treatment programs;
- 30 (e) Seeking the required services of a certified ignition
31 interlock device provider; or

1 (f) Any other circumstance the court or director finds
2 would create an undue hardship on the operator[;]L

3
4 the court or director may grant such limited driving privilege as
5 the circumstances of the case justify if the court or director
6 finds undue hardship would result to the individual, and while so
7 operating a motor vehicle within the restrictions and limitations
8 of the limited driving privilege the driver shall not be guilty
9 of operating a motor vehicle without a valid license.

10 (3) An operator may make application to the proper court in
11 the county in which such operator resides or in the county in
12 which is located the operator's principal place of business or
13 employment. Any application for a limited driving privilege made
14 to a circuit court shall name the director as a party defendant
15 and shall be served upon the director prior to the grant of any
16 limited privilege, and shall be accompanied by a copy of the
17 applicant's driving record as certified by the director. Any
18 applicant for a limited driving privilege shall have on file with
19 the department of revenue proof of financial responsibility as
20 required by chapter 303. Any application by a person who
21 transports persons or property as classified in section 302.015
22 may be accompanied by proof of financial responsibility as
23 required by chapter 303, but if proof of financial responsibility
24 does not accompany the application, or if the applicant does not
25 have on file with the department of revenue proof of financial
26 responsibility, the court or the director has discretion to grant
27 the limited driving privilege to the person solely for the
28 purpose of operating a vehicle whose owner has complied with

1 chapter 303 for that vehicle, and the limited driving privilege
2 must state such restriction. When operating such vehicle under
3 such restriction the person shall carry proof that the owner has
4 complied with chapter 303 for that vehicle.

5 (4) No limited driving privilege shall be issued to any
6 person otherwise eligible under the provisions of paragraph (a)
7 of subdivision (6) of this subsection on a license revocation
8 resulting from a conviction under subdivision (9) of subsection 1
9 of section 302.302, or a license denial under paragraph (a) or
10 (b) of subdivision (8) of this subsection, or a license
11 revocation under paragraph (h) of subdivision (6) of this
12 subsection, until the applicant has filed proof with the
13 department of revenue that any motor vehicle operated by the
14 person is equipped with a functioning, certified ignition
15 interlock device as a required condition of limited driving
16 privilege. The ignition interlock device required for obtaining
17 a limited driving privilege under paragraph (a) or (b) of
18 subdivision (8) of this subsection shall have photo
19 identification technology and global positioning system features.

20 (5) The court order or the director's grant of the limited
21 or restricted driving privilege shall indicate the termination
22 date of the privilege, which shall be not later than the end of
23 the period of suspension or revocation. The court order or the
24 director's grant of the limited or restricted driving privilege
25 shall also indicate whether a functioning, certified ignition
26 interlock device is required as a condition of operating a motor
27 vehicle with the limited driving privilege. A copy of any court
28 order shall be sent by the clerk of the court to the director,

1 and a copy shall be given to the driver which shall be carried by
2 the driver whenever such driver operates a motor vehicle. The
3 director of revenue upon granting a limited driving privilege
4 shall give a copy of the limited driving privilege to the
5 applicant. The applicant shall carry a copy of the limited
6 driving privilege while operating a motor vehicle. A conviction
7 which results in the assessment of points pursuant to section
8 302.302, other than a violation of a municipal stop sign
9 ordinance where no accident is involved, against a driver who is
10 operating a vehicle pursuant to a limited driving privilege
11 terminates the privilege, as of the date the points are assessed
12 to the person's driving record. If the date of arrest is prior
13 to the issuance of the limited driving privilege, the privilege
14 shall not be terminated. Failure of the driver to maintain proof
15 of financial responsibility, as required by chapter 303, or to
16 maintain proof of installation of a functioning, certified
17 ignition interlock device, as applicable, shall terminate the
18 privilege. The director shall notify by ordinary mail the driver
19 whose privilege is so terminated.

20 (6) Except as provided in subdivision (8) of this
21 subsection, no person is eligible to receive a limited driving
22 privilege [who] whose license at the time of application [for a
23 limited driving privilege has previously been granted such a
24 privilege within the immediately preceding five years, or whose
25 license] has been suspended or revoked for the following reasons:

26 (a) A conviction of violating the provisions of section
27 577.010 or 577.012, or any similar provision of any federal or
28 state law, or a municipal or county law where the judge in such

1 case was an attorney and the defendant was represented by or
2 waived the right to an attorney in writing, until the person has
3 completed the first thirty days of a suspension or revocation
4 imposed pursuant to this chapter;

5 (b) A conviction of any felony in the commission of which a
6 motor vehicle was used;

7 (c) Ineligibility for a license because of the provisions
8 of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or
9 (11) of subsection 1 of section 302.060;

10 (d) Because of operating a motor vehicle under the
11 influence of narcotic drugs, a controlled substance as defined in
12 chapter 195, or having left the scene of an accident as provided
13 in section 577.060;

14 (e) Due to a revocation for [the first time for] failure to
15 submit to a chemical test pursuant to section 577.041 or due to a
16 refusal to submit to a chemical test in any other state, [if]
17 unless such person has [not] completed the first ninety days of
18 such revocation[;

19 (f) Violation more than once of the provisions of section
20 577.041 or a similar implied consent law of any other state] and
21 files proof of installation with the department of revenue that
22 any vehicle operated by such person is equipped with a
23 functioning, certified ignition interlock device, provided the
24 person is not otherwise ineligible for a limited driving
25 privilege;

26 [(g)] (f) Due to a suspension pursuant to subsection 2 of
27 section 302.525 and who has not completed the first thirty days
28 of such suspension, provided the person is not otherwise

1 ineligible for a limited driving privilege; or

2 [(h)] (g) Due to a revocation pursuant to subsection 2 of
3 section 302.525 if such person has not completed the first
4 forty-five days of such revocation, provided the person is not
5 otherwise ineligible for a limited driving privilege.

6 (7) No person who possesses a commercial driver's license
7 shall receive a limited driving privilege issued for the purpose
8 of operating a commercial motor vehicle if such person's driving
9 privilege is suspended, revoked, cancelled, denied, or
10 disqualified. Nothing in this section shall prohibit the
11 issuance of a limited driving privilege for the purpose of
12 operating a noncommercial motor vehicle provided that pursuant to
13 the provisions of this section, the applicant is not otherwise
14 ineligible for a limited driving privilege.

15 (8) (a) Provided that pursuant to the provisions of this
16 section, the applicant is not otherwise ineligible for a limited
17 driving privilege, a circuit court or the director may, in the
18 manner prescribed in this subsection, allow a person who has had
19 such person's license to operate a motor vehicle revoked where
20 that person cannot obtain a new license for a period of ten
21 years, as prescribed in subdivision (9) of subsection 1 of
22 section 302.060, to apply for a limited driving privilege
23 pursuant to this subsection [if such person has served at least
24 forty-five days of such disqualification or revocation]. Such
25 person shall present evidence satisfactory to the court or the
26 director that such [person has not been convicted of any offense
27 related to alcohol, controlled substances or drugs during the
28 preceding forty-five days and that the] person's habits and

1 conduct show that the person no longer poses a threat to the
2 public safety of this state. A circuit court shall grant a
3 limited driving privilege to any individual who otherwise is
4 eligible to receive a limited driving privilege, has filed proof
5 of installation of a certified ignition interlock device, and has
6 had no alcohol-related enforcement contacts since the alcohol-
7 related enforcement contact that resulted in the person's license
8 denial.

9 (b) Provided that pursuant to the provisions of this
10 section, the applicant is not otherwise ineligible for a limited
11 driving privilege or convicted of involuntary manslaughter while
12 operating a motor vehicle in an intoxicated condition, a circuit
13 court or the director may, in the manner prescribed in this
14 subsection, allow a person who has had such person's license to
15 operate a motor vehicle revoked where that person cannot obtain a
16 new license for a period of five years because of two convictions
17 of driving while intoxicated, as prescribed in subdivision (10)
18 of subsection 1 of section 302.060, to apply for a limited
19 driving privilege pursuant to this subsection [if such person has
20 served at least forty-five days of such disqualification or
21 revocation]. Such person shall present evidence satisfactory to
22 the court or the director that such [person has not been
23 convicted of any offense related to alcohol, controlled
24 substances or drugs during the preceding forty-five days and that
25 the] person's habits and conduct show that the person no longer
26 poses a threat to the public safety of this state. Any person
27 who is denied a license permanently in this state because of an
28 alcohol-related conviction subsequent to a restoration of such

1 person's driving privileges pursuant to subdivision (9) of
2 section 302.060 shall not be eligible for limited driving
3 privilege pursuant to the provisions of this subdivision. A
4 circuit court shall grant a limited driving privilege to any
5 individual who otherwise is eligible to receive a limited driving
6 privilege, has filed proof of installation of a certified
7 ignition interlock device, and has had no alcohol-related
8 enforcement contacts since the alcohol-related enforcement
9 contact that resulted in the person's license denial.

10 (9) A DWI docket or court established under section 478.007
11 may grant a limited driving privilege to a participant in or
12 graduate of the program who would otherwise be ineligible for
13 such privilege under another provision of law. The DWI docket or
14 court shall not grant a limited driving privilege to a
15 participant during his or her initial forty-five days of
16 participation.

17 4. Any person who has received notice of denial of a
18 request of limited driving privilege by the director of revenue
19 may make a request for a review of the director's determination
20 in the circuit court of the county in which the person resides or
21 the county in which is located the person's principal place of
22 business or employment within thirty days of the date of mailing
23 of the notice of denial. Such review shall be based upon the
24 records of the department of revenue and other competent evidence
25 and shall be limited to a review of whether the applicant was
26 statutorily entitled to the limited driving privilege.

27 5. The director of revenue shall promulgate rules and
28 regulations necessary to carry out the provisions of this

1 section. Any rule or portion of a rule, as that term is defined
2 in section 536.010, that is created under the authority delegated
3 in this section shall become effective only if it complies with
4 and is subject to all of the provisions of chapter 536 and, if
5 applicable, section 536.028. This section and chapter 536 are
6 nonseverable and if any of the powers vested with the general
7 assembly pursuant to chapter 536 to review, to delay the
8 effective date or to disapprove and annul a rule are subsequently
9 held unconstitutional, then the grant of rulemaking authority and
10 any rule proposed or adopted after August 28, 2001, shall be
11 invalid and void.

12 302.341. 1. If a Missouri resident charged with a moving
13 traffic violation of this state or any county or municipality of
14 this state fails to dispose of the charges of which the resident
15 is accused through authorized prepayment of fine and court costs
16 and fails to appear on the return date or at any subsequent date
17 to which the case has been continued, or without good cause fails
18 to pay any fine or court costs assessed against the resident for
19 any such violation within the period of time specified or in such
20 installments as approved by the court or as otherwise provided by
21 law, any court having jurisdiction over the charges shall within
22 ten days of the failure to comply inform the defendant by
23 ordinary mail at the last address shown on the court records that
24 the court will order the director of revenue to suspend the
25 defendant's driving privileges if the charges are not disposed of
26 and fully paid within thirty days from the date of mailing.
27 Thereafter, if the defendant fails to timely act to dispose of
28 the charges and fully pay any applicable fines and court costs,

1 the court shall notify the director of revenue of such failure
2 and of the pending charges against the defendant. Upon receipt of
3 this notification, the director shall suspend the license of the
4 driver, effective immediately, and provide notice of the
5 suspension to the driver at the last address for the driver shown
6 on the records of the department of revenue. Such suspension
7 shall remain in effect until the court with the subject pending
8 charge requests setting aside the noncompliance suspension
9 pending final disposition, or satisfactory evidence of
10 disposition of pending charges and payment of fine and court
11 costs, if applicable, is furnished to the director by the
12 individual. [Upon proof of disposition of charges and payment of
13 fine and court costs, if applicable, and payment of the
14 reinstatement fee as set forth in section 302.304, the director
15 shall return the license and remove the suspension from the
16 individual's driving record if the individual was not operating a
17 commercial motor vehicle or a commercial driver's license holder
18 at the time of the offense.] The filing of financial
19 responsibility with the bureau of safety responsibility,
20 department of revenue, shall not be required as a condition of
21 reinstatement of a driver's license suspended solely under the
22 provisions of this section.

23 2. If any city, town or village receives more than thirty-
24 five percent of its annual general operating revenue from fines
25 and court costs for traffic violations occurring on state
26 highways, all revenues from such violations in excess of thirty-
27 five percent of the annual general operating revenue of the city,
28 town or village shall be sent to the director of the department

1 of revenue and shall be distributed annually to the schools of
2 the county in the same manner that proceeds of all penalties,
3 forfeitures and fines collected for any breach of the penal laws
4 of the state are distributed. For the purpose of this section the
5 words "state highways" shall mean any state or federal highway,
6 including any such highway continuing through the boundaries of a
7 city, town or village with a designated street name other than
8 the state highway number. The director of the department of
9 revenue shall set forth by rule a procedure whereby excess
10 revenues as set forth above shall be sent to the department of
11 revenue. If any city, town, or village disputes a determination
12 that it has received excess revenues required to be sent to the
13 department of revenue, such city, town, or village may submit to
14 an annual audit by the state auditor under the authority of
15 article IV, section 13 of the Missouri Constitution. Any rule or
16 portion of a rule, as that term is defined in section 536.010,
17 that is created under the authority delegated in this section
18 shall become effective only if it complies with and is subject to
19 all of the provisions of chapter 536 and, if applicable, section
20 536.028. This section and chapter 536 are nonseverable and if any
21 of the powers vested with the general assembly under chapter 536
22 to review, to delay the effective date, or to disapprove and
23 annul a rule are subsequently held unconstitutional, then the
24 grant of rulemaking authority and any rule proposed or adopted
25 after August 28, 2009, shall be invalid and void.

26 302.525. 1. The license suspension or revocation shall
27 become effective fifteen days after the subject person has
28 received the notice of suspension or revocation as provided in

1 section 302.520, or is deemed to have received the notice of
2 suspension or revocation by mail as provided in section 302.515.
3 If a request for a hearing is received by or postmarked to the
4 department within that fifteen-day period, the effective date of
5 the suspension or revocation shall be stayed until a final order
6 is issued following the hearing; provided, that any delay in the
7 hearing which is caused or requested by the subject person or
8 counsel representing that person without good cause shown shall
9 not result in a stay of the suspension or revocation during the
10 period of delay.

11 2. The period of license suspension or revocation under
12 this section shall be as follows:

13 (1) If the person's driving record shows no prior
14 alcohol-related enforcement contacts during the immediately
15 preceding five years, the period of suspension shall be thirty
16 days after the effective date of suspension, followed by a
17 sixty-day period of restricted driving privilege as defined in
18 section 302.010 and issued by the director of revenue. The
19 restricted driving privilege shall not be issued until he or she
20 has filed proof of financial responsibility with the department
21 of revenue, in accordance with chapter 303, and is otherwise
22 eligible. The restricted driving privilege shall indicate
23 whether a functioning, certified ignition interlock device is
24 required as a condition of operating a motor vehicle. A copy of
25 the restricted driving privilege shall be given to the person and
26 such person shall carry a copy of the restricted driving
27 privilege while operating a motor vehicle. In no case shall
28 restricted driving privileges be issued pursuant to this section

1 or section 302.535 until the person has completed the first
2 thirty days of a suspension under this section. If a person
3 otherwise subject to the provisions of this subdivision files
4 proof of installation with the department of revenue that any
5 vehicle ~~operated~~ that he or she operates is equipped with a
6 functioning, certified ignition interlock device, ~~then the~~
7 there shall be no period of suspension ~~shall be fifteen days,~~
8 followed by a seventy-five. However, in lieu of a suspension
9 the person shall instead complete a ninety-day period of
10 restricted driving privilege. Upon completion of such
11 ~~seventy-five day~~ ninety-day period of restricted driving
12 privilege, ~~upon~~ compliance with other requirements of law, and
13 ~~upon~~ filing of proof of financial responsibility with the
14 department of revenue, in accordance with chapter 303, the
15 license and driving privilege shall be reinstated. However, if
16 the monthly monitoring reports during such ~~seventy-five day~~
17 ninety-day period indicate that the ignition interlock device has
18 registered a confirmed blood alcohol concentration level above
19 the alcohol setpoint established by the department of
20 transportation or such reports indicate that the ignition
21 interlock device has been tampered with or circumvented, then the
22 license and driving privilege of such person shall not be
23 reinstated until the person completes an additional ~~seventy-five~~
24 day thirty-day period of restricted driving privilege ~~without~~
25 any such violations]. If the person fails to maintain such proof
26 of the device with the director of revenue as required, the
27 restricted driving privilege shall be terminated;

28 (2) The period of revocation shall be one year if the

1 person's driving record shows one or more prior alcohol-related
2 enforcement contacts during the immediately preceding five years;

3 (3) In no case shall restricted driving privileges be
4 issued under this section to any person whose driving record
5 shows one or more prior alcohol-related enforcement contacts
6 until the person has completed the first thirty days of a
7 suspension under this section and has filed proof with the
8 department of revenue that any motor vehicle operated by the
9 person is equipped with a functioning, certified ignition
10 interlock device as a required condition of the restricted
11 driving privilege. If the person fails to maintain such proof
12 the restricted driving privilege shall be terminated.

13 3. For purposes of this section, "alcohol-related
14 enforcement contacts" shall include any suspension or revocation
15 under sections 302.500 to 302.540, any suspension or revocation
16 entered in this or any other state for a refusal to submit to
17 chemical testing under an implied consent law, and any conviction
18 in this or any other state for a violation which involves driving
19 while intoxicated, driving while under the influence of drugs or
20 alcohol, or driving a vehicle while having an unlawful alcohol
21 concentration.

22 4. Where a license is suspended or revoked under this
23 section and the person is also convicted on charges arising out
24 of the same occurrence for a violation of section 577.010 or
25 577.012 or for a violation of any county or municipal ordinance
26 prohibiting driving while intoxicated or alcohol-related traffic
27 offense, both the suspension or revocation under this section and
28 any other suspension or revocation arising from such convictions

1 shall be imposed, but the period of suspension or revocation
2 under sections 302.500 to 302.540 shall be credited against any
3 other suspension or revocation arising from such convictions, and
4 the total period of suspension or revocation shall not exceed the
5 longer of the two suspension or revocation periods.

6 5. Any person who has had a license to operate a motor
7 vehicle revoked under this section or suspended under this
8 section with one or more prior alcohol-related enforcement
9 contacts showing on their driver record shall be required to file
10 proof with the director of revenue that any motor vehicle
11 operated by that person is equipped with a functioning, certified
12 ignition interlock device as a required condition of
13 reinstatement. The ignition interlock device shall further be
14 required to be maintained on all motor vehicles operated by the
15 person for a period of not less than six months immediately
16 following the date of reinstatement. If the monthly monitoring
17 reports show that the ignition interlock device has registered
18 any confirmed blood alcohol concentration readings above the
19 alcohol setpoint established by the department of transportation
20 or that the person has tampered with or circumvented the ignition
21 interlock device, then the period for which the person must
22 maintain the ignition interlock device following the date of
23 reinstatement shall be extended for an additional six months. If
24 the person fails to maintain such proof with the director, the
25 license shall be resuspended or revoked, as applicable.

26 [302.525. 1. The license suspension or
27 revocation shall become effective fifteen days after
28 the subject person has received the notice of
29 suspension or revocation as provided in section
30 302.520, or is deemed to have received the notice of
31 suspension or revocation by mail as provided in section

1 302.515. If a request for a hearing is received by or
2 postmarked to the department within that fifteen-day
3 period, the effective date of the suspension or
4 revocation shall be stayed until a final order is
5 issued following the hearing; provided, that any delay
6 in the hearing which is caused or requested by the
7 subject person or counsel representing that person
8 without good cause shown shall not result in a stay of
9 the suspension or revocation during the period of
10 delay.

11 2. The period of license suspension or revocation
12 under this section shall be as follows:

13 (1) If the person's driving record shows no prior
14 alcohol-related enforcement contacts during the
15 immediately preceding five years, the period of
16 suspension shall be thirty days after the effective
17 date of suspension, followed by a sixty-day period of
18 restricted driving privilege as defined in section
19 302.010 and issued by the director of revenue. The
20 restricted driving privilege shall not be issued until
21 he or she has filed proof of financial responsibility
22 with the department of revenue, in accordance with
23 chapter 303, and is otherwise eligible. In no case
24 shall restricted driving privileges be issued pursuant
25 to this section or section 302.535 until the person has
26 completed the first thirty days of a suspension under
27 this section;

28 (2) The period of revocation shall be one year if
29 the person's driving record shows one or more prior
30 alcohol-related enforcement contacts during the
31 immediately preceding five years;

32 (3) In no case shall restricted driving
33 privileges be issued under this section to any person
34 whose driving record shows one or more prior
35 alcohol-related enforcement contacts until the person
36 has completed the first thirty days of a suspension
37 under this section and has filed proof with the
38 department of revenue that any motor vehicle operated
39 by the person is equipped with a functioning, certified
40 ignition interlock device as a required condition of
41 the restricted driving privilege. If the person fails
42 to maintain such proof the restricted driving privilege
43 shall be terminated.

44 3. For purposes of this section, "alcohol-related
45 enforcement contacts" shall include any suspension or
46 revocation under sections 302.500 to 302.540, any
47 suspension or revocation entered in this or any other
48 state for a refusal to submit to chemical testing under
49 an implied consent law, and any conviction in this or
50 any other state for a violation which involves driving
51 while intoxicated, driving while under the influence of

1 drugs or alcohol, or driving a vehicle while having an
2 unlawful alcohol concentration.

3 4. Where a license is suspended or revoked under
4 this section and the person is also convicted on
5 charges arising out of the same occurrence for a
6 violation of section 577.010 or 577.012 or for a
7 violation of any county or municipal ordinance
8 prohibiting driving while intoxicated or
9 alcohol-related traffic offense, both the suspension or
10 revocation under this section and any other suspension
11 or revocation arising from such convictions shall be
12 imposed, but the period of suspension or revocation
13 under sections 302.500 to 302.540 shall be credited
14 against any other suspension or revocation arising from
15 such convictions, and the total period of suspension or
16 revocation shall not exceed the longer of the two
17 suspension or revocation periods.

18 5. Any person who has had a license to operate a
19 motor vehicle revoked under this section or suspended
20 under this section with one or more prior
21 alcohol-related enforcement contacts showing on their
22 driver record shall be required to file proof with the
23 director of revenue that any motor vehicle operated by
24 that person is equipped with a functioning, certified
25 ignition interlock device as a required condition of
26 reinstatement. The ignition interlock device shall
27 further be required to be maintained on all motor
28 vehicles operated by the person for a period of not
29 less than six months immediately following the date of
30 reinstatement. If the person fails to maintain such
31 proof with the director, the license shall be
32 resuspended or revoked, as applicable.]

33 360.045. 1. The authority shall have the following powers
34 together with all powers incidental thereto or necessary for the
35 performance thereof:

36 (1) To have perpetual succession as a body politic and
37 corporate;

38 (2) To adopt bylaws for the regulation of its affairs and
39 the conduct of its business;

40 (3) To sue and be sued and to prosecute and defend, at law
41 or in equity, in any court having jurisdiction of the subject
42 matter and of the parties;

1 (4) To have and to use a corporate seal and to alter the
2 same at pleasure;

3 (5) To maintain an office at such place or places in the
4 state of Missouri as it may designate;

5 (6) To determine the location and construction of any
6 facility to be financed under the provisions of sections 360.010
7 to 360.140, and to construct, reconstruct, repair, alter,
8 improve, extend, maintain, lease, and regulate the same; and to
9 designate a participating health institution or a participating
10 educational institution, as the case may be, as its agent to
11 determine the location and construction of a facility undertaken
12 by such participating health institution or participating
13 educational institution, as the case may be, under the provisions
14 of sections 360.010 to 360.140, to construct, reconstruct,
15 repair, alter, improve, extend, maintain, and regulate the same,
16 and to enter into contracts for any and all of such purposes
17 including contracts for the management and operation of the
18 facility;

19 (7) To lease to a participating health institution or a
20 participating educational institution, as the case may be, the
21 particular health or educational facility or facilities, as the
22 case may be, upon such terms and conditions as the authority
23 shall deem proper; to charge and collect rent therefor; to
24 terminate any such lease upon the failure of the lessee to comply
25 with any of the obligations thereof; to include in any such
26 lease, if desired, provisions that the lessee thereof shall have
27 options to renew the term of the lease for such period or periods
28 at such rent as shall be determined by the authority or to

1 purchase any or all of the particular leased facility or
2 facilities; and, upon payment of all of the indebtedness incurred
3 by the authority for the financing of the facility or facilities,
4 to convey any or all of such facility or facilities to the lessee
5 or lessees thereof. Every lease agreement between the authority
6 and an institution must contain a clause obligating the
7 institution not to use the leased land, nor any facility located
8 thereon, for sectarian instruction or study or as a place of
9 religious worship, or in connection with any part of the program
10 of a school or department of divinity of any religious
11 denomination; to insure that this covenant is honored, each lease
12 agreement shall allow the authority to conduct inspections, and
13 every conveyance of title to an institution shall contain a
14 restriction against use for any sectarian purpose;

15 (8) To issue its bonds, notes, or other obligations for any
16 of its corporate purposes and to refund the same, all as provided
17 in sections 360.010 to 360.140;

18 (9) To transfer assets of the authority to the rebuild
19 damaged infrastructure fund created in section 33.295;

20 (10) To fix and revise from time to time and make and
21 collect rates, rents, fees, and charges for the use of and
22 services furnished or to be furnished by any facility or
23 facilities or any portion thereof and to contract with any
24 person, firm, or corporation or other body, public or private, in
25 respect thereof; except that the authority shall have no
26 jurisdiction over rates, rents, fees, and charges established by
27 a participating educational institution for its students or
28 established by a participating health institution for its

1 patients other than to require that such rates, rents, fees, and
2 charges by such an institution be sufficient to discharge the
3 institution's obligations to the authority;

4 [(10)] (11) To establish rules and regulations for review
5 by or on behalf of the authority of the retention or employment
6 by a participating health institution or by a participating
7 educational institution, as the case may be, of consulting
8 engineers, architects, attorneys, accountants, construction and
9 finance experts, superintendents, managers, and such other
10 employees and agents as shall be determined to be necessary in
11 connection with any such facility or facilities and for review by
12 or on behalf of the authority of all reports, studies, or other
13 material prepared in connection with any bond issue of the
14 authority for any such facility or facilities. The costs
15 incurred or to be incurred by a participating health institution
16 or by a participating educational institution in connection with
17 the review shall be deemed, where appropriate, an expense of
18 constructing the facility or facilities or, where appropriate,
19 shall be deemed an annual expense of operation and maintenance of
20 the facility or facilities;

21 [(11)] (12) To receive and accept from any public agency
22 loans or grants for or in aid of the construction of a facility
23 or facilities, or any portion thereof, or for equipping the same
24 and to receive and accept grants, gifts, or other contributions
25 from any source;

26 [(12)] (13) To mortgage or pledge all or any portion of any
27 facility or facilities, including any other health or educational
28 facility or facilities conveyed to the authority for such purpose

1 and the site or sites thereof, whether then owned or thereafter
2 acquired, for the benefit of the holders of the bonds of the
3 authority issued to finance such facility or facilities or any
4 portion thereof or issued to refund or refinance outstanding
5 indebtedness of a private health institution or a private
6 institution of higher education as permitted by sections 360.010
7 to 360.140;

8 [(13)] (14) To make loans to any participating health
9 institution or participating educational institution, as the case
10 may be, for the cost of any facility or facilities in accordance
11 with an agreement between the authority and such participating
12 health institution or participating educational institution, as
13 the case may be; except that no such loan shall exceed the total
14 cost of such facility or facilities as determined by the
15 participating health institution or participating educational
16 institution, as the case may be, and approved by the authority;

17 [(14)] (15) To make loans to a participating health
18 institution or participating educational institution, as the case
19 may be, to refund outstanding obligations, mortgages, or advances
20 issued, made, or given by the institution for the cost of its
21 facility or facilities, including the power to issue bonds and
22 make loans to a participating health institution or participating
23 educational institution, as the case may be, to refinance
24 indebtedness incurred for facilities undertaken and completed
25 prior to or after September 28, 1975, whenever the authority
26 finds that the financing is in the public interest, alleviates a
27 financial hardship upon the participating health institution or
28 participating educational institution, as the case may be, and

1 results in a lesser cost of patient care or cost of education and
2 a saving to third parties, including state or federal
3 governments, and to others who must pay for the care or
4 education;

5 ~~[(15)]~~ (16) To inspect any and all facilities assisted by
6 the authority in any way to enforce the prohibition against
7 sectarian or religious use at any time; and

8 ~~[(16)]~~ (17) To do all things necessary and convenient to
9 carry out the purposes of sections 360.010 to 360.140.

10 2. Notwithstanding any provision of law to the contrary,
11 including section 360.115, the authority shall transfer four
12 million dollars of the assets of the authority to the rebuild
13 damaged infrastructure fund created in section 33.295 on July 1,
14 2013.

15 374.150. 1. All fees due the state under the provisions of
16 the insurance laws of this state shall be paid to the director of
17 revenue and deposited in the state treasury to the credit of the
18 insurance dedicated fund unless otherwise provided for in
19 subsection 2 of this section.

20 2. There is hereby established in the state treasury a
21 special fund to be known as the "Insurance Dedicated Fund". The
22 fund shall be subject to appropriation of the general assembly
23 and shall be devoted solely to the payment of expenditures
24 incurred by the department attributable to duties performed by
25 the department for the regulation of the business of insurance,
26 regulation of health maintenance organizations and the operation
27 of the division of consumer affairs as required by law which are
28 not paid for by another source of funds. Other provisions of law

1 to the contrary notwithstanding, beginning on January 1, 1991,
2 all fees charged under any provision of chapter 325, 354, 374,
3 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due the
4 state shall be paid into this fund. The state treasurer shall
5 invest moneys in this fund in the same manner as other state
6 funds and any interest or earnings on such moneys shall be
7 credited to the insurance dedicated fund. The provisions of
8 section 33.080 notwithstanding, moneys in the fund shall not
9 lapse, be transferred to or placed to the credit of the general
10 revenue fund unless and then only to the extent to which the
11 unencumbered balance at the close of the biennium year exceeds
12 two times the total amount appropriated, paid, or transferred to
13 the fund during such fiscal year.

14 3. Notwithstanding provisions of this section to the
15 contrary, five hundred thousand dollars of the insurance
16 dedicated fund shall annually be transferred and placed to the
17 credit of the state general revenue fund on July first beginning
18 with fiscal year 2014.

19 476.385. 1. The judges of the supreme court may appoint a
20 committee consisting of at least seven associate circuit judges,
21 who shall meet en banc and establish and maintain a schedule of
22 fines to be paid for violations of sections 210.104, 577.070, and
23 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with
24 such fines increasing in proportion to the severity of the
25 violation. The associate circuit judges of each county may meet
26 en banc and adopt the schedule of fines and participation in the
27 centralized bureau pursuant to this section. Notice of such
28 adoption and participation shall be given in the manner provided

1 by supreme court rule. Upon order of the supreme court, the
2 associate circuit judges of each county may meet en banc and
3 establish and maintain a schedule of fines to be paid for
4 violations of municipal ordinances for cities, towns and villages
5 electing to have violations of its municipal ordinances heard by
6 associate circuit judges, pursuant to section 479.040; and for
7 traffic court divisions established pursuant to section 479.500.
8 The schedule of fines adopted for violations of municipal
9 ordinances may be modified from time to time as the associate
10 circuit judges of each county en banc deem advisable. No fine
11 established pursuant to this subsection may exceed the maximum
12 amount specified by statute or ordinance for such violation.

13 2. In no event shall any schedule of fines adopted pursuant
14 to this section include offenses involving the following:

15 (1) Any violation resulting in personal injury or property
16 damage to another person;

17 (2) Operating a motor vehicle while intoxicated or under
18 the influence of intoxicants or drugs;

19 (3) Operating a vehicle with a counterfeited, altered,
20 suspended or revoked license;

21 (4) Fleeing or attempting to elude an officer.

22 3. There shall be a centralized bureau to be established by
23 supreme court rule in order to accept pleas of not guilty or
24 guilty and payments of fines and court costs for violations of
25 the laws and ordinances described in subsection 1 of this
26 section, made pursuant to a schedule of fines established
27 pursuant to this section. The centralized bureau shall collect,
28 with any plea of guilty and payment of a fine, all court costs

1 which would have been collected by the court of the jurisdiction
2 from which the violation originated.

3 4. If a person elects not to contest the alleged violation,
4 the person shall send payment in the amount of the fine and any
5 court costs established for the violation to the centralized
6 bureau. Such payment shall be payable to the central violations
7 bureau, shall be made by mail or in any other manner established
8 by the centralized bureau, and shall constitute a plea of guilty,
9 waiver of trial and a conviction for purposes of section 302.302,
10 and for purposes of imposing any collateral consequence of a
11 criminal conviction provided by law. By paying the fine and
12 costs, the person also consents to attendance either online or in
13 person at any driver-improvement program or motorcycle-rider
14 training course ordered by the court and consents to verification
15 of such attendance as directed by the bureau. Notwithstanding
16 any provision of law to the contrary, the prosecutor shall not be
17 required to sign any information, ticket or indictment if
18 disposition is made pursuant to this subsection. In the event
19 that any payment is made pursuant to this section by credit card
20 or similar method, the centralized bureau may charge an
21 additional fee in order to reflect any transaction cost,
22 surcharge or fee imposed on the recipient of the credit card
23 payment by the credit card company.

24 5. If a person elects to plead not guilty, such person
25 shall send the plea of not guilty to the centralized bureau. The
26 bureau shall send such plea and request for trial to the
27 prosecutor having original jurisdiction over the offense. Any
28 trial shall be conducted at the location designated by the court.

1 The clerk of the court in which the case is to be heard shall
2 notify in writing such person of the date certain for the
3 disposition of such charges. The prosecutor shall not be
4 required to sign any information, ticket or indictment until the
5 commencement of any proceeding by the prosecutor with respect to
6 the notice of violation.

7 6. In courts adopting a schedule of fines pursuant to this
8 section, any person receiving a notice of violation pursuant to
9 this section shall also receive written notification of the
10 following:

11 (1) The fine and court costs established pursuant to this
12 section for the violation or information regarding how the person
13 may obtain the amount of the fine and court costs for the
14 violation;

15 (2) That the person must respond to the notice of violation
16 by paying the prescribed fine and court costs, or pleading not
17 guilty and appearing at trial, and that other legal penalties
18 prescribed by law may attach for failure to appear and dispose of
19 the violation. The supreme court may modify the suggested forms
20 for uniform complaint and summons for use in courts adopting the
21 procedures provided by this section, in order to accommodate such
22 required written notifications.

23 7. Any moneys received in payment of fines and court costs
24 pursuant to this section shall not be considered to be state
25 funds, but shall be held in trust by the centralized bureau for
26 benefit of those persons or entities entitled to receive such
27 funds pursuant to this subsection. All amounts paid to the
28 centralized bureau shall be maintained by the centralized bureau,

1 invested in the manner required of the state treasurer for state
2 funds by sections 30.240, 30.250, 30.260 and 30.270, and
3 disbursed as provided by the constitution and laws of this state.
4 Any interest earned on such fund shall be payable to the director
5 of the department of revenue for deposit into a revolving fund to
6 be established pursuant to this subsection. The state treasurer
7 shall be the custodian of the revolving fund, and shall make
8 disbursements, as allowed by lawful appropriations, only to the
9 judicial branch of state government for goods and services
10 related to the administration of the judicial system.

11 8. Any person who receives a notice of violation subject to
12 this section who fails to dispose of such violation as provided
13 by this section shall be guilty of failure to appear provided by
14 section 544.665; and may be subject to suspension of driving
15 privileges in the manner provided by section 302.341. The
16 centralized bureau shall notify the appropriate prosecutor of any
17 person who fails to either pay the prescribed fine and court
18 costs, or plead not guilty and request a trial within the time
19 allotted by this section, for purposes of application of section
20 544.665. The centralized bureau shall also notify the department
21 of revenue of any failure to appear subject to section 302.341,
22 and the department shall thereupon suspend the license of the
23 driver in the manner provided by section 302.341, as if notified
24 by the court.

25 9. In addition to the remedies provided by subsection 8 of
26 this section, the centralized bureau and the courts may use the
27 remedies provided by sections 488.010 to 488.020 for the
28 collection of court costs payable to courts, in order to collect

1 fines and court costs for violations subject to this section.

2 577.041. 1. If a person under arrest, or who has been
3 stopped pursuant to subdivision (2) or (3) of subsection 1 of
4 section 577.020, refuses upon the request of the officer to
5 submit to any test allowed pursuant to section 577.020, then
6 evidence of the refusal shall be admissible in a proceeding
7 pursuant to section 565.024, 565.060, or 565.082, or section
8 577.010 or 577.012. The request of the officer shall include the
9 reasons of the officer for requesting the person to submit to a
10 test and also shall inform the person that evidence of refusal to
11 take the test may be used against such person and that the
12 person's license shall be immediately revoked upon refusal to
13 take the test. If a person when requested to submit to any test
14 allowed pursuant to section 577.020 requests to speak to an
15 attorney, the person shall be granted twenty minutes in which to
16 attempt to contact an attorney. If upon the completion of the
17 twenty-minute period the person continues to refuse to submit to
18 any test, it shall be deemed a refusal. In this event, the
19 officer shall, on behalf of the director of revenue, serve the
20 notice of license revocation personally upon the person and shall
21 take possession of any license to operate a motor vehicle issued
22 by this state which is held by that person. The officer shall
23 issue a temporary permit, on behalf of the director of revenue,
24 which is valid for fifteen days and shall also give the person a
25 notice of such person's right to file a petition for review to
26 contest the license revocation.

27 2. The officer shall make a certified report under
28 penalties of perjury for making a false statement to a public

1 official. The report shall be forwarded to the director of
2 revenue and shall include the following:

3 (1) That the officer has:

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

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

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

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

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

20 (4) Whether the officer issued a fifteen-day temporary
21 permit;

22 (5) Copies of the notice of revocation, the fifteen-day
23 temporary permit and the notice of the right to file a petition
24 for review, which notices and permit may be combined in one
25 document; and

26 (6) Any license to operate a motor vehicle which the
27 officer has taken into possession.

28 3. Upon receipt of the officer's report, the director shall

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

8 4. If a person's license has been revoked because of the
9 person's refusal to submit to a chemical test, such person may
10 petition for a hearing before a circuit division or associate
11 division of the court in the county in which the arrest or stop
12 occurred. The person may request such court to issue an order
13 staying the revocation until such time as the petition for review
14 can be heard. If the court, in its discretion, grants such stay,
15 it shall enter the order upon a form prescribed by the director
16 of revenue and shall send a copy of such order to the director.
17 Such order shall serve as proof of the privilege to operate a
18 motor vehicle in this state and the director shall maintain
19 possession of the person's license to operate a motor vehicle
20 until termination of any revocation pursuant to this section.
21 Upon the person's request the clerk of the court shall notify the
22 prosecuting attorney of the county and the prosecutor shall
23 appear at the hearing on behalf of the director of revenue. At
24 the hearing the court shall determine only:

25 (1) Whether or not the person was arrested or stopped;

26 (2) Whether or not the officer had:

27 (a) Reasonable grounds to believe that the person was
28 driving a motor vehicle while in an intoxicated or drugged

1 condition; or

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

6 (c) Reasonable grounds to believe that the person stopped,
7 being under the age of twenty-one years, was committing a
8 violation of the traffic laws of the state, or political
9 subdivision of the state, and such officer had reasonable grounds
10 to believe, after making such stop, that the person had a blood
11 alcohol content of two-hundredths of one percent or greater; and

12 (3) Whether or not the person refused to submit to the
13 test.

14 5. If the court determines any issue not to be in the
15 affirmative, the court shall order the director to reinstate the
16 license or permit to drive.

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

19 7. No person who has had a license to operate a motor
20 vehicle suspended or revoked pursuant to the provisions of this
21 section shall have that license reinstated until such person has
22 participated in and successfully completed a substance abuse
23 traffic offender program defined in section 577.001, or a program
24 determined to be comparable by the department of mental health or
25 the court. Assignment recommendations, based upon the needs
26 assessment as described in subdivision [(23)] (24) of section
27 302.010, shall be delivered in writing to the person with written
28 notice that the person is entitled to have such assignment

1 recommendations reviewed by the court if the person objects to
2 the recommendations. The person may file a motion in the
3 associate division of the circuit court of the county in which
4 such assignment was given, on a printed form provided by the
5 state courts administrator, to have the court hear and determine
6 such motion pursuant to the provisions of chapter 517. The
7 motion shall name the person or entity making the needs
8 assessment as the respondent and a copy of the motion shall be
9 served upon the respondent in any manner allowed by law. Upon
10 hearing the motion, the court may modify or waive any assignment
11 recommendation that the court determines to be unwarranted based
12 upon a review of the needs assessment, the person's driving
13 record, the circumstances surrounding the offense, and the
14 likelihood of the person committing a like offense in the future,
15 except that the court may modify but may not waive the assignment
16 to an education or rehabilitation program of a person determined
17 to be a prior or persistent offender as defined in section
18 577.023, or of a person determined to have operated a motor
19 vehicle with fifteen-hundredths of one percent or more by weight
20 in such person's blood. Compliance with the court determination
21 of the motion shall satisfy the provisions of this section for
22 the purpose of reinstating such person's license to operate a
23 motor vehicle. The respondent's personal appearance at any
24 hearing conducted pursuant to this subsection shall not be
25 necessary unless directed by the court.

26 8. The fees for the substance abuse traffic offender
27 program, or a portion thereof to be determined by the division of
28 alcohol and drug abuse of the department of mental health, shall

1 be paid by the person enrolled in the program. Any person who is
2 enrolled in the program shall pay, in addition to any fee charged
3 for the program, a supplemental fee to be determined by the
4 department of mental health for the purposes of funding the
5 substance abuse traffic offender program defined in section
6 302.010 and section 577.001. The administrator of the program
7 shall remit to the division of alcohol and drug abuse of the
8 department of mental health on or before the fifteenth day of
9 each month the supplemental fee for all persons enrolled in the
10 program, less two percent for administrative costs. Interest
11 shall be charged on any unpaid balance of the supplemental fees
12 due the division of alcohol and drug abuse pursuant to this
13 section and shall accrue at a rate not to exceed the annual rates
14 established pursuant to the provisions of section 32.065, plus
15 three percentage points. The supplemental fees and any interest
16 received by the department of mental health pursuant to this
17 section shall be deposited in the mental health earnings fund
18 which is created in section 630.053.

19 9. Any administrator who fails to remit to the division of
20 alcohol and drug abuse of the department of mental health the
21 supplemental fees and interest for all persons enrolled in the
22 program pursuant to this section shall be subject to a penalty
23 equal to the amount of interest accrued on the supplemental fees
24 due the division pursuant to this section. If the supplemental
25 fees, interest, and penalties are not remitted to the division of
26 alcohol and drug abuse of the department of mental health within
27 six months of the due date, the attorney general of the state of
28 Missouri shall initiate appropriate action of the collection of

1 said fees and interest accrued. The court shall assess attorney
2 fees and court costs against any delinquent program.

3 10. Any person who has had a license to operate a motor
4 vehicle revoked [more than once for violation of the provisions
5 of this section] under this section and who has a prior alcohol-
6 related enforcement contact, as defined in section 302.525, shall
7 be required to file proof with the director of revenue that any
8 motor vehicle operated by the person is equipped with a
9 functioning, certified ignition interlock device as a required
10 condition of license reinstatement. Such ignition interlock
11 device shall further be required to be maintained on all motor
12 vehicles operated by the person for a period of not less than six
13 months immediately following the date of reinstatement. If the
14 monthly monitoring reports show that the ignition interlock
15 device has registered any confirmed blood alcohol concentration
16 readings above the alcohol setpoint established by the department
17 of transportation or that the person has tampered with or
18 circumvented the ignition interlock device, then the period for
19 which the person must maintain the ignition interlock device
20 following the date of reinstatement shall be extended for an
21 additional six months. If the person fails to maintain such
22 proof with the director as required by this section, the license
23 shall be rerevoked and the person shall be guilty of a class A
24 misdemeanor.

25 11. The revocation period of any person whose license and
26 driving privilege has been revoked under this section and who has
27 filed proof of financial responsibility with the department of
28 revenue in accordance with chapter 303 and is otherwise eligible,

1 shall be terminated by a notice from the director of revenue
2 after one year from the effective date of the revocation. Unless
3 proof of financial responsibility is filed with the department of
4 revenue, the revocation shall remain in effect for a period of
5 two years from its effective date. If the person fails to
6 maintain proof of financial responsibility in accordance with
7 chapter 303, the person's license and driving privilege shall be
8 rerevoked and the person shall be guilty of a class A
9 misdemeanor.

10 Section 1. Notwithstanding the provisions of section 1.140
11 to the contrary, the provisions of sections 32.087, 144.020,
12 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525,
13 144.610, 144.613, and 144.615, as amended by this act, shall be
14 nonseverable, and if any provision is for any reason held to be
15 invalid, such decision shall invalidate all of the remaining
16 provisions of section 32.087, 144.020, 144.021, 144.069, 144.071,
17 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and
18 144.615, as amended by this act.

19 Section B. Because of the detrimental impact that lost
20 local revenues has had on the domestic economy by placing
21 Missouri dealers of motor vehicles, outboard motors, boats and
22 trailers at a competitive disadvantage to non-Missouri dealers of
23 motor vehicles, outboard motors, boats and trailers, and because
24 of the necessity to provide funding for the reconstruction,
25 replacement, or renovation of, or repair to, any infrastructure
26 damaged by a presidentially declared natural disaster the repeal
27 and reenactment of sections 32.087, 33.080, 144.020, 144.021,
28 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610,

1 144.613, 144.615, 360.045 and 374.150 and the enactment of
2 sections 33.295 and 1 of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the
5 meaning of the constitution, and the repeal and reenactment of
6 sections 32.087, 33.080, 144.020, 144.021, 144.069, 144.071,
7 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615,
8 360.045 and 374.150 and the enactment of sections 33.295 and 1 of
9 this act shall be in full force and effect upon its passage and
10 approval.

11 Section C. Because immediate action is necessary to ensure
12 the safety of the citizens of this state, the repeal and
13 reenactment of section 302.309 of this act, and the repeal of
14 section 302.309 of this act, is deemed necessary for the
15 immediate preservation of the public health, welfare, peace, and
16 safety, and is hereby declared to be an emergency act within the
17 meaning of the constitution, and the repeal and reenactment of
18 section 302.309 of this act, and the repeal of section 302.309 of
19 this act, shall be in full force and effect July 1, 2013, or upon
20 its passage and approval, whichever later occurs.

21 Section D. The repeal and reenactment of sections 302.060,
22 302.302, 302.304, 302.525, 476.385, and 577.041, and the repeal
23 of sections 302.060, 302.304, and 302.525 of this act shall
24 become effective on March 3, 2014.

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30 Mike Parson

Caleb Jones, 50th